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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–3487; Project Identifier MCAI–2025–01261–R; Amendment 39–23476; AD 2026–20–03]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Helicopters Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350D, AS355E, AS355F, AS355F1, AS355F2, AS355N, AS355NP, EC120B, and EC130B4 helicopters. This AD was prompted by a determination that the instructions on how to open the sliding door emergency exit on affected helicopters are insufficient. This AD requires installing additional safety labels or replacing existing safety labels, as applicable. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 5, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 5, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–3487; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find the EASA material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Katherine Le, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5178; email: *katherine.le@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Helicopters Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350D, AS355E, AS355F, AS355F1, AS355F2, AS355N, AS355NP, EC120B, and EC130B4 helicopters. The NPRM was published in the **Federal Register** on April 15, 2026 (91 FR 20079). The NPRM was prompted by EASA AD 2025–0159, dated July 24, 2025 (EASA AD 2025–0159) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states a determination was made that the instructions on how to open the sliding door emergency exit on affected helicopters are insufficient.

In the NPRM, the FAA proposed to require installing additional safety labels or replacing existing safety labels, as applicable. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–3487.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from one individual commenter. The following presents the comment received on the NPRM and the FAA's response to the comment.

Request To Establish a Pre-Order Process for Safety-Label Kits

The individual commenter requested that the FAA establish a procedure or policy for operators to pre-order the required safety-label kits before the effective date of the proposed AD. The commenter stated that, because the proposed AD affects many helicopters, allowing operators to pre-order the kits would help avoid supply backlogs and facilitate timely compliance with the AD.

The FAA acknowledges that advance planning and the availability of safety-label kits may help operators comply with this AD more efficiently. However, the FAA disagrees with the request to incorporate a pre-order procedure or policy into this AD. Establishing parts ordering or distribution policies is outside the scope of an AD and the FAA's regulatory authority. Additionally, the FAA cannot unilaterally mandate these procedures, as the FAA is not the state of design for the safety labels. Such a pre-order procedure could be established with the operators working with the design approval holder. Accordingly, the FAA has not changed this AD as a result of this comment.

Conclusion

These products have been approved by the civil aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM.

None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0159, which specifies procedures for installing or replacing additional safety labels providing sliding door opening and closing instructions. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Differences Between This AD and the MCAI

The MCAI applies to Airbus Helicopters Model AS 350 BB helicopters, whereas this AD does not because that model does not have an FAA type certificate.

Costs of Compliance

The FAA estimates that this AD affects 1,213 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Install new labels or replace existing labels.	1 work-hour × $85 per hour = $85	$105	$190	$230,470

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–20–03 Airbus Helicopters: Amendment 39–23476; Docket No. FAA–2026–3487; Project Identifier MCAI–2025–01261–R.

(a) Effective Date

This airworthiness directive (AD) is effective November 5, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350D, AS355E, AS355F, AS355F1, AS355F2, AS355N, AS355NP, EC120B, and EC130B4 helicopters, certificated in any category, as identified in European Union Aviation Safety Agency AD 2025–0159, dated July 24, 2025 (EASA AD 2025–0159).

Note 1 to paragraph (c): Helicopters with AS350B3e designation are Model AS350B3 helicopters.

(d) Subject

Joint Aircraft System Component (JASC) Code 1100, Placards and Markings.

(e) Unsafe Condition

This AD was prompted by a determination that the instructions on how to open the sliding door emergency exit on affected helicopters are insufficient. The FAA is issuing this AD to address insufficient instructions for operating the sliding door emergency exit. This condition, if not addressed, could hinder the opening of the door during an emergency and could result in injury to occupants.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with EASA AD 2025–0159.

(h) Exceptions to EASA AD 2025–0159

(1) Where EASA AD 2025–0159 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where the material referenced in EASA AD 2025–0159 specifies to ''discard'', this AD requires replacing that text with ''remove from service''.

(3) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0159.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0159 specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Alternative Methods of Compliance (AMOCs)

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

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards District Office/certificate holding district office.

(k) Additional Information

For more information about this AD, contact Katherine Le, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5178; email: *katherine.le@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0159, dated July 24, 2025.

(ii) [Reserved]

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

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

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

Issued on September 23, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–20103 Filed 9–30–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–2730; Project Identifier AD–2025–01579–T; Amendment 39–23477; AD 2026–20–04]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 757–300 series airplanes. This AD was prompted by a crack growth analysis that indicated that existing maintenance planning data (MPD) and supplemental structural inspection program (SSIP) tasks do not provide adequate inspection opportunities to detect cracks in the upper frames around the uppermost fastener common to the fail-safe chord at the fuselage frame splices. This AD requires an inspection or maintenance record check for existing repairs, repetitive inspections of the upper frames around the uppermost fastener common to the fail-safe chord at the fuselage frame splices for any cracks, and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 5, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 5, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–2730; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.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. It is also available at *regulations.gov* under Docket No. FAA–2026–2730.

FOR FURTHER INFORMATION CONTACT: Wayne Ha, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562–627–5238; email: *wayne.ha@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 757–300 series airplanes. The NPRM was published in the **Federal Register** on April 2, 2026 (91 FR 16593). The NPRM was prompted by a report that crack growth analysis indicated that existing MPD and SSIP tasks do not provide adequate inspection opportunities to detect cracks in the upper frames around the uppermost fastener common to the fail-safe chord at the fuselage frame splices between stringers S–13 to S–14, from station (STA) 1380 to STA 1620. In the NPRM, the FAA proposed to require an inspection or maintenance record check for existing repairs, repetitive inspections of the upper frames around the uppermost fastener common to the fail-safe chord at the fuselage frame splices for any cracks, and applicable on-condition actions. The FAA is issuing this AD to address cracking in the upper frames around the uppermost fastener common to the fail-safe chord at certain fuselage frame splices, which could lead to multiple upper frame failures. The unsafe condition, if not addressed, could result in the inability of a principal structural element to sustain limit loads and the loss of continued safe flight and landing.

Discussion of Final Airworthiness Directive

Comments

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

The FAA received additional comments from Aviation Partners Boeing (APB) and United Airlines (United). The following presents the comments received on the NPRM and the FAA's response to each comment.

Effect of Winglets on Accomplishment of the Proposed Actions

APB stated that accomplishing Supplemental Type Certificate (STC) ST01518SE does not affect the actions specified in the proposed AD. APB stated that Boeing has delegation from APB to review and approve data in areas affected by STC ST01518SE for the blended winglet configuration. The provisions of paragraph (i)(2) in the proposed AD remain applicable to The Boeing Company Model 757–300 series airplanes modified by STC ST01518SE, with blended winglets or production wingtips installed.

The FAA concurs with the commenter. The FAA has redesignated paragraph (c) of the proposed AD as paragraph (c)(1) of this AD and added paragraph (c)(2) to this AD to state that installation of STC ST01518SE does not affect the ability to accomplish the actions required by this AD. Therefore,

for airplanes on which STC ST01518SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Request To Correct Typographical Error in Service Material

United requested that the FAA revise Table 2 of Boeing Alert Requirements Bulletin 757–53A0122 RB, dated September 26, 2025, to correct the references to stringers S–13L and S–14L in certain steps. United stated that Table 2 applies to the right side in both the compliance and actions required for compliance sections and, therefore, the stringer references should be S–13R and S–14R.

The FAA agrees that Table 2 of Boeing Alert Requirements Bulletin 757–53A0122 RB, dated September 26, 2025, contains typographical errors in certain stringer references. The FAA has added an exception in paragraph (h)(3) of this AD to correct the typographical errors.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 757–53A0122 RB, dated September 26, 2025. This material specifies procedures for performing a general visual inspection or a maintenance records check of the forward and aft sides of the upper frames at the frame splices between S–13 and S–14 on the left and right sides, from STA 1380 to STA 1620, for any repair and applicable on-condition actions. On-condition actions include contacting Boeing for alternative inspection and corrective action instructions and doing the alternative inspection and applicable corrective actions in the repaired areas.

This material also specifies procedures for repetitive detailed inspections of the upper frames around the uppermost fastener common to the fail-safe chord at the frame splices between S–13 and S–14 on the left and right sides, from STA 1380 to STA 1620, for any crack and applicable on-condition actions. On-condition actions include contacting Boeing for repair instructions and doing the repair.

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

Costs of Compliance

The FAA estimates that this AD affects 37 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
General visual inspection or maintenance records check.	Up to 70 work-hours × $85 per hour = $5,950.	$0	Up to $5,950	Up to $220,150.
Detailed inspection	4 work-hours × $85 per hour = $340 per inspection cycle.	0	$340 per inspection cycle	$12,580 per inspection cycle.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–20–04 The Boeing Company: Amendment 39–23477; Docket No. FAA–2026–2730; Project Identifier AD–2025–01579–T.

(a) Effective Date

This airworthiness directive (AD) is effective November 5, 2026.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to all The Boeing Company Model 757–300 series airplanes, certificated in any category.

(2) Installation of Supplemental Type Certificate (STC) ST01518SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01518SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by a crack growth analysis that indicated that the existing maintenance planning data and supplemental structural inspection program tasks do not provide adequate inspection opportunities to detect cracks in the upper frames around the uppermost fastener common to the fail-safe chord at certain fuselage frame splices. The FAA is issuing this AD to address cracking in the upper frames around the uppermost fastener common to the fail-safe chord at certain fuselage frame splices, which could lead to multiple upper frame failures. The unsafe condition, if not addressed, could result in the inability of a principal structural element to sustain limit loads and the loss of continued safe flight and landing.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 757–53A0122 RB, dated September 26, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 757–53A0122 RB, dated September 26, 2025.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 757–53A0122, dated September 26, 2025, which is referred to in Boeing Alert Requirements Bulletin 757–53A0122 RB, dated September 26, 2025.

(h) Exceptions to Requirements Bulletin Specifications

(1) Where the Compliance Time column of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 757–53A0122 RB, dated September 26, 2025, refers to the original issue date of Requirements Bulletin 757–53A0122 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin 757–53A0122 RB, dated September 26, 2025, specifies contacting Boeing for repair instructions or for alternative inspections: This AD requires doing the repair, or doing the alternative inspections and applicable on-condition actions, using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(3) Where Table 2 in the ''Compliance'' paragraph and the Accomplishment Instructions of Boeing Alert Requirements Bulletin 757–53A0122 RB, dated September 26, 2025, states ''S–13L and S–14L'', for this AD replace that text with ''S–13R and S–14R''.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed 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) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Additional Information

(1) For more information about this AD, contact Wayne Ha, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562–627–5238; email: *wayne.ha@faa.gov.*

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (k)(3) of this AD.

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 757–53A0122 RB, dated September 26, 2025.

(ii) [Reserved]

(3) For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.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 22, 2026.

Brian Knaup,

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

[FR Doc. 2026–20120 Filed 9–30–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–11789; Project Identifier MCAI–2026–00908–R; Amendment 39–23480; AD 2026–20–07]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Leonardo S.p.a. Model AB139 and AW139 helicopters. This AD was prompted by a report of a nozzle exhaust duct clamp separating from the engine nozzle duct and coming to rest on the tail rotor (TR) drive shaft. This AD requires repetitively inspecting certain clamp assemblies and, depending on the results of the inspection, replacing parts. This AD also prohibits the installation of an affected clamp assembly, unless certain requirements are met. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 16, 2026.

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

The FAA must receive comments on this AD by November 16, 2026.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–11789; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

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

• You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2026–11789.

FOR FURTHER INFORMATION CONTACT: Evan Weaver, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 944–8910; email: *evan.p.weaver@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under **ADDRESSES**. Include ''Docket No. FAA–2026–11789; Project Identifier MCAI–2026–00908–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Evan Weaver, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2026–0165, dated August 18, 2026 (EASA AD 2026–0165) (also referred to as the MCAI), to correct an unsafe condition on certain Leonardo S.p.a. Model AB139 and AW139 helicopters. The MCAI states that a report was received of a nozzle exhaust duct clamp that became separated from its seating on the engine nozzle duct and then came to rest on the TR drive shaft. The FAA is issuing this AD to detect and address any damage to the TR drive shaft, which could result in loss of control of the helicopter around the yaw axis.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–11789.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2026–0165, which specifies procedures for repetitively inspecting the entire external and lateral surfaces of the clamp assembly for cracks and damage, and depending on the results of the inspection, replacing parts, reporting the results of the inspection, and performing further inspections. EASA AD 2026–0165 also prohibits the installation of an affected clamp assembly on any helicopter, unless certain requirements are met.

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

FAA's Determination

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

AD Requirements

This AD requires accomplishing the actions specified in EASA AD 2026–0165, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some CAA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2026–0165 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2026–0165 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2026–0165 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2026–0165. Material required by EASA AD 2026–0165 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–11789 after this AD is published.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et*

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because the TR drive shaft is critical to the control of a helicopter, and failure of the TR drive shaft could occur during any phase of flight without prior warning, particularly if the nozzle exhaust duct clamp detaches from its seating and comes into contact with the TR drive shaft. Additionally, the FAA has no information pertaining to the extent of damage on the nozzle exhaust duct clamp. If this issue is not addressed, it could lead to damage of the TR drive shaft, which could result in loss of control of the helicopter around the yaw axis. Furthermore, the affected parts must be inspected within 25 hours time-in-service after the effective date of this AD. This compliance time is shorter than the time necessary for the public to comment and for the publication of the final rule. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

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

Regulatory Flexibility Act

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

Interim Action

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

Costs of Compliance

The FAA estimates that this AD affects 57 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect clamp assemblies	2 work-hours × $85 per hour = $170	$0	$170	$9,690

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace damaged clamp assembly	2 work-hours × $85 per hour = $170	$2,739	$2,909 (per damaged assembly).

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–20–07 Leonardo S.p.a.: Amendment 39–23480; Docket No. FAA–2026–11789; Project Identifier MCAI–2026–00908–R.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model AB139 and AW139 helicopters, certificated in any category, as identified in European Union Aviation Safety Agency AD 2026–0165, dated August 18, 2026 (EASA AD 2026–0165).

(d) Subject

Joint Aircraft System Component (JASC) Code 7800, Engine exhaust system.

(e) Unsafe Condition

This AD was prompted by a report of a nozzle exhaust duct clamp separating from the engine nozzle duct and coming to rest on the tail rotor (TR) drive shaft, which caused damage to the TR drive shaft. The FAA is issuing this AD to detect and address damage to the TR drive shaft, which could result in loss of control of the helicopter around the yaw axis.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2026–0165.

(h) Exceptions to EASA AD 2026–0165

(1) Where EASA AD 2026–0165 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (1) of EASA AD 2026–0165 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(3) Where the material referenced in EASA AD 2026–0165 specifies ''perform the detailed visual inspection for damage and crack(s)'', this AD requires replacing that text with ''perform the detailed visual inspection for physical damage including, but not limited to, cracks, gouges, tears, bulges, fractures, distortions, and creases.''

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2026–0165.

(i) No Reporting or Returning of Parts Requirement

Although EASA AD 2026–0165 and the material referenced in EASA AD 2026–0165 specifies to submit certain information and return parts to the manufacturer, this AD does not require those actions.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

For more information about this AD, contact Evan Weaver, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 944–8910; email: *evan.p.weaver@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2026–0165, dated August 18, 2026.

(ii) [Reserved]

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

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

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

Issued on September 24, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–20100 Filed 9–30–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–1328; Project Identifier MCAI–2025–00462–T; Amendment 39–23478; AD 2026–20–05]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2021–03–08, which applied to certain Airbus SAS Model A350–941 and –1041 airplanes. AD 2021–03–08 required repetitive inspections for migration of the bushings of the horizontal tail plane (HTP) lateral load fittings (LLFs) on the left- and right-hand sides and terminating repair or modification of any affected bushing. Since the FAA issued AD 2021–03–08, new occurrences of bushing migration on HTP LLFs were reported, and a determination was made that certain repairs can no longer be considered terminating action to the repetitive inspections. This AD continues to require the actions in AD 2021–03–08, removes a certain terminating action, and expands the applicability. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 5, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 5, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–1328; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221

8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–1328.

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

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2021–03–08, Amendment 39–21411 (86 FR 16038, March 26, 2021) (AD 2021–03–08). AD 2021–03–08 applied to certain Airbus SAS Model A350–941 and –1041 airplanes. AD 2021–03–08 required repetitive inspections for migration of the bushings of the HTP LLFs on the left- and right-hand sides and terminating repair or modification of any affected bushing. The FAA issued AD 2021–03–08 to address combined corrosion and fatigue damage of the primary structure, possibly resulting in failure of the HTP LLF and damage to adjacent structure, which could result in reduced controllability of the airplane.

The NPRM was published in the **Federal Register** on February 17, 2026 (91 FR 7183). The NPRM was prompted by EASA AD 2025–0073, dated April 3, 2025 (EASA AD 2025–0073) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states that new occurrences of bushing migration on HTP LLF have been reported on airplanes with modification 110669, which were not in the applicability of EASA AD 2020–0139R1, dated July 3, 2020 (EASA AD 2020–0139R1). Additionally, it has been determined that the repair instructions provided by Airbus Service Bulletin A350–55–P013 at any revision can no longer be considered terminating action for the repetitive inspections.

In the NPRM, the FAA proposed to continue to require the actions in AD 2021–03–08, remove a certain terminating action, and expand the applicability, as specified in EASA AD 2025–0073. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–1328.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from the Air Line Pilots Association, International (ALPA) who supported the NPRM without change.

The FAA received an additional comment from The Foundation for Aviation Safety. The following presents the comment received on the NPRM and the FAA's response to the comment.

Request for Clarification of Extended Compliance Time

The Foundation for Aviation Safety asked why the rulemaking process took six years. The commenter further stated, if safety is the top priority, conducting immediate inspections of the bushings should have been the first step, rather than allowing operators to defer inspections for up to six years or thousands of flight cycles.

The FAA disagrees that the rulemaking process took six years. AD 2021–03–08 was published on March 26, 2021, to address the unsafe condition on all airplanes known to be affected by the unsafe condition at that time. After issuance of AD 2021–03–08, new occurrences of bushing migration were reported on airplanes that were excluded from the applicability of AD 2021–03–08, and it was also determined that certain repairs can no longer be considered terminating action to the repetitive inspections, as specified in EASA AD 2025–0073. For these reasons, the FAA initiated a new rulemaking to supersede AD 2021–03–08.

The FAA also disagrees that the initial inspection should be accomplished immediately. EASA is the State of Design Authority for Airbus SAS Model A350–941 and –1041 airplanes. Pursuant to the FAA's bilateral agreement with EASA, EASA notified the FAA of the unsafe condition described in EASA AD 2025–0073. EASA, as the state of design authority for these airplanes, analyzed the data, considered the recommendations of the manufacturer, and determined that the initial inspection timeframe was appropriate based on the safety implications of the identified unsafe condition. The FAA concurs with EASA's determination. The FAA has not changed this AD in response to this comment.

Conclusion

These products have been approved by the civil aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0073 specifies procedures for repetitive detailed inspections for discrepancies (*e.g.,* broken sealant and migration) of the bushings of the HTP LLF on the left- and right-hand sides, and repair or modification of any affected bushings. EASA AD 2025–0073 specifies that modification of affected bushings terminates the repetitive inspections. EASA AD 2025–0073 also requires reporting inspection results to Airbus. EASA AD 2025–0073 also provides, for certain airplanes, an optional method of compliance for doing the initial inspections. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 36 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2021–03–08.	10 work-hours × $85 per hour = $850.	$0	$850	$30,600 per inspection cycle.

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Labor cost	Parts cost	Cost per product
56 work-hours × $85 per hour = $4,760	$23,000	$27,760

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 93 work-hours × $85 per hour = $7,905	Up to $4,480 (for four bushings)	Up to $12,385.

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2021–03–08, Amendment 39–21411 (86 FR 16038, March 26, 2021); and

■ b. Adding the following new AD:

2026–20–05 Airbus SAS: Amendment 39–23478; Docket No. FAA–2026–1328; Project Identifier MCAI–2025–00462–T.

(a) Effective Date

This airworthiness directive (AD) is effective November 5, 2026.

(b) Affected ADs

This AD replaces AD 2021–03–08, Amendment 39–21411 (86 FR 16038, March 26, 2021) (AD 2021–03–08).

(c) Applicability

This AD applies to Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2025–0073, dated April 3, 2025 (EASA AD 2025–0073).

(d) Subject

Air Transport Association (ATA) of America Code 55, Stabilizers.

(e) Unsafe Condition

This AD was prompted by reports of migration of the bushings of the horizontal tail plane (HTP) lateral load fittings (LLFs) on the left- and right-hand sides during flight test. The FAA is issuing this AD to address combined corrosion and fatigue damage of the primary structure, possibly resulting in failure of the HTP LLF and damage to adjacent structure. The unsafe condition, if not addressed, could result in reduced controllability of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0073.

(h) Exceptions to EASA AD 2025–0073

(1) Where EASA AD 2025–0073 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraphs (3) and (6) of EASA AD 2025–0073 refer to discrepancies, this AD defines discrepancies as broken sealant and bush migration.

(3) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0073.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

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

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

(j) Additional Information

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

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0073, dated April 3, 2025.

(ii) [Reserved]

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

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

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

Issued on September 23, 2026.

Brian Knaup,

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

[FR Doc. 2026–20119 Filed 9–30–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–4657; Project Identifier MCAI–2024–00383–R; Amendment 39–23481; AD 2026–20–08]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Model AS355E, AS355F, AS355F1, AS355F2, and AS355N helicopters. This AD was prompted by the determination that the tail rotor drive fan wheels (fan wheels) and the impeller second stage have been incorrectly identified during production. This AD requires verifying the serial number and amendment of the log cards of the affected parts, and depending on the findings, performing a one-time borescope inspection to verify consistency between the log cards and the affected parts. Depending on the results of the inspection, this AD requires replacing or re-identifying certain parts. This AD also prohibits the installation of certain fan wheels and impeller second stages on any helicopter. The FAA is issuing this AD to address the unsafe conditions on these products.

DATES: This AD is effective November 5, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 5, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No.FAA–2026–4657; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website:*easa.europa.eu.* You may find the EASA material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2026–4657.

FOR FURTHER INFORMATION CONTACT: Andrew Gronau, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (847) 294–7378; email: *andrew.s.gronau@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Helicopters Model AS355E, AS355F, AS355F1, AS355F2, and AS355N helicopters. The NPRM was published in the **Federal Register** on June 18, 2026 (91 FR 36771). The NPRM was prompted by an MCAI issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued EASA AD 2024–0127, dated July 3, 2024 (EASA AD 2024–0127) (also referred to as the MCAI). The MCAI states that it was determined that the fan wheel part number (P/N) 704A33691014 amdt [amendment] C and the impeller second stage P/N 704A33691015 amdt C have been incorrectly identified in production. Incorrect identification may cause the loss of traceability of the affected parts, which could lead to required inspections not being accomplished. The unsafe condition, if not addressed, could lead to undetected fatigue failure of the affected parts and result in loss of control of the helicopter.

In the NPRM, the FAA proposed to require verifying the serial number and amendment of the log cards of the affected parts, and depending on the findings, performing a one-time borescope inspection to verify consistency between the log cards and the affected parts, and depending on the inspection results, the FAA proposed to require replacing or re-identifying certain parts. The FAA is issuing this AD to address the unsafe conditions on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–4657.

Discussion of Final Airworthiness Directive

Comments

The FAA received one comment from an anonymous commenter on the NPRM. The commenter's viewpoint was general in nature without a suggestion specific to the AD and did not make a request the FAA can act on. Therefore, this comment is considered outside the scope of this AD.

Conclusion

These products have been approved by the civil aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2024–0127, which specifies procedures for verifying the helicopter's existing log card to determine whether an affected fan wheel and impeller second stage are installed. Depending on the results, EASA AD 2024–0127 specifies procedures for performing a borescope inspection of the affected parts for further verification and either replacing affected parts or re-identifying the parts and amending their log cards. EASA AD 2024–0127 also prohibits installing an affected fan wheel or impeller second stage on any helicopter. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects four helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Review log card	1 work-hour × $85 per hour = $85	$0	$85	$340

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Perform borescope inspection of the fan wheel	1 work-hour × $85 per hour = $85	$0	$85
Perform borescope inspection of the impeller second stage.	1 work-hour × $85 per hour = $85	0	85
Replace fan wheel	2 work-hours × $85 per hour = $170	1,534	1,704
Replace impeller second stage	2 work-hours × $85 per hour = $170	1,219	1,389
Perform balance of tail rotor drive shaft	2 work-hours × $85 per hour = $170	0	170
Re-identify the fan wheel or the impeller second stage	1 work-hour × $85 per hour = $85	0	85

Authority for This Rulemaking

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

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

unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–20–08 Airbus Helicopters: Amendment 39–23481; Docket No. FAA–2026–4657; Project Identifier MCAI–2024–00383–R.

(a) Effective Date

This airworthiness directive (AD) is effective November 5, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Helicopters Model AS355E, AS355F, AS355F1, AS355F2, and AS355N helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code: 6500, Tail rotor drive system.

(e) Unsafe Condition

This AD was prompted by the determination that the tail rotor drive fan wheel and impeller second stage have been incorrectly identified during production. The FAA is issuing this AD to detect and address incorrect identification of the affected parts. The unsafe condition, if not addressed, may cause the loss of traceability of the affected parts, which could lead to undetected fatigue failure of the affected parts and result in loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2024–0127, dated July 3, 2024 (EASA AD 2024–0127).

(h) Exceptions to EASA AD 2024–0127

(1) Where EASA AD 2024–0127 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2024–0127 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(3) Where EASA AD 2024–0127 defines ''affected part'', this AD requires replacing that text with ''tail rotor drive fan wheel having part number (P/N) 704A33691014 amdt [amendment] C and impeller second stage P/N 704A33691015 amdt [amendment] C, and a serial number (S/N), as identified in the Log Card, listed as 'S/N affected' in section 4.5 or 4.6 of the accomplishment procedure of Airbus Helicopters Alert Service Bulletin ASB AS355–65–00–0001, Issue 001 dated May 27, 2024''.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0127.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2024–0127 specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

For more information about this AD, contact Andrew Gronau, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (847) 294–7378; email: *andrew.s.gronau@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0127, dated July 3, 2024.

(ii) [Reserved]

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

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

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

Issued on September 24, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–20098 Filed 9–30–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31685; Amdt. No. 4237]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective October 1, 2026. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 1, 2026.

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

For Examination

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

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

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

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

Availability

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

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

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

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

Availability and Summary of Material Incorporated by Reference

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

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

The Rule

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

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

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

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Lists of Subjects in 14 CFR Part 97

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

Issued in Washington, DC on September 25, 2026.

Rune Duke,

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

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

Effective 29 October 2026

Hooper Bay, AK, HPB/PAHP, RNAV (GPS) RWY 14, Amdt 2A

Hooper Bay, AK, HPB/PAHP, RNAV (GPS) RWY 32, Amdt 2A

Hooper Bay, AK, HPB/PAHP, VOR RWY 32, Amdt 1A
Gunnison, CO, GUC, GPS–B, Orig-C, CANCELED
Gunnison, CO, GUC, ILS OR LOC RWY 7, Amdt 6
Gunnison, CO, GUC, RNAV (GPS)–B, Orig
Gunnison, CO, GUC, RNAV (RNP) RWY 7, Amdt 1
Gunnison, CO, GUC, RNAV (RNP) RWY 25, Amdt 1
Gunnison, CO, GUC, VOR–A, Orig
Gunnison, CO, GUC, VOR OR GPS–A, Amdt 7E, CANCELED
Melbourne, FL, MLB, ILS OR LOC RWY 9R, Amdt 14
Titusville, FL, TTS, RNAV (GPS) RWY 15, Amdt 1B
Atlanta, GA, PDK, RNAV (GPS) Y RWY 21L, Amdt 3
Chicago/Romeoville, IL, LOT, LOC RWY 2, Amdt 2
Chicago/Romeoville, IL, LOT, LOC RWY 9, Amdt 1C
Chicago/Romeoville, IL, LOT, RNAV (GPS) RWY 2, Amdt 3
Chicago/Romeoville, IL, LOT, RNAV (GPS) RWY 9, Orig-B
Chicago/Romeoville, IL, LOT, RNAV (GPS) RWY 20, Amdt 1B
Baton Rouge, LA, BTR, ILS OR LOC RWY 22, ILS RWY 22 (SA CAT I), ILS RWY 22 (SA CAT II), Orig
Baton Rouge, LA, BTR, ILS OR LOC/DME RWY 22R, ILS RWY 22R (SA CAT I), ILS RWY 22R (SA CAT II), Amdt 12A, CANCELED
Baton Rouge, LA, BTR, RNAV (GPS) RWY 4, Orig
Baton Rouge, LA, BTR, RNAV (GPS) RWY 4L, Amdt 3, CANCELED
Baton Rouge, LA, BTR, RNAV (GPS) RWY 22, Orig
Baton Rouge, LA, BTR, RNAV (GPS) RWY 22R, Amdt 3A, CANCELED
Baton Rouge, LA, BTR, Takeoff Minimums and Obstacle DP, Amdt 2
Baton Rouge, LA, BTR, VOR RWY 4L, Amdt 18A, CANCELED
De Ridder, LA, DRI, RNAV (GPS) RWY 18, Orig-C
De Ridder, LA, DRI, RNAV (GPS) RWY 36, Amdt 1C
Salisbury, MD, SBY, ILS OR LOC RWY 32, Amdt 10
Salisbury, MD, SBY, RNAV (GPS) RWY 5, Amdt 2A
Salisbury, MD, SBY, RNAV (GPS) RWY 14, Amdt 3
Salisbury, MD, SBY, RNAV (GPS) RWY 23, Amdt 1D
Salisbury, MD, SBY, RNAV (GPS) RWY 32, Amdt 4
Salisbury, MD, SBY, Takeoff Minimums and Obstacle DP, Amdt 2
Kalamazoo, MI, AZO, ILS OR LOC RWY 35, Amdt 25
Kalamazoo, MI, AZO, RNAV (GPS) RWY 35, Amdt 2
Kalamazoo, MI, AZO, Takeoff Minimums and Obstacle DP, Amdt 10
Pine River, MN, PWC, RNAV (GPS) RWY 16, Orig
Pine River, MN, PWC, RNAV (GPS) RWY 34, Amdt 1
Lebanon, NH, LEB, ILS OR LOC RWY 18, Amdt 9
Lebanon, NH, LEB, RNAV (GPS) RWY 7, Amdt 1
Lebanon, NH, LEB, RNAV (GPS) RWY 18, Amdt 2
Lebanon, NH, LEB, RNAV (GPS) RWY 25, Amdt 1
Lebanon, NH, LEB, RNAV (GPS) RWY 36, Amdt 1
Lebanon, NH, LEB, Takeoff Minimums and Obstacle DP, Amdt 4
Akron, OH, CAK, ILS OR LOC RWY 1, Amdt 38C
Akron, OH, CAK, ILS OR LOC RWY 19, Amdt 8C
Akron, OH, CAK, ILS OR LOC RWY 23, Amdt 11D
Akron, OH, CAK, RNAV (GPS) RWY 1, Orig-C
Akron, OH, CAK, RNAV (GPS) RWY 5, Orig-D
Akron, OH, CAK, RNAV (GPS) RWY 19, Orig-C
Akron, OH, CAK, VOR RWY 23, Amdt 10C
Sand Springs, OK, OWP, RNAV (GPS) RWY 17, Amdt 1A
Sand Springs, OK, OWP, RNAV (GPS) RWY 35, Amdt 1A
Charleston, SC, CHS, ILS OR LOC RWY 15, ILS RWY 15 (SA CAT I), ILS RWY 15 (CAT II), Amdt 25
Charleston, SC, CHS, ILS OR LOC RWY 33, Amdt 9
Charleston, SC, CHS, RNAV (GPS) Y RWY 15, Amdt 5
Charleston, SC, CHS, RNAV (RNP) Z RWY 15, Amdt 1
Charleston, SC, CHS, RNAV (RNP) Z RWY 21, Orig-D
Charleston, SC, CHS, RNAV (RNP) Z RWY 33, Amdt 2
Myrtle Beach, SC, MYR, ILS OR LOC RWY 18, ILS RWY 18 (SA CAT I), ILS RWY 18 (SA CAT II), Amdt 7
Myrtle Beach, SC, MYR, ILS OR LOC RWY 36, Amdt 6
Myrtle Beach, SC, MYR, RNAV (GPS) RWY 18, Amdt 5
Myrtle Beach, SC, MYR, RNAV (GPS) RWY 36, Amdt 5
Danville, VA, DAN, RNAV (GPS) RWY 20, Orig-D
Winchester, VA, OKV, RNAV (GPS) RWY 32, Orig-B
Everett, WA, PAE, RNAV (GPS) X RWY 16R, Amdt 1, CANCELED
Williamson, WV, EBD, Takeoff Minimums and Obstacle DP, Amdt 1

[FR Doc. 2026–20116 Filed 9–30–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31686; Amdt. No. 4238]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective October 1, 2026. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 1, 2026.

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

For Examination

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

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

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

4. The National Archives and Records Administration (NARA).

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

Availability

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

FOR FURTHER INFORMATION CONTACT: Rune Duke, Manager, Standards Section, Flight Procedures and Airspace Group, Aviation Safety, Federal Aviation Administration. Mailing

Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., STB Annex, Bldg. 26, Room 217, Oklahoma City, OK 73099. Telephone (405) 954–1139.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, pilots do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

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

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

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

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

Issued in Washington, DC, September 25, 2026.

Rune Duke,

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

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

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

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC Date	Procedure name
29–Oct–26	MT	KALISPELL	GLACIER PARK INTL	6/0841	9/10/26	RNAV (GPS) RWY 30, Amdt 1B.
29–Oct–26	MT	KALISPELL	GLACIER PARK INTL	6/0842	9/10/26	RNAV (RNP) RWY 20, Amdt 1.
29–Oct–26	MT	KALISPELL	GLACIER PARK INTL	6/0844	9/10/26	RNAV (GPS) Z RWY 2, Amdt 4.
29–Oct–26	MT	KALISPELL	GLACIER PARK INTL	6/0845	9/10/26	VOR/DME RWY 30, Amdt 10C.
29–Oct–26	MT	KALISPELL	GLACIER PARK INTL	6/0846	9/10/26	ILS OR LOC RWY 2, Amdt 8A.
29–Oct–26	TX	UVALDE	GARNER FLD	6/4997	9/23/26	RNAV (GPS) RWY 33, Orig-B.
29–Oct–26	MS	TUNICA	TUNICA MUNI	6/6894	8/26/26	RNAV (GPS) RWY 17, Amdt 3B.
29–Oct–26	IN	VALPARAISO	PORTER COUNTY RGNL	6/6896	8/26/26	RNAV (GPS) RWY 9, Amdt 1B.
29–Oct–26	AK	PALMER	WARREN ''BUD'' WOODS PALMER MUNI.	6/6974	9/1/26	RNAV (GPS) RWY 10, Amdt 2.
29–Oct–26	AK	NAPAKIAK	NAPAKIAK	6/6975	9/1/26	RNAV (GPS) RWY 16, Orig-B.
29–Oct–26	NC	WILSON	WILSON INDUSTRIAL AIR CENTER.	6/6980	8/26/26	RNAV (GPS) RWY 33, Orig-D.
29–Oct–26	NC	WILSON	WILSON INDUSTRIAL AIR CENTER.	6/6982	8/26/26	RNAV (GPS) RWY 15, Amdt 1B.

AIRAC date	State	City	Airport	FDC No.	FDC Date	Procedure name
29–Oct–26	TX	YOAKUM	YOAKUM MUNI	6/7339	5/4/26	RNAV (GPS) RWY 31, Orig-D.
29–Oct–26	MI	WEST BRANCH	WEST BRANCH COMMUNITY	6/7342	5/4/26	RNAV (GPS) RWY 9, Orig-C.
29–Oct–26	IL	SPARTA	SPARTA COMMUNITY–HUNTER FLD.	6/7344	5/4/26	RNAV (GPS) RWY 36, Orig-B.
29–Oct–26	AR	FORT SMITH	FORT SMITH RGNL	6/7727	8/25/26	VOR Z OR TACAN Z RWY 26, Amdt 21.
29–Oct–26	CA	CALIFORNIA CITY	CALIFORNIA CITY MUNI	6/7987	9/1/26	RNAV (GPS) RWY 24, Orig-C.
29–Oct–26	KS	SALINA	SALINA RGNL	6/8837	8/31/26	RNAV (GPS) RWY 12, Orig-A.
29–Oct–26	IL	LINCOLN	LOGAN COUNTY	6/9097	7/27/26	RNAV (GPS) RWY 21, Orig-B.
29–Oct–26	TX	SPEARMAN	MAJOR SAMUEL B CORNELIUS FLD.	6/9100	7/27/26	RNAV (GPS) RWY 2, Orig.
29–Oct–26	TX	SPEARMAN	MAJOR SAMUEL B CORNELIUS FLD.	6/9101	7/27/26	RNAV (GPS) RWY 20, Orig.
29–Oct–26	CO	MONTROSE	MONTROSE RGNL	6/9894	7/29/26	RNAV (GPS) RWY 35, Orig-E.

[FR Doc. 2026–20117 Filed 9–30–26; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF STATE

22 CFR Part 126

[Public Notice: 13131]

RIN 1400–AG38

International Traffic in Arms Regulations: Syria Country Policy Revision

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is amending the International Traffic in Arms Regulations (ITAR) to remove Syria from the list of countries subject to a policy of denial for licenses and other approvals.

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

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Haddad, Foreign Affairs Officer, Office of Defense Trade Controls Policy, U.S. Department of State, telephone: (771) 204–7878; email *DDTCCustomerService@state.gov.* ATTN: Regulatory Change, ITAR Section 126.1 Syria.

SUPPLEMENTARY INFORMATION: On August 19, 2026, the Secretary of State approved a new defense trade policy for Syria that would permit the review of defense article and defense service transfers to Syria on a case-by-case licensing basis. The Secretary directed the Department to codify this change by publishing an amendment to the ITAR removing Syria from the list of countries for which it is the policy of the United States to deny licenses and other approvals for exports and imports of defense articles and defense services destined for or originating in those countries. This rule implements this decision by removing the reference to Syria in ITAR § 126.1, ''Prohibited exports, imports and sales to or from certain countries.''

With the statutory prerequisites for amending Syria's status under § 126.1 now satisfied—including the rescission of the terrorism-support determination underlying section 40 and 40A of the AECA and the waiver or removal of the separate restrictions imposed under the Syria Accountability and Lebanese Sovereignty Restoration Act, the Chemical and Biological Weapons Control and Warfare Elimination Act, and the Child Soldiers Prevention Act—the Department is amending § 126.1 to remove Syria from the countries subject to a comprehensive policy of denial under paragraph (d)(1). Requests for licenses or other approvals will be adjudicated by the Department on a case-by-case basis.

Regulatory Analysis and Notices

Administrative Procedure Act

This rulemaking is exempt from the rulemaking requirements of the Administrative Procedure Act (APA) pursuant to 5 U.S.C. 553(a)(1) as a military or foreign affairs function of the United States. As the provisions of section 553 do not apply to this rulemaking, the Department is publishing this rule without a request for public comment.

Regulatory Flexibility Act

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

Unfunded Mandates Reform Act of 1995

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

Congressional Review Act

The Office of Information and Regulatory Affairs has found that this rule is not a major rule under the criteria of 5 U.S.C. 804(2).

Executive Orders 12372 and 13132

This rulemaking does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

Executive Orders 12866 and 13563

Executive Order 12866, as amended by Executive Order 13563, directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects). As a result of this change, certain restrictions on defense trade activities with Syria will be removed. Because the scope of this rule removes regulatory requirements and obligations, the Department believes costs associated with this rule will be minimal. This rule has been designated a ''significant regulatory action'' by the Office of Information and Regulatory Affairs under Executive Order 12866.

Executive Order 14192

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

Executive Order 12988

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

Executive Order 13175

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

Paperwork Reduction Act

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

List of Subjects in 22 CFR Part 126

Arms and munitions, Exports, Reporting and recordkeeping requirements, Technical assistance.

Accordingly, for the reasons set forth above and under the authority of 22 U.S.C. 2778, the Department of State amends title 22, chapter I, subchapter M, part 126 as follows:

PART 126—GENERAL POLICIES AND PROVISIONS

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

Authority: 22 U.S.C. 287c, 2651a, 2752, 2753, 2776, 2778, 2779, 2779a, 2780, 2791, 2797, 10423; sec. 1225, Pub. L. 108–375, 118 Stat. 2091; sec. 7045, Pub. L. 112–74, 125 Stat. 1232; sec. 1250A, Pub. L 116–92, 133 Stat. 1665; sec. 205, Pub. L. 116–94, 133 Stat. 3052; and E.O. 13637, 78 FR 16129, 3 CFR, 2013 Comp., p. 223.

■ 2. Amend § 126.1(d)(1) by revising table 1 to paragraph (d)(1) to read as follows:

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

* * * * *

(d) * * *

(1) * * *

TABLE 1 TO PARAGRAPH (d)(1)

Country
Belarus
Burma
China
Cuba
Iran
North Korea
Venezuela

* * * * *

Thomas G. DiNanno,

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

[FR Doc. 2026–20082 Filed 9–30–26; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2026–1203]

Special Local Regulations; Englewood Beach Offshore Championship; Gulf of America; Englewood, FL

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce special local regulations for the OPA World Championships to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Coast Guard Southeast District's Sector Saint Petersburg identifies the regulated area for this event in Englewood Beach, FL. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any designated representative.

DATES: The regulations in 33 CFR 100.703 will be enforced for the OPA World Championships regulated area listed in item 9 in table 1 to § 100.703, each day from 8:00 a.m. until 6:00 p.m. on October 10, 2026 through October 11, 2026.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Lieutenant Ryan McNaughton, Sector St. Petersburg, Ports & Waterways Branch Chief, U.S. Coast Guard; telephone (813) 918–7270, email *Ryan.A.McNaughton@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulations in 33 CFR 100.703 for the OPA World Championships identified in Table 1 to § 100.703, Item No. 9, from 8:00 a.m. until 6:00 p.m., on October 10, 2026, through October 11, 2026. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for recurring marine events, Sector St. Petersburg, § 100.703, Table 1 to § 100.703, Item No. 9, specifies the location of the regulated area for the OPA World Championships which encompasses portions of the Gulf of America near Englewood, FL. During the enforcement periods, as reflected in § 100.703(c), if you are the operator of a vessel in the regulated area you much comply with directions from the Patrol Commander or any designated representative.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners, marine information broadcasts, or both.

Courtney A. Sergent,

Captain, U.S. Coast Guard, Captain of the Port Sector St. Petersburg.

[FR Doc. 2026–20121 Filed 9–30–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–1271]

RIN 1625–AA00

Safety Zone; St. Lawrence River, Massena, NY

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary safety zones for U.S. navigable waters on the St. Lawrence River in the vicinity of Massena, New York. The safety zones are needed to protect personnel, vessels, and the marine environment from potential hazards associated with the replacement of overhead electrical transmission wires crossing the St. Lawrence River. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Eastern Great Lakes, or their designated representative.

DATES: This rule is effective without actual notice from September 30, 2026 through October 3, 2026. For the purposes of enforcement, actual notice will be used from September 29, 2026, until September 30, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–1271.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact MST1 Shawn Keeman, Marine

Safety Unit 1000 Islands Waterways Management Division, U.S. Coast Guard; telephone 774–8532, or email *Shawn.R.Keeman@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background and Authority

The Coast Guard received notification that NYPA is conducting work to replace overhead electrical transmission wires crossing the St. Lawrence River in the vicinity of Massena, NY. Hazards from this project include but are not limited to deployment of personnel, heavy equipment, and various other activities across navigable waters which create hazards for workers and the public. The Captain of the Port (COTP) Sector Eastern Great Lakes, after completing consultation with the Great Lakes St. Lawrence Seaway Development Corporation, has determined that potential hazards associated with the replacement of overhead electrical transmission wires are a safety concern for anyone within the work area. Therefore, the COTP is issuing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

Because of these potential hazards, the Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard was notified of this event on September 16, 2026, but we must establish this safety zone by September 29, 2026, to protect personnel, vessels, and the marine environment. Therefore, we do not have enough time to solicit and respond to comments.

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

III. Discussion of the Rule

This rule establishes two safety zones from September 29, 2026 through October 3, 2026. The days of enforcement will depend on the weather conditions and will be announced to the public in advance. The time of enforcement will be from 6:00 a.m. to 4:00 p.m. each day the zones are enacted. Safety Zone A will cover all U.S. navigable waters in the St. Lawrence River within the following points: Point 1 at 45°00′2.9″ N, 74°47′11.1″ W, along the shoreline to Point 2 at 45°00′3″ N, 74°47′7.9″ W, thence to Point 3 at 45°00′17.1″ N, 74°47′6.7″ W, thence to Point 4 at 45°00′17″ N, 74°47′9.8″ W, thence returning to Point 1. Safety Zone B will cover all U.S. navigable waters in the St. Lawrence River within the following points: Point 1 at 44°59′49.3″ N, 74°48′2.1″ W, along the shoreline to Point 2 at 44°59′49.8″ N, 74°47′59.4″ W, thence to Point 3 at 45°00′5″ N, 74°48′5.1″ W, along the shoreline to Point 4 at 45°00′4.5″ N, 74°48′7.9″ W, thence returning to Point 1. Vessels and persons will not be allowed to enter the zone during this time, unless authorized by the Captain of the Port.

IV. Regulatory Analyses

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

A. Impact on Small Entities

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

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

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

B. Collection of Information

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

C. Federalism and Indian Tribal Governments

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

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

D. Unfunded Mandates Reform Act

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

E. Environment

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

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–1271 to read as follows:

§ 165.T09–1271 Safety Zone; St. Lawrence River, Massena, NY.

(a) *Location.* The following areas are safety zones:

(1) *Safety Zone A:* All U.S. waters of the St. Lawrence River from surface to bottom, encompassed by a line connecting the following points beginning at 45°00′2.9″ N, 74°47′11.1″ W, along the shoreline to 45°00′3″ N, 74°47′7.9″ W, thence to 45°00′17.1″ N, 74°47′6.7″ W, thence to 45°00′17 ″ N, 74°47′9.8″ W, and thence back to the beginning point.

(2) *Safety Zone B:* All U.S. waters of the St. Lawrence River from surface to bottom, encompassed by a line connecting the following points beginning at 44°59′49.3″ N, 74°48′2.1″ W, along the shoreline to 44°59′49.8″ N, 74°47′59.4″ W, thence to 45°00′5″ N, 74°48′5.1″ W, along the shoreline to 45°00′4.5″ N, 74°48′7.9″ W; and thence back to the beginning point.

These coordinates are based on the World Geodetic System (WGS 84)/North American Datum 83 (NAD 83).

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

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

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at 315–774–8540. Those in the safety zones must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement periods.* This section will be enforced from September 29, 2026 through October 3, 2026, each day from 6:00 a.m. to 4:00 p.m.

Matthew J. Walter,

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

[FR Doc. 2026–20122 Filed 9–30–26; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2026–3664; FRL–13379–02–R9]

Attainment Date Extension for the South Coast, California 2012 Annual $PM_{2.5}$ Fine Particulate Matter Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final action.

SUMMARY: The U.S. Environmental Protection Agency (EPA or ''Agency'') is granting an extension of the ''Serious'' area attainment date for the Los Angeles-South Coast Air Basin (''South Coast Air Basin'' or ''South Coast'') nonattainment area for the 2012 annual fine particulate matter less than or equal to 2.5 μm in diameter ($PM_{2.5}$) national ambient air quality standards (NAAQS) from December 31, 2025, to December 31, 2030, based on a determination that the State has satisfied the statutory criteria for this extension.

DATES: This action is effective November 2, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2026–3664. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Ashley Graham, Geographic Strategies and Modeling Section (AIR–2–2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; telephone number: (415) 972–3877; email address: *graham.ashleyr@epa.gov.*

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 action. While this list may not be exhaustive, for ease of reading and for reference purposes, the EPA defines the following terms and acronyms here:

CAA or Act Clean Air Act
CARB California Air Resources Board
EPA or Agency Environmental Protection Agency
MSM most stringent measures
NAAQS national ambient air quality standards
PM2.5 particulate matter less than or equal to 2.5 μm in diameter
SCAQMD or District South Coast Air Quality Management District
SIP State implementation plan

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I. Executive Summary

A. What action is the EPA taking?

The EPA is granting an extension of the Serious area attainment date for the South Coast Air Basin nonattainment area for the 2012 $PM_{2.5}$ NAAQS from December 31, 2025, to December 31, 2030, based on a determination that the State has satisfied the statutory criteria for this extension.

B. What is the Legal Authority and what are the requirements?

The EPA is granting the State's request for an attainment date extension pursuant to CAA section 188(e).

Under section 188(e) of the Act, a State may apply to the EPA for an extension of the Serious area attainment date by up to five years, which the EPA may grant if the State satisfies certain conditions. Before the EPA may extend the attainment date for a Serious area under CAA section 188(e), the State must:

(1) Demonstrate that attainment by the Serious area attainment date is impracticable;

(2) Demonstrate that it has complied with all requirements and commitments

pertaining to the area in the implementation plan;

(3) Demonstrate to the satisfaction of the Administrator that the plan for the area includes the ''most stringent measures'' (MSM) that are included in the implementation plan of any State or are achieved in practice in any State, and can feasibly be implemented in the area;

(4) Submit a modeled attainment demonstration showing attainment of the NAAQS in the area by the most expeditious alternative date practicable; and

(5) Apply for an extension of the attainment date beyond the Serious area attainment date.[1]

II. Background and Summary of the Proposed Action

On June 11, 2026,[2] the EPA proposed to grant a request from the State of California, submitted to the EPA on August 6, 2024,[3] for an extension of the Serious area attainment date for the 2012 annual $PM_{2.5}$ NAAQS for the South Coast Air Basin from December 31, 2025, to December 31, 2030. We proposed to grant the State's request for an extension of the area's attainment date based on a proposed determination that the State has satisfied the requirements for such extensions in Clean Air Act (CAA or ''Act'') section 188(e). In our proposed rule, we provided background information on the $PM_{2.5}$ NAAQS, area designations and related State implementation plan (SIP) revision requirements under the CAA, relevant EPA guidance, and the EPA's implementing regulations for the $PM_{2.5}$ NAAQS, referred to as the ''$PM_{2.5}$ SIP Requirements Rule.''[4] The proposed rule also provided a detailed discussion of the rationale for our proposed action.[5]

III. Public Comments and Responses

The public comment period for the proposed rulemaking opened on June 11, 2026, the date of its publication in the **Federal Register**, and closed on July 13, 2026.[6] During this period, the EPA received two comment submissions from individual members of the public[7][8] and a comment submission from SCAQMD.[9] Additionally, SCAQMD notified the EPA via email of a typographical error in the proposed action.[10] The three comment submissions and email from SCAQMD are included in the docket for this action. The comment submission from SCAQMD is supportive of the EPA's proposal to grant the attainment date extension and does not require a response. Additionally, one of comments received from the public is not germane to our action and also does not require a response.[11] A summary of the remaining comment submissions and our responses thereto follow.

Comment 1: The commenter states that the ''population-exposed'' factor under CAA section 188(e) ''does not receive comparable treatment in the preamble'' to the other discretionary CAA section 188(e) factors and that such factor ''warrants an explicit finding.'' The commenter asserts that the monitoring data in Table 2 of the EPA's proposal ''shows the highest design values [are] concentrated at sites historically associated with environmental justice communities. . .[and] the record would benefit from an affirmative statement of who is exposed at the highest concentrations and for how long the extension leaves them there.'' The commenter acknowledges that this factor is discretionary but asserts that ''its omission from the preamble leaves no basis in the record for evaluating the extension's distributional impact,'' and requests that the EPA supplement the record.

Response 1: As discussed in our proposal, the ''population exposed to concentrations in excess of the standard'' is among five factors identified in CAA section 188(e) that ''the Administrator may consider'' when determining whether to grant an attainment date extension for a Serious $PM_{2.5}$ nonattainment area.[12] The proposal details the nature and extent of the nonattainment problem in the South Coast nonattainment area and the technological and economic feasibility of additional measures given the measures already adopted by CARB and the District. We concluded that ''[t]hese factors generally support a longer time frame for attainment.'' Because consideration of these additional factors in approving an attainment date extension under CAA section 188(e) is discretionary, we believe that the record in our proposal is sufficient to approve the extension.

Nonetheless, as discussed in the EPA's proposal and as required pursuant to CAA section 188(e), California's request for an attainment date extension for the South Coast Air Basin for the 2012 $PM_{2.5}$ NAAQS was accompanied by a revised attainment plan for the area, referred to herein as the 2024 South Coast $PM_{2.5}$ Plan. To meet the attainment planning requirements of the Act, the Plan includes, among other things, information on the spatial distributions of $PM_{2.5}$ concentrations across the nonattainment area, both historically and as projected in the future.[13] Additionally, although not required, Chapter 7 of the Plan, includes the State's analysis of the distribution of air quality impacts across the South Coast Air Basin on various communities.[14] The 2024 South Coast $PM_{2.5}$ Plan is included in the docket and is therefore

[1] CAA section 188(e) and 40 CFR 51.1005(b). For a discussion of the EPA's interpretation of the requirements of CAA section 188(e), *see* 81 FR 58010, 58094 through 58097 (Aug. 24, 2016), and 59 FR 41998, 42002 (Aug. 16, 1994).

[2] 91 FR 35445 (June 11, 2026).

[3] Letter dated August 5, 2024, from Steven S. Cliff, Executive Officer, California Air Resources Board (CARB), to Martha Guzman, Regional Administrator, EPA Region IX, with enclosures (submitted electronically on August 6, 2024). Among the enclosures included with the State's request for an attainment date extension was the ''South Coast Air Basin Attainment Plan for the 2012 Annual $PM_{2.5}$ Standard'' (''2024 South Coast $PM_{2.5}$ Plan'' or ''Plan''), adopted by the South Coast Air Quality Management District (SCAQMD or ''District'') on June 7, 2024, and by CARB on June 27, 2024. SCAQMD is the local air district with primary responsibility for developing a plan to attain the 2012 annual $PM_{2.5}$ NAAQS in the South Coast nonattainment area. The District works cooperatively with CARB in preparing these plans. The 2024 South Coast $PM_{2.5}$ Plan addresses the Serious area nonattainment plan requirements for the 2012 annual $PM_{2.5}$ NAAQS in the South Coast nonattainment area.

[4] ''Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements.'' 81 FR 58010 (Aug. 24, 2016).

[5] 91 FR 35445 (June 11, 2026).

[6] *Id.*

[7] Comment submission received July 9, 2026, from Steven Singleton to Docket ID No. EPA–R09–OAR–2026–3664.

[8] Comment submission received July 13, 2026, from Silvio Mazzella Jr. to Docket No. EPA–R09–OAR–2026–3664. This comment fails to identify any specific issue that is germane to our proposed action.

[9] Comment submission received July 10, 2026, to Docket ID No. EPA–R09–OAR–2026–3664, attaching a letter dated July 9, 2026, from Wayne Nastri, Executive Officer, South Coast Air Quality Management District, to Mike Martucci, Acting Regional Administrator, U.S. Environmental Protection Agency, Region IX, Subject: ''Re: EPA Docket ID No. EPA–R09–OAR–2026–3664.''

[10] Email dated June 10, 2026, from Sang-Mi Lee, SCAQMD, to Ashley Graham, EPA Region IX, Subject: ''Attainment Date Extension.''

[11] *See* footnote 7.

[12] 91 FR 35445, 35454 (June 11, 2026).

[13] 2024 South Coast $PM_{2.5}$ Plan, Chapter 2 (''Air Quality'') and Chapter 5 (''Future Air Quality'').

[14] Note that on January 21, 2025, President Trump issued Executive Order (E.O.) 14173, ''Ending Illegal Discrimination and Restoring Merit-Based Opportunity'', directing Federal agencies to end illegal preferences in agency decision-making (90 FR 8633, Jan. 31, 2025). One of the effects of E.O. 14173 is that it revoked E.O. 12898 of February 11, 1994, ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,'' which had previously directed Federal agencies to identify and address disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations to the greatest extent practicable and permitted by law (59 FR 7629, Feb. 16, 1994).

part of the record for this action. Thus, this information has been publicly available as the Agency has considered the State's extension request. It was also publicly available during the State's public process.

Comment 2: The commenter requests clarification regarding the connection between the EPA's action on the extension request and the pending review of the attainment demonstration. The commenter notes that the EPA's proposed rule does not provide a docket number or expected timeline for action on the Plan and asserts that the record would be strengthened by providing such information ''so the public can track whether the underlying 2030 demonstration is confirmed before the extension period elapses.''

Response 2: As noted in the EPA's proposed action, the CAA does not require the EPA to act on the submitted attainment demonstration as a precondition to granting the extension, and we intend to act on the 2024 South Coast $PM_{2.5}$ Plan in a future action.[15] The EPA is reviewing the submitted attainment plan for the South Coast for the 2012 annual $PM_{2.5}$ NAAQS. We will solicit public comment on our proposed action on the Plan, and the EPA's proposed action will be made available at *https://www.regulations.gov* and will include a docket number for submitting and tracking public comment submissions.

Comment 3: Noting that the four measures adopted by the District to meet the MSM requirement must be fully implemented by January 1, 2030, the commenter asserts that there is limited time between when the measures must be implemented and when the effects of these measures will be assessed (*i.e.,* the proposed December 31, 2030 extended attainment deadline). The commenter asks that the EPA ''consider requesting or committing to an interim reporting checkpoint, such as a 2028 progress update, so that emissions performance data can inform course correction well before the extension period closes rather than only at its end.''

Response 3: As discussed in the EPA's proposed action, the EPA has interpreted the Act to require implementation of MSM as expeditiously as practicable and no later than one year before the extended Serious area attainment date identified by the State in its extension request.[16] In this case, the State requested an extension of the attainment date under CAA section 188(e) to December 31, 2030. Thus, the State must provide for implementation of MSM no later than January 1, 2030.

To that end, we note that all four of the measures identified as MSM in the Plan are in effect in the South Coast Air Basin as the SCAQMD began implementing and enforcing the measures following approval by its Governing Board on September 5, 2025.[17] Specifically, amendments to Rule 445 and the Rule 1133 series, amended to achieve additional $PM_{2.5}$ reductions pursuant to control measures BCM–18 and BCM–10, respectively, are already being fully implemented. Amendments to Rules 223 and 1138, amended to achieve additional $PM_{2.5}$ reductions pursuant to control measures BCM–08 and BCM–12, respectively, do include future compliance dates; however, all future compliance dates in these rules occur before the January 1, 2030 MSM implementation deadline.

Additionally, where the rule amendments include future compliance dates, SCAQMD's staff reports accompanying the rule amendments explain the District's justification for the later deadline. For example, SCAQMD explains that Rule 223 establishes a separate compliance timeline for the newly affected dairy facilities to allow sufficient time for these facilities to prepare and submit a permit application per the requirement in the rule,[18] and that the 12-month grace period extending the exemption thresholds in Rule 1138 was included to provide owners or operators of chain-driven charbroilers time to acquire compliant equipment.[19] We find these justifications to be reasonable and that the Plan provides for implementation of MSM as expeditiously as practicable.

To the extent that the commenter is concerned about the emissions reductions from these measures being achieved as envisioned, we note that CAA section 189(c) requires that the State's attainment plan for the South Coast for the 2012 $PM_{2.5}$ NAAQS contain quantitative milestones which are to be achieved every three years until the area is redesigned attainment and which demonstrate reasonable further progress toward attainment by the applicable attainment date. Quantitative milestones are required to provide an objective means to evaluate progress toward attainment. The CAA also requires a State to submit, within 90 days after each three-year quantitative milestone date, a milestone report that includes technical support sufficient to document completion statistics for appropriate milestones.

The State discusses its quantitative milestones to demonstrate continued compliance with the SIP for the South Coast for the 2012 $PM_{2.5}$ NAAQS in Chapter 6 (''Federal Clean Air Act Requirements'') of the 2024 South Coast $PM_{2.5}$ Plan. The plan includes quantitative milestones for the years 2025, 2028, and 2031. With regard to a progress update in 2028 requested by the commenter, we note that SCAQMD has committed to report on the ''[a]doption and implementation of applicable $PM_{2.5}$ Plan measures according to the schedule specified in Chapter 4,'' which includes the four MSM measures listed in Table 4–2 and discussed in greater detail elsewhere in Chapter 4 (''Control Strategy'') of the Plan. Thus, the District has already committed to a 2028 interim checkpoint as requested by the commenter.

Comment 4: The commenter requests clarification on whether the EPA independently evaluated the State's choice of a December 31, 2030 attainment date as opposed to an earlier date or if the maximum extension was granted solely on the basis of the State's evaluation.

Response 4: As discussed in the EPA's proposal, CAA section 188(e) requires that at the time of its application for an attainment date extension, the State must submit a demonstration of attainment by the most expeditious alternative date practicable.[20] For the purposes of evaluating the State's extension request for the South Coast for the 2012 $PM_{2.5}$ NAAQS, we reviewed the 2024 South Coast $PM_{2.5}$ Plan to ensure that it contains the requisite demonstration, including the State's demonstration of attainment by 2030 and analysis concluding that attainment by 2029 would not be possible. Based on our review of the 2024 South Coast $PM_{2.5}$ Plan, we find that the State had made such a submission.

Comment 5: In its email dated June 10, 2026, SCAQMD notes that the proposed rule contains a typographical error when referring to the Moderate

[15] 91 FR 35445, 35449 and 35453 (June 11, 2026).

[16] 81 FR 58010, 58097 (Aug. 24, 2016).

[17] CARB subsequently adopted the rule amendments in February 2026. As noted in footnote 63 of the EPA's proposal, these measures include BCM–08, ''Emissions Reductions from Livestock Waste at Confined Animal Facilities;'' BCM–10, ''Emission Reductions from Direct Land Application of Chipped and Ground Uncomposted Greenwaste;'' BCM–12, ''Further Emission Reductions from Commercial Cooking;'' and BCM–18, ''Further Emission Reductions from Wood Burning Fireplaces and Wood Stoves.'' 91 FR 35445, 35453 (June 11, 2026).

[18] SCAQMD, ''Final Staff Report, Proposed Amended Rule 223—Requirements For Confined Animal Facilities, September 2025,'' p. 2–2.

[19] SCAQMD, ''Final Staff Report, Proposed Amended Rule 1138—Control of Emissions from Restaurant Operations, September 2025,'' p. 2–2.

[20] 91 FR 35445, 35449 (June 11, 2026).

area plan commitment for the 2012 annual $PM_{2.5}$ NAAQS. Specifically, the EPA's proposal indicates that the EPA had approved the District's commitment to achieve 7 tpd of direct $PM_{2.5}$ emissions reductions by the 2022 reasonable further progress year, whereas SCAQMD notes that the proposal should have indicated 7 tpd of NO_X emissions reductions.

Response 5: The commenter correctly identifies a mistake in the proposal. While in several instances the EPA's June 11, 2026 proposal correctly refers to the commitment as having been for 7 tpd of NO_X emissions reductions, in one instance, the proposal indicates that the commitment was for 7 tpd of direct $PM_{2.5}$ emissions reductions.[21] The reference to direct $PM_{2.5}$ instead of NO_X was in error.[22] The EPA's evaluation of whether the State had complied with all requirements and commitments in the implementation plan was appropriately based on our analysis of the NO_X emissions reductions achieved in relation to the State's 7 tpd NO_X emissions reduction commitment. Thus, this error is harmless in that it did not have an impact on our determination. We appreciate the commenter bringing this mistake to our attention.

IV. Final Action

For the reasons discussed in this final action, the EPA is granting the State's request for an extension of the Serious area attainment date from December 31, 2025, to December 31, 2030, based on a conclusion that the State has satisfied the requirements for such an extension in CAA section 188(e).

V. Statutory and Executive Order Reviews

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

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

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by State law.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by State law.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by State law. Accordingly, no additional costs to State, local, or Tribal governments, or to the private sector, will result from this action.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have Tribal implications. It will neither impose substantial direct costs on federally recognized Tribal governments nor preempt Tribal law. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

I. Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

K. Congressional Review Act (CRA)

This action is subject to the CRA, 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).

L. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 30, 2026. Filing a petition for reconsideration by the Administrator of this final action does not affect the finality of this action for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (*see* CAA section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ammonia, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 22, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

[FR Doc. 2026–20097 Filed 9–30–26; 8:45 am]

BILLING CODE 6560–50–P

[21] *Id.* at 35451. The language in the proposal referred to by the commenter is as follows: ''As part of the EPA's November 9, 2020 final action on the 2016 $PM_{2.5}$ Plan, the EPA approved, among other things, the District's commitment to achieve 7 tpd of direct $PM_{2.5}$ emission reductions from these or substitute measures by the 2022 RFP milestone year.''

[22] *See* 85 FR 40026, 40040 (July 2, 2020).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2026–4819; FRL–13460–02–R7]

Air Plan Approval; Missouri; Control of NO_X Emissions From Large Stationary Internal Combustion Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is approving revisions to the Missouri State Implementation Plan (SIP) related to Control of Nitrogen Oxide (NO_X) Emissions From Large Stationary Internal Combustion Engines. The revisions reformat and revise reporting, recordkeeping, and compliance requirements; incorporate other State rules by reference; add definitions specific to the rule; revise unnecessarily restrictive or duplicative language; and make administrative wording changes. The revisions also add an exemption for certain spark-ignited internal combustion engines. The EPA's final approval of this rule revision is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective November 2, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2026–4819. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: William Stone, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7714; email address: *stone.william@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' 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:

CAA Clean Air Act
CBI Confidential Business Information
CFR Code of Federal Regulations
CSR Missouri Code of State Regulations
EPA U.S. Environmental Protection Agency
FR Federal Register
IC Internal Combustion
NAAQS National Ambient Air Quality Standards
NO_X Nitrogen Oxides
SIP State Implementation Plan
TSD Technical Support Document
U.S.C. United States Code

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I. What is being addressed in this document?

The EPA is approving revisions to the Missouri SIP, Title 10 Code of State Regulations (CSR) 10–6.390 ''Control of NO_X Emissions From Large Stationary Internal Combustion Engines,'' submitted to the EPA on March 7, 2019, and June 10, 2021. The purpose of the State regulation is to control NO_X emissions from large stationary internal combustion (IC) engines and ensure compliance with the Federal NO_X control plan to reduce the interstate transport of air pollutants. Missouri's rule revisions are detailed in the EPA's notice of proposed rulemaking, published on July 15, 2026.[1] The EPA finds that these revisions meet the requirements of the CAA and do not impact the State's ability to attain or maintain the National Ambient Air Quality Standards (NAAQS). The full text of the rule revisions as well as the EPA's analysis of the revisions can be found in the technical support document (TSD) included in this docket.

II. Have the requirements for approval of a SIP revision been met?

The State's submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from August 4, 2018, to October 4, 2018, and from November 1, 2019, to December 10, 2019, and held public hearings on September 27, 2018, and December 3, 2019. The State received five comments during the first public comment period and none in the second comment period. Missouri's official submission adequately addressed the comments. In addition, as explained in the notice of proposed rulemaking and in more detail in the TSD, which is part of this docket, the revisions meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations. The EPA concludes that in accordance with CAA section 110(l), the revisions to 10 CSR 10–6.390 will not interfere with any applicable requirement concerning attainment, reasonable further progress, or any other applicable requirement of the CAA.

III. The EPA's Response to Comments

The public comment period on the EPA's proposed rule opened July 15, 2026, the date of its publication in the **Federal Register**, and closed on August 14, 2026. During this period, the EPA received one anonymous comment that was not supportive of the proposed action, available in the docket for this rulemaking, but did not raise a relevant, material objection with specificity that would constitute a significant comment requiring a response. *See* 5 U.S.C. 553(c); 42 U.S.C. 7607(d)(6)(B).

IV. What action is the EPA taking?

The EPA is taking final action to amend the Missouri SIP by approving the State's revisions to 10 CSR 10–6.390 ''Control of NO_X Emissions From Large Stationary Internal Combustion Engines.'' This final action approves these amendments as part of the SIP.

V. 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, the EPA is finalizing the incorporation by reference of the Missouri rule 10–6.390 discussed in section I. of this preamble and as set forth below in the amendments to 40 CFR part 52. The rule provides for control of NO_X emissions from large stationary internal combustion engines and includes reporting, recordkeeping, and compliance requirements. The EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region 7 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

[1] 91 FR 43352 (July 15, 2026).

reference by the EPA into that plan, are fully federally enforceable under CAA sections 110 and 113 as of the effective date of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[2]

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, Oct. 4, 1993);
- Is not an Executive Order 14192 (90 FR 9065, Feb. 6, 2025) regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, Aug. 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, Apr. 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.[3]

This action is subject to the Congressional Review Act (CRA), 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 30, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (*see* section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements.

Dated: September 21, 2026.

James Macy,

Regional Administrator, Region 7.

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 AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10–6.390'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	*
10–6.390	Control of NO_X Emissions From Large Stationary Internal Combustion Engines.	5/30/2020	10/01/2026, 91 FR [insert **Federal Register** page where the document begins].	
*	*	*	*	*

[2] 62 FR 27968 (May 22, 1997).

[3] 65 FR 67249 (Nov. 9, 2000)

* * * * *

[FR Doc. 2026–20096 Filed 9–30–26; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 97

[FRL–13503–02–OAR]

Administration of Cross-State Air Pollution Rule Trading Program Assurance Provisions for 2025 Control Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of data availability.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is providing notice of the availability of data on the administration of the assurance provisions of the Cross-State Air Pollution Rule (CSAPR) trading program for the 2025 control period. Virginia units participating in the CSAPR NO_X Ozone Season Group 2E Trading Program during the 2025 control period reported total nitrogen oxides (NO_X) emissions that exceeded the State's assurance level under the program. The EPA has posted on the Agency's website a spreadsheet that presents data demonstrating the exceedance and the Agency's final calculations of the additional allowances that owners and operators of certain Virginia units must surrender.

DATES: October 1, 2026.

FOR FURTHER INFORMATION CONTACT: For information about this notification, contact Lisa Thompson at telephone number: (919) 541–5158 or email address: *thompson.lisa@epa.gov.*

SUPPLEMENTARY INFORMATION: *Preamble acronyms and abbreviations.* Throughout this document, the use of ''we,'' ''us,'' or ''our'' refers to the EPA. The EPA uses multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

CFR Code of Federal Regulations
CSAPR Cross-State Air Pollution Rule
EPA Environmental Protection Agency
FR Federal Register
NODA notice of data availability
NO_X nitrogen oxides

The regulations for each CSAPR trading program contain ''assurance provisions'' designed to ensure that the emission reductions required from each State covered by the program occur within the State. If total emissions from a State's affected units exceed the State's assurance level, certain covered sources within the State must surrender two allowances for each ton of emissions exceeding the assurance level (in addition to the ordinary obligation to surrender one allowance for each ton of emissions). In the emissions reports covering the 2025 control period, Virginia units participating in the CSAPR NO_X Ozone Season Group 2E Trading Program reported emissions exceeding the State's assurance level under the program by 80 tons, resulting in a requirement to surrender 160 additional allowances.

When a State exceeds its assurance level, the EPA apportions the responsibility for surrendering the required additional allowances among groups of units in the State represented by ''common designated representatives'' based on the extent to which each group's emissions exceeded the group's share of the State's assurance level.[1]

On August 4, 2026, the EPA published a document in the **Federal Register** providing notice of the data relied on to determine the amount of the exceedance of the Virginia assurance level and the preliminary calculations of the amounts of additional allowances that the owners and operators of certain Virginia units must surrender as a result of the exceedance.[2] The EPA received three objections identifying errors in the Agency's initial calculations.

As a result of these objections, the EPA updated the data the Agency used to support its final calculations. Specifically, the EPA: (1) corrected the Designated Representative for Hopewell Power Station; (2) updated the emissions from Remington Combustion Turbine Station Units 1, 2, and 4 based on its August 2026 data resubmittal; and (3) corrected a typo in the summary data, updating the Operator associated with the Designated Representative Hunt from Wolf Hills Energy, LLC to Tenaska Virginia Partners, LP.

Applying the procedures in the regulations for the 2025 control period to the updated data, the EPA's final calculations indicate that the responsibility for surrendering 160 additional allowances in Virginia should be apportioned primarily to the group of units operated by Hopewell Power Generation, LLC, with smaller shares apportioned to the groups of units operated by Wolf Hills Energy, LLC; Dominion Generation; and Calpine Operating Services Company, Inc. Each set of owners and operators identified pursuant to this notice of the final calculations must hold the required additional allowances in an assurance account by November 2, 2026.

The data and final calculations are available in an Excel spreadsheet titled ''Final 2025 CSAPR Assurance Provision Calculations—Virginia'' at *https://www.epa.gov/Cross-State-Air-Pollution/csapr-assurance-provision-nodas.* The spreadsheet contains data for the 2025 control period showing, for each Virginia unit identified as affected under the CSAPR NO_X Ozone Season Group 2E Trading Program, the unit's reported amount of NO_X emissions and the amount of CSAPR NO_X Ozone Season Group 2E allowances allocated to the unit, including any allowances allocated from new unit set-asides. The spreadsheet also provides 2025 control period calculations showing the total reported NO_X emissions from all such units in Virginia and the amounts by which those total reported NO_X emissions exceeded the State's assurance level under the program. Finally, the spreadsheet includes calculations for the 2025 control period showing, for each common designated representative for a group of such units, the common designated representative's share of the total reported NO_X emissions, the common designated representative's share of the State's assurance level, and the amount of additional CSAPR NO_X Ozone Season Group 2E allowances that the owners and operators of the units in the group must surrender.

Authority: 40 CFR part 97.

Aaron Szabo,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2026–20191 Filed 9–30–26; 8:45 am]

BILLING CODE 6560–50–P

[1] For the CSAPR NO_X Ozone Season Group 2E Trading Program, the procedures are set forth at 40 Code of Federal Regulations (CFR) 97.802 (definitions of ''common designated representative,'' ''common designated representative's assurance level,'' and ''common designated representative's share''), 97.806(c)(2) and (c)(4)(iv), and 97.825.

[2] 91 FR 49430 (Aug. 4, 2026).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 412

[CMS–1847–CN]

RIN 0938–AV77

Medicare Program; FY 2027 Inpatient Psychiatric Facilities Prospective Payment System—Rate Update; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule; correction.

SUMMARY: This document corrects technical errors in the final action that appeared in the July 31, 2026 **Federal Register** titled ''Medicare Program; FY 2027 Inpatient Psychiatric Facilities Prospective Payment System—Rate Update''.

DATES: This correction is effective October 1, 2026.

FOR FURTHER INFORMATION CONTACT:

The IPF Payment Policy mailbox at *IPFPaymentPolicy@cms.hhs.gov* for information regarding the IPF wage index.

Nick Brock (410) 786–5148, for general information regarding the inpatient psychiatric facilities prospective payment system (IPF PPS).

Kaleigh Emerson, *kaleigh.emerson1@cms.hhs.gov,* for information regarding the IPF Quality Reporting Program.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2026–15588 of July 31, 2026, the fiscal year (FY) 2027 Inpatient Psychiatric Facilities Prospective Payment System—Rate Update final rule (FY 2027 IPF PPS final rule) (91 FR 48514), there were a number of technical errors that are identified and corrected in this correcting document.

II. Summary of Errors

A. Summary of Errors in the Preamble

There was a technical error in the calculation of the final FY 2027 IPF PPS wage indexes, which impacted several calculations. There is an impact to the wage index for one provider in Core-Based Statistical Area (CBSA) 25620 for Hattiesburg, Mississippi due to the recalculated wage indexes, and thus we recalculated the impact analysis provided in Table 16 of the FY 2027 IPF PPS final rule (91 FR 48579 through 48580). Therefore, changes are needed to the published values in Table 16. We also recalculated the wage index budget neutrality factor; it changed from 0.9989 to 0.9986. This recalculated wage index budget neutrality factor affected the FY 2027 IPF PPS rates.

On pages 48514 and 48521, The IPF PPS Federal per diem base rate changed from $912.40 to $912.13. The IPF PPS Federal per diem base rate for providers who failed to report quality data changed from $894.56 to $894.29. The electroconvulsive therapy (ECT) payment per treatment changed from $688.59 to $688.38. The ECT payment per treatment for providers who failed to report quality data changed from $675.13 to $674.93.

On pages 48514, 48521, and 48527, the wage index budget neutrality factor changed from 0.9989 to 0.9986.

On page 48523, we inadvertently made a typographical error regarding the number of ICD–10–CM diagnosis codes added to the Poisoning comorbidity code list.

On page 48529, we inadvertently made a typographical error regarding the adjustment factor for IPFs that do not have a qualifying emergency department (ED).

On page 48570, we inadvertently omitted a footnote.

On pages 48579 and 48580, Table 16 reflects the impact to providers based on the inaccurate calculation of the FY 2027 IPF PPS wage index; therefore, Table 16 is updated to reflect the correct calculations.

On page 48580, the largest payment percent decrease for IPF hospitals reflects the impact to providers based on the inaccurate calculation of the FY 2027 IPF PPS wage index; therefore, an update is needed to reflect the correct impact.

B. Summary of Errors and Corrections in the Tables Posted on the CMS Website for the IPF PPS Wage Index

As discussed in the FY 2027 IPF PPS final rule (91 FR 48525), we used the concurrent pre-floor, pre-reclassified Inpatient Prospective Payment System (IPPS) hospital wage index as the basis for the IPF wage index. For FY 2027, the concurrent pre-floor, pre-reclassified IPPS hospital wage data are from cost reporting periods beginning on or after October 1, 2022 and before October 1, 2023 (FY 2023 cost report data), as discussed in the final rule titled, ''Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals (IPPS) and the Long-Term Care Hospital Prospective Payment System and Policy Changes and Fiscal Year (FY) 2027 Rates; Requirements for Quality Programs; Other Policy Changes; and Adoption of Updated Versions of Certain Health Information Technology Standards'' (hereinafter referred to as the FY 2027 IPPS/LTCH PPS final rule) (91 FR 49790).

In calculating the wage index under the FY 2027 IPPS/LTCH PPS final rule, we made an inadvertent error related to the calculation of the wage index. This error is identified, discussed, and corrected in the correction notice titled, ''Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals (IPPS) and the Long-Term Care Hospital Prospective Payment System and Policy Changes and Fiscal Year (FY) 2027 Rates; Requirements for Quality Programs; Other Policy Changes; and Adoption of Updated Versions of Certain Health Information Technology Standards; Correction'', published elsewhere in this issue of the **Federal Register**.

Under our methodologies as finalized in the FY 2027 IPPS/LTCH PPS final rule, we exclude hospitals that have subsequently converted to rural emergency hospitals (REHs) from certain data and calculations used in the IPPS ratesetting. Specifically, we stated that we exclude REHs, including hospitals that subsequently became REHs after the period from which the data were taken for purposes of developing the Medicare Severity Diagnosis-Related Group (MS–DRG) relative weights for FY 2027 (91 FR 49672) and from the calculation of the average standardized amount (91 FR 50370). In addition, we stated that any hospital that is designated as a REH by 7 days prior to the publication of the preliminary wage index public use file (PUF) is excluded from the calculation of the wage index (91 FR 49791). We inadvertently treated a current IPPS hospital (CMS Certification Number (CCN) 250078) as a hospital that had converted to REH status, thereby erroneously excluding its data from the MS–DRG relative weight calculation and the wage index. This error affects the unadjusted, pre-reclassified, pre-rural floor IPPS wage data and thereby affects the IPF PPS wage data for CBSA 25620 for Hattiesburg, Mississippi.

We are correcting the wage index for CBSA 25620 for Hattiesburg, Mississippi in Table B setting forth the wage indexes for rural areas based on CBSA labor market areas and Table C setting forth the wage indexes for urban and rural areas without counties, which are available exclusively on the CMS website at *https://www.cms.gov/medicare/medicare-fee-for-servicepayment/inpatientpsychfacilpps/wageindex.*

The omitted wage data for the one hospital in CBSA 25620 required the recalculation of the final FY 2027 IPF PPS wage indexes. Additionally, as discussed in the FY 2027 IPF PPS final rule (91 FR 48526 and 48527), changes to the wage index are made in a budget neutral manner so that updates do not increase expenditures. As discussed above, it was necessary to recalculate the FY 2027 IPF PPS wage index budget neutrality factor. The recalculated wage index budget neutrality factor changed from 0.9989 to 0.9986. This means that the IPF federal per diem base rate changed from $912.40 to $912.13 and the ECT payment per treatment changed from $688.59 to $688.38.

III. Waiver of Proposed Rulemaking and Delay in Effective Date

Section 1871(b)(1) of the Social Security Act (the Act) requires the Secretary to provide for notice of a proposed rule in the **Federal Register** and provide a period of not less than 60 days for public comment. In addition, section 1871(e)(1)(B)(i) of the Act mandates a 30-day delay in effective date after issuance or publication of a rule. Section 1871(b)(2)(C) of the Act provides an exception from the notice and 60-day comment period and delay in effective date requirements of the Act, under the good cause standard set forth in 5 U.S.C. 553(b)(B). Section 1871(e)(1)(B)(ii) of the Act provides an exception from the delay in effective date requirements of the Act as well. Section 553(b)(B) authorizes an agency to dispense with normal notice and comment rulemaking procedures for good cause if the agency makes a finding that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and includes a statement of the finding and the reasons for it in the rule. In addition, section 1871(e)(1)(B)(ii) of the Act allows the agency to avoid the 30-day delay in effective date where the waiver is necessary to comply with statutory requirements or such delay is contrary to the public interest and the agency includes in the rule a statement of the finding and the reasons for it.

In our view, this correcting document does not constitute a rulemaking that would be subject to these requirements. This document merely corrects technical errors in the FY 2027 IPF PPS final rule and provides an updated IPF wage index resulting in revisions to the payment updates, payment impact, and related tables in the FY 2027 IPF PPS final rule. The corrections contained in this document are consistent with, and do not make substantive changes to, the policies and payment methodologies that were proposed, subject to notice and comment procedures, and adopted in the FY 2027 IPF PPS final rule. As a result, the corrections made through this document are intended to resolve inadvertent errors so that the FY 2027 IPF PPS final rule accurately reflects the policies adopted therein.

In addition, even if this were a rulemaking to which the notice and comment and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the final rule or delaying the effective date would be contrary to the public interest because it is in the public's interest for providers to receive appropriate payments in as timely a manner as possible, and to ensure that the FY 2027 IPF PPS final rule accurately reflects our policies. Furthermore, such procedures would be unnecessary, as we are not altering our payment methodologies or policies, but rather, we are simply implementing correctly the methodologies and policies that we previously proposed, requested comments on, and subsequently finalized. This final rule correction is intended solely to ensure that the FY 2027 IPF PPS final rule accurately reflects these payment methodologies and policies. Therefore, we believe we have good cause to waive the notice and comment and effective date requirements.

IV. Correction of Errors

In FR Doc. 2026–15588 of July 31, 2026, (91 FR 48514), make the following corrections:

1. On page 48514, third column,

a. First second-level (++) bulleted paragraph, line 2, the figure ''$912.40'' is corrected to read ''$912.13''.

b. Second second-level (++) bulleted paragraph, line 3, the figure ''$894.56'' is corrected to read ''$894.29''.

c. Third second-level (++) bulleted paragraph, line 3, the figure ''$688.59'' is corrected to read ''$688.38''.

d. Fourth second-level (++) bulleted paragraph, line 3, the figure ''$675.13'' is corrected to read ''$674.93''.

e. Sixth second-level (++) bulleted paragraph, line 2, the figure ''0.9989'' is corrected to read ''0.9986''.

2. On page 48521,

a. Second column, third full paragraph,

(1) Line 12, the figure ''0.9989'' is corrected to read ''0.9986''.

(2) Line 16, the figure ''$912.40'' is corrected to read ''$912.13''.

b. Third column,

(1) First partial paragraph,

(a) Line 1, the figure ''0.9989'' is corrected to read ''0.9986''.

(b) Line 4, the figure ''$688.59'' is corrected to read ''$688.38''.

(2) First bulleted paragraph,

(a) Line 13, the figure ''0.9989'' is corrected to read ''0.9986''.

(b) Line 16, the figure ''$894.56'' is corrected to read ''$894.29''.

(3) Second bulleted paragraph,

(a) Line 4, the figure ''0.9989'' is corrected to read ''0.9986''.

(b) Line 8, the figure ''675.13'' is corrected to read ''674.93''.

3. On page 48523, second column, third full paragraph, line 2, the figure ''10'' is corrected to read ''20''.

4. On page 48527, first column, third full paragraph (''Step 3''), line 5, the figure ''0.9989'' is corrected to read ''0.9986''.

5. On page 48529, middle of the page, second column, first full paragraph, line 12, the figure ''1.27'' is corrected to read ''1.28''.

6. On page 48570, second column, first partial paragraph, lines 17 and 18, the phrase ''to calculate an hourly pre-tax wage rate of $30.10/hr.'' is corrected to include footnote 41a to read as follows: ''[41a] *https://www.bls.gov/news.release/pdf/wkyeng.pdf.* Accessed February 18, 2026.''

7. On pages 48579 and 48580, TABLE 16: FY 2027 IPF PPS PAYMENT IMPACTS is corrected to read as follows:

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TABLE 16: FY 2027 IPF PPS PAYMENT IMPACTS

[Percent Change in columns 3 through 5]

Facility by Type	Number of Facilities	Outlier	Final FY27 Wage Index, Labor-Related Share, and COLA	Total Percent Change[1]
(1)	(2)	(3)	(4)	(5)
All Facilities	1,336	0.0	0.0	2.3
Total Urban	1,105	0.0	0.0	2.2
Urban unit	585	0.0	0.3	2.6
Urban hospital	520	0.0	-0.4	1.8
Total Rural	231	0.0	0.4	2.7
Rural unit	167	0.0	0.4	2.7
Rural hospital	64	0.0	0.4	2.7
By Type of Ownership:				
Freestanding IPFs				
Urban Psychiatric Hospitals				
Government	106	0.0	0.2	2.5
Non-Profit	65	0.0	0.1	2.4
For-Profit	349	0.0	-0.7	1.6
Rural Psychiatric Hospitals				

Facility by Type	Number of Facilities	Outlier	Final FY27 Wage Index, Labor-Related Share, and COLA	Total Percent Change[1]
Government	32	0.0	0.9	3.3
Non-Profit	10	0.0	1.6	4.0
For-Profit	22	0.0	-0.2	2.1
IPF Units				
Urban				
Government	96	0.0	0.4	2.7
Non-Profit	370	0.0	0.2	2.5
For-Profit	119	0.0	0.4	2.7
Rural				
Government	46	0.0	0.8	3.2
Non-Profit	91	0.0	0.4	2.7
For-Profit	30	0.0	0.0	2.3
By Teaching Status:				
Non-teaching	1,127	0.0	-0.2	2.1
Less than 10% interns and residents to beds	109	0.0	0.7	3.0
10% to 30% interns and residents to beds	75	0.0	0.3	2.7
More than 30% interns and residents to beds	25	0.0	-0.2	2.1
By Region:				
New England	93	0.0	0.6	2.9
Mid-Atlantic	189	0.0	1.1	3.4
South Atlantic	213	0.0	-0.1	2.2
East North Central	203	0.0	-0.7	1.6
East South Central	132	0.0	-1.0	1.3
West North Central	85	0.0	-0.1	2.2
West South Central	206	0.0	-0.8	1.5
Mountain	90	0.0	-0.2	2.1
Pacific	125	0.0	0.2	2.5
By Bed Size:				
Psychiatric Hospitals				
Beds: 0-24	87	0.0	-0.2	2.1
Beds: 25-49	69	0.0	-0.9	1.4
Beds: 50-75	95	0.0	-0.6	1.7
Beds: 76 +	333	0.0	-0.2	2.1
Psychiatric Units				
Beds: 0-24	383	0.0	0.0	2.3
Beds: 25-49	211	0.0	0.4	2.7
Beds: 50-75	87	0.0	0.4	2.7
Beds: 76 +	71	0.0	0.7	3.1

[1] This column includes the impact of the updates in columns (3) and (4) above, and of the final IPF market basket update factor for FY 2027 (3.2 percent), reduced by 0.9 percentage point for the productivity adjustment as required by section 1886(s)(2)(A)(i) of the Act.

8. On page 48580, bottom half of the page, third column, first partial paragraph,

(1) Line 22, the figure ''1.1'' is corrected to read ''1.3''.

(2) Line 23, the phrase ''with 25–49 beds'' is corrected to read ''located in the East South Central region''.

Liesl I. Fowler,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2026–20134 Filed 9–30–26; 8:45 am]

BILLING CODE 4169–69–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 412 and 414

[CMS–1845–CN]

RIN 0938–AV76

Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2027 and Updates to the IRF Quality Reporting Program; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Final rule; correction.

SUMMARY: This document corrects technical errors in the final rule that appeared in the August 3, 2026 **Federal Register** titled ''Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2027 and Updates to the IRF Quality Reporting Program''.

DATES: This correction is effective October 1, 2026.

FOR FURTHER INFORMATION CONTACT:

IRFcoverage@cms.hhs.gov, for general information.

Kimberly Schwartz, (410) 786–2571, for information about the IRF payment policies, payment rates and coverage policies.

Patricia Taft, (410) 786–4561, for readers who experience problems accessing online IRF–PPS documents.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2026–15652 of August 3, 2026, the Inpatient Rehabilitation Facility (IRF) Prospective Payment System (PPS) for Federal Fiscal Year (FY) 2027 and Updates to the IRF Quality Reporting Program final rule (FY 2027 IRF PPS final rule) (91 FR 48982), there were a number of technical errors that are identified and corrected in this correcting document.

II. Summary of Errors

A. Summary of Errors in the Preamble

We made an inadvertent technical error when calculating the FY 2027 pre-floor, pre-reclassified IPPS wage index. Under our methodologies as finalized in the FY 2027 IPPS/Long-Term Care Hospitals (LTCH) PPS final rule, we exclude rural emergency hospitals (REHs) including hospitals that subsequently became REHs after the period from which the data were taken, from certain data and calculations used in the IPPS rate setting, including the development of the Medicare Severity Diagnosis-Related Group (MS–DRG) relative weights for FY 2027 (91 FR 49672) and the calculation of the standardized amount (91 FR 50370). In addition, we stated that any hospital that is designated as an REH by 7 days prior to the publication of the preliminary wage index public use file (PUF) is excluded from the calculation of the wage index (91 FR 49791). We inadvertently treated a current IPPS hospital (CMS Certification Number (CCN) 250078) as a hospital that had converted to REH status, thereby erroneously excluding its data from the MS–DRG relative weight calculation and the wage index. Therefore, we restored the applicable data for this hospital and recalculated the FY 2027 IPPS pre-floor, pre-reclassified hospital wage index.

As a result of this technical error that affected the FY 2027 IPPS pre-floor, pre-reclassified hospital wage index, we recalculated the affected FY 2027 IRF PPS rate-setting calculations, including all applicable budget neutrality factors and the final outlier threshold, as discussed further in section II.B. of this correcting document. The updated IPPS wage index results in changes to the FY 2027 IRF PPS final rule pages 49000 through 49005 and 49027 through 49028.

On page 49013, in section IX., ''Request for Information Regarding Future IRF Payment Reform'', we included erroneous text regarding the IRF Quality Reporting Program.

B. Summary of Errors and Corrections Posted on the CMS Website for the IRF Wage Index

After the FY 2027 IRF PPS final rule was published, we identified that the FY 2027 IPPS wage index had been calculated without data from one IPPS hospital. Specifically, the hospital (CCN 250078) was erroneously classified as an REH, excluding it from the MS–DRG relative weight calculation and the IPPS wage index. As a result, the IPPS national hourly wage required updating, which resulted in updates to the budget neutrality factors and outlier threshold for IRF. Therefore, in this document, we utilized updated IRF wage index data which include the provider. The inclusion of a revised wage index resulted in changes to the estimated payment update (section VI. of the FY 2027 IRF PPS final rule) and changes to the estimated payment impact (section XIII. of the FY 2027 IRF PPS final rule).

III. Waiver of Proposed Rulemaking and Delay in Effective Date

Section 1871(b)(1) of the Social Security Act (the Act) requires the Secretary to provide for notice of a proposed rule in the **Federal Register** and provide a period of not less than 60 days for public comment. In addition, section 1871(e)(1)(B)(i) of the Act mandates a 30-day delay in effective date after issuance or publication of a rule. Section 1871(b)(2)(C) of the Act provides an exception from the notice and 60-day comment period and delay in effective date requirements of the Act, under the good cause standard set forth in 5 U.S.C. 553(b)(B). Section 1871(e)(1)(B)(ii) of the Act provides an exception from the delay in effective date requirements of the Act as well. Section 553(b)(B) authorizes an agency to dispense with normal notice and comment rulemaking procedures for good cause if the agency makes a finding that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and includes a statement of the finding and the reasons for it in the rule. In addition, section 1871(e)(1)(B)(ii) of the Act allows the agency to avoid the 30-day delay in effective date where the waiver is necessary to comply with statutory requirements or such delay is contrary to the public interest and the agency includes in the rule a statement of the finding and the reasons for it.

In our view, this correcting document does not constitute a rulemaking that would be subject to these requirements. This document merely corrects technical errors, removes erroneous text in the IRF Request for Information in section IX. related to the IRF Quality Reporting Program and provides an updated wage index resulting in revisions to the payment updates, payment impact, and related tables in the FY 2027 IRF PPS final rule but does not make substantive changes to the policies or payment methodologies that were adopted in the FY 2027 IRF PPS final rule. The corrections contained in this document are consistent with, and

do not make substantive changes to, the policies and payment methodologies that were proposed, subject to notice and comment procedures, and adopted in the FY 2027 IRF PPS final rule. As a result, the corrections made through this document are intended to resolve inadvertent errors so that the FY 2027 IRF PPS final rule accurately reflects the policies adopted therein.

In addition, even if this were a rulemaking to which the notice and comment and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the final rule or delaying the effective date would be contrary to the public interest because it is in the public's interest for providers to receive appropriate payments in as timely a manner as possible, and to ensure that the FY 2027 IRF PPS final rule accurately reflects our policies. Furthermore, such procedures would be unnecessary, as we are not altering our payment methodologies or policies, but rather, we are simply implementing correctly the methodologies and policies that we previously proposed, requested comment on, and subsequently finalized. This final rule correction is intended solely to ensure that the FY 2027 IRF PPS final rule accurately reflects these payment methodologies and policies. Therefore, we believe we have good cause to waive the notice and comment and effective date requirements.

IV. Correction of Errors

In FR Doc. 2026–15652 of August 3, 2026, make the following corrections:

1. On page 49000,

a. Top third of the page, third column, first partial paragraph,

(1) Line 6, the figure that reads ''1.0036'' is corrected to read ''1.0035''.

(2) Line 7, the figure that reads ''$19,888'' is corrected to read ''$19,886''.

(3) Line 11, the figure that reads ''$19,868'' is corrected to read ''$19,866''.

b. Middle of the page, Table 5 titled ''Calculations to Determine the FY 2027 IRF Standard Payment Conversion Factor'', is corrected to read:

TABLE 5: Calculations to Determine the FY 2027 IRF Standard Payment Conversion Factor

Explanation for Adjustment	Calculations	
FY 2026 IRF Standard Payment Conversion Factor		$19,371
Market Basket Update for FY 2027 of 2.3 percent*	x	1.0230
Budget Neutrality Factor for the Updates to the Wage Index and Labor-Related Share	x	1.0035
Budget Neutrality Factor for the Revisions to the CMG Relative Weights	x	0.9990
FY 2027 Standard Payment Conversion Factor	=	$19,866

*Reflects a FY 2027 3.2 percent IRF market basket percentage increase reduced by 0.9 percentage point for the productivity adjustment as required by section 1886(j)(3)(C)(ii)(I) of the Act.

c. Bottom third of the page, first column, last paragraph, line 4, the figure that reads ''$19,868'' is corrected to read ''$19,866''.

2. On pages 49001 through 49003, the Table 6 titled ''FY 2027 IRF PPS Payment Rates'', is corrected to read:

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TABLE 6: FY 2027 IRF PPS Payment Rates

CMG	Payment Rate Tier 1	Payment Rate Tier 2	Payment Rate Tier 3	Payment Rate No Comorbidity
0101	$ 19,548.14	$ 16,774.85	$ 15,306.75	$ 14,680.97
0102	$ 24,913.95	$ 21,377.80	$ 19,508.41	$ 18,709.80
0103	$ 31,920.69	$ 27,391.24	$ 24,995.40	$ 23,972.30
0104	$ 40,411.42	$ 34,678.09	$ 31,644.55	$ 30,349.29
0105	$ 51,431.09	$ 44,134.31	$ 40,272.36	$ 38,625.46
0106	$ 58,700.06	$ 50,372.23	$ 45,963.96	$ 44,082.65
0201	$ 22,180.39	$ 17,497.97	$ 16,055.70	$ 15,056.44
0202	$ 27,411.11	$ 21,624.14	$ 19,842.16	$ 18,606.50
0203	$ 34,411.89	$ 27,144.90	$ 24,909.98	$ 23,358.44
0204	$ 42,568.86	$ 33,579.50	$ 30,814.15	$ 28,895.10
0205	$ 55,066.57	$ 43,437.01	$ 39,861.13	$ 37,377.88
0301	$ 24,381.54	$ 18,699.87	$ 17,563.53	$ 16,246.41
0302	$ 31,364.44	$ 24,055.74	$ 22,593.60	$ 20,901.02
0303	$ 38,081.14	$ 29,206.99	$ 27,430.97	$ 25,376.83
0304	$ 44,690.55	$ 34,276.80	$ 32,192.85	$ 29,781.12
0305	$ 48,488.93	$ 37,189.15	$ 34,928.40	$ 32,312.05
0401	$ 25,943.01	$ 22,420.77	$ 20,946.71	$ 19,097.19
0402	$ 32,339.86	$ 27,951.46	$ 26,111.87	$ 23,807.41
0403	$ 41,009.38	$ 35,442.93	$ 33,110.66	$ 30,188.37
0404	$ 62,140.85	$ 53,707.73	$ 50,173.57	$ 45,745.44
0405	$ 50,880.80	$ 43,975.38	$ 41,080.90	$ 37,455.36
0406	$ 63,718.21	$ 55,072.53	$ 51,446.98	$ 46,905.61
0407	$ 89,166.55	$ 77,066.17	$ 71,994.38	$ 65,639.25
0501	$ 25,190.09	$ 19,933.54	$ 18,749.53	$ 17,454.27
0502	$ 30,913.48	$ 24,462.99	$ 23,008.80	$ 21,421.51
0503	$ 34,868.80	$ 27,593.87	$ 25,952.94	$ 24,161.03
0504	$ 41,949.05	$ 33,196.09	$ 31,223.39	$ 29,067.93
0505	$ 58,729.86	$ 46,478.49	$ 43,715.13	$ 40,697.49
0601	$ 27,156.82	$ 19,883.88	$ 18,515.11	$ 16,979.47
0602	$ 33,796.04	$ 24,745.09	$ 23,040.59	$ 21,129.48
0603	$ 39,658.50	$ 29,038.13	$ 27,037.63	$ 24,794.75
0604	$ 50,008.68	$ 36,617.01	$ 34,094.03	$ 31,265.11
0701	$ 24,856.34	$ 19,192.54	$ 18,006.54	$ 16,687.44
0702	$ 30,875.74	$ 23,839.20	$ 22,365.14	$ 20,728.18
0703	$ 38,385.09	$ 29,638.09	$ 27,806.44	$ 25,770.18
0704	$ 47,394.32	$ 36,593.17	$ 34,332.42	$ 31,817.39
0801	$ 23,865.03	$ 19,176.65	$ 17,571.48	$ 16,691.41
0802	$ 27,109.14	$ 21,783.07	$ 19,959.37	$ 18,958.12
0803	$ 29,930.12	$ 24,049.78	$ 22,037.35	$ 20,930.82
0804	$ 34,068.20	$ 27,375.35	$ 25,084.80	$ 23,825.29
0805	$ 41,800.05	$ 33,587.45	$ 30,776.41	$ 29,232.82
0901	$ 23,940.52	$ 18,602.52	$ 17,561.54	$ 16,274.23
0902	$ 30,416.83	$ 23,636.57	$ 22,313.49	$ 20,676.53

CMG	Payment Rate Tier 1	Payment Rate Tier 2	Payment Rate Tier 3	Payment Rate No Comorbidity
0903	$ 35,893.89	$ 27,891.86	$ 26,330.40	$ 24,399.42
0904	$ 43,677.39	$ 33,941.06	$ 32,041.87	$ 29,689.74
1001	$ 24,083.55	$ 20,374.57	$ 18,217.12	$ 16,550.36
1002	$ 29,709.60	$ 25,132.48	$ 22,472.42	$ 20,416.29
1003	$ 36,253.46	$ 30,669.13	$ 27,423.03	$ 24,911.96
1004	$ 46,327.51	$ 39,189.66	$ 35,043.62	$ 31,835.27
1101	$ 24,323.93	$ 20,845.39	$ 20,040.82	$ 17,821.79
1102	$ 31,209.49	$ 26,745.60	$ 25,712.56	$ 22,865.77
1103	$ 38,679.10	$ 33,146.42	$ 31,867.05	$ 28,338.85
1201	$ 22,653.20	$ 19,536.22	$ 17,752.26	$ 16,647.71
1202	$ 28,183.89	$ 24,306.05	$ 22,087.02	$ 20,712.29
1203	$ 37,646.07	$ 32,467.00	$ 29,503.00	$ 27,665.39
1204	$ 37,397.75	$ 32,252.45	$ 29,308.31	$ 27,482.62
1301	$ 23,721.99	$ 18,223.08	$ 18,036.34	$ 16,453.02
1302	$ 31,328.68	$ 24,065.67	$ 23,819.33	$ 21,729.43
1303	$ 36,215.72	$ 27,820.35	$ 27,534.28	$ 25,118.57
1304	$ 45,284.55	$ 34,785.37	$ 34,429.76	$ 31,408.15
1305	$ 42,938.37	$ 32,983.52	$ 32,645.80	$ 29,781.12
1401	$ 22,337.33	$ 17,944.96	$ 16,379.52	$ 15,010.75
1402	$ 28,402.42	$ 22,816.10	$ 20,827.51	$ 19,085.27
1403	$ 34,590.68	$ 27,788.56	$ 25,366.90	$ 23,245.21
1404	$ 42,173.53	$ 33,879.48	$ 30,927.39	$ 28,340.84
1501	$ 26,415.82	$ 20,873.21	$ 19,744.82	$ 18,614.44
1502	$ 32,915.98	$ 26,010.55	$ 24,602.05	$ 23,195.54
1503	$ 37,689.78	$ 29,781.12	$ 28,169.99	$ 26,558.86
1504	$ 46,587.76	$ 36,813.68	$ 34,821.12	$ 32,828.57
1601	$ 23,032.64	$ 17,605.25	$ 15,996.10	$ 14,655.15
1602	$ 27,756.78	$ 21,218.87	$ 19,277.97	$ 17,662.86
1603	$ 35,973.35	$ 27,498.52	$ 24,983.48	$ 22,889.61
1604	$ 46,335.46	$ 35,421.08	$ 32,180.93	$ 29,483.13
1701	$ 28,102.44	$ 20,589.12	$ 19,071.36	$ 17,712.53
1702	$ 34,825.10	$ 25,515.89	$ 23,632.59	$ 21,949.94
1703	$ 40,637.89	$ 29,775.16	$ 27,577.98	$ 25,613.23
1704	$ 46,460.61	$ 34,040.39	$ 31,529.33	$ 29,282.48
1705	$ 55,360.58	$ 40,560.41	$ 37,568.59	$ 34,892.64
1801	$ 22,833.98	$ 18,221.10	$ 16,943.71	$ 15,630.57
1802	$ 28,781.86	$ 22,967.08	$ 21,355.95	$ 19,703.10
1803	$ 36,456.10	$ 29,091.77	$ 27,051.53	$ 24,955.67
1804	$ 41,142.49	$ 32,830.55	$ 30,528.08	$ 28,164.03
1805	$ 49,788.17	$ 39,730.01	$ 36,944.80	$ 34,082.11
1806	$ 70,619.66	$ 56,351.90	$ 52,402.53	$ 48,341.92
1901	$ 21,322.18	$ 18,930.31	$ 16,864.25	$ 16,421.24
1902	$ 31,155.85	$ 27,661.42	$ 24,641.79	$ 23,994.15
1903	$ 44,485.93	$ 39,495.59	$ 35,184.67	$ 34,258.92
1904	$ 67,522.55	$ 59,949.63	$ 53,405.77	$ 51,999.26

CMG	Payment Rate Tier 1	Payment Rate Tier 2	Payment Rate Tier 3	Payment Rate No Comorbidity
2001	$ 23,996.14	$ 18,866.74	$ 17,352.95	$ 16,115.30
2002	$ 29,721.52	$ 23,368.38	$ 21,493.03	$ 19,961.36
2003	$ 35,240.30	$ 27,707.11	$ 25,484.10	$ 23,666.37
2004	$ 42,477.48	$ 33,396.73	$ 30,716.81	$ 28,527.58
2005	$ 45,218.99	$ 35,550.21	$ 32,699.44	$ 30,367.17
2101	$ 32,248.48	$ 25,950.96	$ 24,363.66	$ 20,756.00
2102	$ 48,818.71	$ 39,287.00	$ 36,883.22	$ 31,422.05
5001	$ -	$ -	$ -	$ 3,494.43
5101	$ -	$ -	$ -	$ 17,190.05
5102	$ -	$ -	$ -	$ 38,726.78
5103	$ -	$ -	$ -	$ 18,902.50
5104	$ -	$ -	$ -	$ 45,117.67

3. On page 49003, bottom half of the page,

a. First column, last paragraph, line 10, the figure that reads ''0.8604'' is corrected to read ''0.8606''.

b. Second column, first partial paragraph, line 3, the figure that reads ''0.9326'' is corrected to read ''0.9327''.

4. On page 49004, the Table 7 titled ''Example of Computing the FY 2027 IRF Prospective Payment Rate'' is corrected to read:

TABLE 7: Example of Computing the FY 2027 IRF Prospective Payment Rate

Steps		Rural Facility A (Spencer Co., IN)		Urban Facility B (Harrison Co., IN)	
1	Unadjusted Payment		$ 30,349.29		$ 30,349.29
2	Labor-Related Share	X	0.743	X	0.743
3	Labor Portion of Payment	=	$22,549.52	=	$22,549.52
4	CBSA-Based Wage Index	X	0.8606	X	0.9327
5	Wage-Adjusted Amount	=	$19,406.12	=	$21,031.94
6	Non-Labor Amount	+	$ 7,799.77	+	$ 7,799.77
7	Wage-Adjusted Payment	=	$ 27,205.89	=	$ 28,831.71
8	Rural Adjustment	X	1.149	X	1.000
9	Wage- and Rural-Adjusted Payment	=	$31,259.56	=	$28,831.71
10	LIP Adjustment	X	1.0156	X	1.0454
11	Wage-, Rural- and LIP-Adjusted Payment	=	$31,747.21	=	$30,140.67
12	Wage- and Rural-Adjusted Payment		$31,259.56		$28,831.71
13	Teaching Status Adjustment	X	0	X	0.0784
14	Teaching Status Adjustment Amount	=	$0.00	=	$2,260.41
15	Wage-, Rural-, and LIP-Adjusted Payment	+	$31,747.21	+	$30,140.67
16	Total Adjusted Payment	=	$31,747.21	=	$32,401.07

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5. On page 49004, middle of the page, first column, first paragraph,

a. Line 2, the figure that reads ''$31,745.14'' is corrected to read ''$31,747.21''.

b. Line 4, the figure that reads ''$32,401.79'' is corrected to read ''$32,401.07''.

6. On page 49005, second column, last paragraph, line 4, the figure that reads ''$8,857'' is corrected to read ''$8,856''.

7. On page 49013, column 2, lines 5 through 13, remove the phrase ''The recommended deadlines of 60 or 90 days after the end of the quarter would not achieve our goal of providing more timely data to consumers and IRFs, as posting of public reporting would fall into the same quarterly refresh that it is in currently. For example, for Q1 groupings.''.

8. On pages 49027 and 49028, Table 14 titled ''IRF Impact for FY 2027 (Columns 4 through 7 in Percentages)'', is corrected to read:

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TABLE 14: IRF Impact for FY 2027 (Columns 4 through 7 in Percentages)

Facility Classification	Number of IRFs	Number of Cases	Outlier	FY 2027 Labor-Related Share & FY 2027 Wage Index	CMG Weights	Total Percent Change [1]
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Total	1,178	475,801	0.4	0.0	0.0	2.7
Urban unit	647	149,666	0.9	0.1	0.0	3.4
Rural unit	127	16,835	0.7	0.4	-0.1	3.3
Urban hospital	390	300,932	0.1	-0.1	0.0	2.3
Rural hospital	14	8,368	0.1	0.8	-0.1	3.1
Urban For-Profit	501	300,739	0.2	-0.1	0.0	2.4
Rural For-Profit	39	12,217	0.3	0.6	-0.1	3.1
Urban Non-Profit	459	131,362	0.8	0.0	0.0	3.1
Rural Non-Profit	84	11,062	0.7	0.4	-0.1	3.3
Urban Government	77	18,497	0.9	0.5	0.0	3.8
Rural Government	18	1,924	0.6	0.5	-0.1	3.4
Urban	1,037	450,598	0.4	0.0	0.0	2.7
Rural	141	25,203	0.5	0.5	-0.1	3.2
Urban by region						
Urban New England	31	17,286	0.3	0.3	0.0	2.9
Urban Middle Atlantic	111	43,867	0.6	0.4	0.0	3.3
Urban South Atlantic	198	110,174	0.3	0.0	0.0	2.6
Urban East North Central	165	53,016	0.4	-0.2	0.0	2.5
Urban East South Central	55	30,724	0.2	-0.7	0.0	1.7
Urban West North Central	79	27,000	0.4	0.7	0.0	3.4
Urban West South Central	214	99,449	0.2	-0.3	0.0	2.2
Urban Mountain	85	39,741	0.3	-0.1	0.0	2.5
Urban Pacific	99	29,341	1.1	0.3	0.1	3.8
Rural by region						
Rural New England	5	1,043	0.6	2.5	0.0	5.5

Facility Classification	Number of IRFs	Number of Cases	Outlier	FY 2027 Labor-Related Share & FY 2027 Wage Index	CMG Weights	Total Percent Change [1]
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Rural Middle Atlantic	11	1,437	0.5	0.5	-0.2	3.1
Rural South Atlantic	16	6,737	0.1	1.1	-0.2	3.4
Rural East North Central	22	3,010	0.7	0.7	-0.1	3.7
Rural East South Central	18	3,174	0.4	0.5	0.0	3.2
Rural West North Central	18	2,351	0.9	0.3	-0.1	3.5
Rural West South Central	44	7,084	0.6	-0.3	-0.1	2.4
Rural Mountain	5	254	1.3	-0.7	0.0	2.9
Rural Pacific	2	113	1.7	-0.7	-0.3	3.0
Teaching status						
Non-teaching	1,074	422,778	0.4	-0.1	0.0	2.6
Resident to ADC less than 10%	63	38,803	0.5	0.5	0.0	3.4
Resident to ADC 10%-19%	31	11,878	1.0	0.7	0.1	4.2
Resident to ADC greater than 19%	10	2,342	0.6	0.4	0.0	3.3
Disproportionate share patient percentage (DSH PP)						
DSH PP = 0%	42	8,467	0.8	0.0	0.0	3.1
DSH PP <5%	234	132,788	0.2	-0.1	0.0	2.3
DSH PP 5%-10%	286	121,549	0.3	0.0	0.0	2.5
DSH PP 10%-20%	372	146,003	0.5	0.2	0.0	3.0
DSH PP greater than 20%	244	66,994	0.7	-0.2	0.1	2.9

[1]This column includes the impact of the updates in columns (4), (5), and (6) above, and of the IRF market basket update for FY 2027 of 3.2 percent, reduced by 0.9 percentage point for the productivity adjustment as required by section 1886(j)(3)(C)(ii)(I) of the Act. Note, the products of these impacts may be different from the percentage changes shown here due to rounding effects.

9. On page 49028, middle of the page, first column, second paragraph, line 10, the figure that reads ''$8,857'' is corrected to read ''$8,856''.

Liesl I. Fowler,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2026–20131 Filed 9–30–26; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 51 and 63

[WC Docket Nos. 25–208, 25–209; FCC 26–19; FR ID 370342] Reducing Barriers to Network Improvements and Service Changes, Accelerating Network Modernization

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Wireline Competition Bureau (Bureau) announces that the Office of Management and Budget (OMB) has approved the information collection associated with the Commission's revised network change disclosure and service discontinuance rules in a Report and Order, which stated that the revised rules would not become effective until OMB completed its review of any information collection requirements under the Paperwork Reduction Act and that the Bureau would announce the

effective date for the revised rules by subsequent Public Notice.

DATES: The amendments to §§ 51.329, 51.333, 63.60, 63.62(a), (b), and (d), 63.63, 63.71, and 63.602, published at 91 FR 20913, April 20, 2026, are effective on October 15, 2026.

FOR FURTHER INFORMATION CONTACT: Michele Berlove, Assistant Division Chief, Wireline Competition Bureau, at (202) 418–0357, or by email at *Michele.Berlove@fcc.gov.* For additional information concerning the Paperwork Reduction Act information collection requirements, contact Nicole Ongele at (202) 418–2991 or *nicole.ongele@fcc.gov.*

SUPPLEMENTARY INFORMATION: On March 26, 2026, the Commission adopted a *Report and Order,* FCC 26–19, published at 91 FR 20913, April 20, 2026. In the *Report and Order,* the Commission adopted rules to reduce regulatory barriers and costs that hinder the transition from outdated legacy networks and services to next-generation, Internet Protocol (IP)-based infrastructure. The Commission stated that these rule changes may contain new or modified information collection requirements and would not become effective until OMB completes its review of any information collection requirements that the Bureau determined is required under the Paperwork Reduction Act. The Commission also directed the Bureau to announce the effective date for the revisions to §§ 51.329, 51.333, 63.60, 63.62(a)–(b), (d), 63.63, 63.71, and 63.602 by subsequent public notice.

On September 21, 2026, OMB approved the information collection requirements related to the discontinuance rules contained in the *Report and Order.* The OMB Control Number is 3060–0149. On September 25, 2026, OMB approved the information collection requirements related to the network change disclosure rules contained in the *Report and Order.* The OMB Control Number is 3060–0741. The Bureau publishes this document as an announcement of the effective dates of the service discontinuance rules and network change disclosure rules adopted in the *Report and Order.* If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, 45 L Street NE, Washington, DC 20554. Please include the OMB Control Numbers 3060–0741 and 3060–0149 in your correspondence. The Commission also will accept your comments via email at *PRA@fcc.gov.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Bureau is notifying the public that it received final OMB approval on September 25, 2026, for the information collection requirements contained in the changes to the Commission's network change disclosure rules in 47 CFR part 51, and on September 21, 2026, for the information collection requirements contained in the changes to the Commission's service discontinuance rules in 47 CFR part 63.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number.

The foregoing notification is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the affected respondents are as follows:

OMB Control Number: 3060–0741.

OMB Approval Date: September 25, 2026.

OMB Expiration Date: September 30, 2029.

Title: Reducing Barriers to Network Improvements and Service Changes, Accelerating Network Modernization, WC Docket Nos. 25–209, 25–208.

Form Number: N/A.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 4,452 respondents; 450,838 responses.

Estimated Time per Response: 0.5–4.5 hours.

Frequency of Response: On occasion reporting requirements; recordkeeping and third-party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 222 and 251.

Total Annual Burden: 452,623 hours.

Total Annual Cost: No cost.

Needs and Uses: The Commission received OMB approval for revisions to an existing information collection, OMB Collection 3060–0741. Section 251 of the Communications Act of 1934, as amended, 47 U.S.C. 251, is designed to accelerate private sector development and deployment of telecommunications technologies and services by spurring competition. Section 222(e) is also designed to spur competition by prescribing requirements for the sharing of subscriber list information. These information collection requirements are designed to help implement certain provisions of sections 222(e) and 251, and to eliminate operational barriers to competition in the telecommunications services market. Specifically, these information collection requirements will be used to implement (1) local exchange carriers' (LECs) obligations to provide their competitors with dialing parity and non-discriminatory access to certain services and functionalities; (2) incumbent local exchange carriers' (ILECs) duty to make network information disclosures; and (3) numbering administration. In November 2017, the Commission adopted new rules concerning certain information collection requirements implemented under section 251(c)(5) of the Act, pertaining to network change disclosures. Most of the changes to those rules applied specifically to a certain subset of network change disclosures, namely notices of planned copper retirements. In addition, the changes removed a rule that prohibits incumbent LECs from engaging in useful advanced coordination with entities affected by network changes. In June 2018, the Commission revised its network change disclosure rules to (1) revise the types of network changes that trigger an incumbent LEC's public notice obligation, and (2) extend the force majeure provisions applicable to copper retirements to all types of network changes. On March 26, 2026, the Commission adopted a *Report and Order* that modified certain recordkeeping or reporting requirements that relate to the obligations of ILECs planning to retire copper communications facilities or make other changes to their networks that might impact interoperability. Specifically, the Commission: (1) eliminated all filing requirements in the Commission's network change disclosure rules and the Commission's process of issuing public notices for short-term network changes and copper retirements and the associated objection process for interconnected service providers, (2) required that the method of notice the incumbent LEC uses be publicly accessible, and (3) expanded the direct notice requirement for copper

retirements and short-term network changes to include 911 service providers and directly interconnecting LECs that support essential functions within 911 networks, including providers delivering 911 traffic to selective routers for transmission to public safety answering points. The changes were aimed at removing unnecessary regulatory barriers to the deployment of high-speed broadband networks while providing reasonable public notice of planned network changes to impacted stakeholders and ensuring continued 911 connectivity.

The total annual reporting burdens and costs for the affected respondents are as follows:

OMB Control Number: 3060–0149.

OMB Approval Date: September 21, 2026.

OMB Expiration Date: September 30, 2029.

Title: Part 63, Reducing Barriers to Network Improvements and Service Changes, Accelerating Network Modernization, WC Docket Nos. 25–208, 25–209, FCC 26–19. Form Number: N/A.

Respondents: Business or other for profit.

Number of Respondents and Responses: 78 respondents; 90 responses.

Estimated Time per Response: 6–10 hours per response.

Frequency of Response: One-time reporting requirement and third-party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. 214 and 402 of the Communications Act of 1934, as amended.

Total Annual Burden: 648 hours.

Total Annual Cost: No Cost.

Needs and Uses: The Commission received OMB approval for revisions to an existing information collection, OMB Collection 3060–0149. Section 214 of the Communications Act of 1934, as amended, requires that a carrier must first obtain FCC authorization either to (1) construct, operate, or engage in transmission over a line of communications; or (2) discontinue, reduce or impair service over a line of communications. Part 63 of Title 47 of the Code of Federal Regulations (CFR) implements Section 214. Part 63 also implements provisions of the Cable Communications Policy Act of 1984 pertaining to video which was approved under this OMB Control Number 3060–0149. In 2009, the Commission modified Part 63 to extend to providers of interconnected Voice of internet Protocol (VoIP) service the discontinuance obligations that apply to domestic non-dominant telecommunications carriers under Section 214 of the Communications Act of 1934, as amended. In 2014, the Commission adopted improved administrative filing procedures for domestic transfers of control, domestic discontinuances and notices of network changes, and among other adjustments, modified Part 63 to require electronic filing for applications for authorization to discontinue, reduce, or impair service under Section 214(a) of the Act. In July 2016, the Commission concluded that applicants seeking to discontinue a legacy time division multiplexing (TDM)-based voice service as part of a transition to a new technology, whether internet Protocol (IP), wireless, or another type (technology transition discontinuance application) must demonstrate that an adequate replacement for the legacy service exists in order to be eligible for streamlined treatment and revised part 63 accordingly. The Commission concluded that an applicant for a technology transition discontinuance may demonstrate that a service is an adequate replacement for a legacy voice service by certifying or showing that one or more replacement service(s) offers all of the following: (i) Substantially similar levels of network infrastructure and service quality as the applicant service; (ii) compliance with existing federal and/or industry standards required to ensure that critical applications such as 911, network security, and applications for individuals with disabilities remain available; and (iii) interoperability and compatibility with an enumerated list of applications and functionalities determined to be key to consumers and competitors (the ''adequate replacement test''). In November 2017, the Commission further modified the rules applicable to Section 214(a) discontinuance applications by (1) expediting applications that ''grandfather'' low speed legacy services for existing customers; (2) expediting applications to discontinue previously grandfathered legacy data services; and (3) expediting applications to discontinue legacy voice or data services below 1.544 Mbps for which the carrier has had no customers and no request for service for at least a 30-day period immediately preceding submission of the application. In June 2018, the Commission again modified the rules applicable to Section 214(a) discontinuance applications. First, all carriers, whether dominant or non-dominant, that seek approval to grandfather data services below speeds of 25 Mbps download speed and 3 Mbps upload speed are subject to a uniform reduced public comment period of 10 days and an automatic grant period of 25 days. Second, all carriers, whether dominant or nondominant, seeking authorization to discontinue data services below speeds of 25 Mbps download speed and 3 Mbps upload speed that have previously been grandfathered for a period of at least 180 days are subject to a uniform reduced public comment period of 10 days and an automatic grant period of 31 days, provided they submit a statement as part of their discontinuance application that they have received Commission authority to grandfather the services at issue at least 180 days prior to the filing of the discontinuance application. The statement must reference the file number of the prior Commission authorization to grandfather the services the carrier then seeks to permanently discontinue. Third, carriers are no longer required to file an application to discontinue, reduce, or impair any service for which it has had no customers and no request for service for at least a 30-day period immediately preceding the discontinuance. Fourth, all carriers, whether dominant or nondominant, that seek approval to discontinue legacy voice service can obtain further streamlined processing with a public comment period of 15 days and an automatic grant period of 31 days, provided (1) they offer a standalone interconnected VoIP service throughout the service area, and (2) at least one alternative stand-alone, facilities-based voice service is available from an unaffiliated provider throughout the affected service area (the ''alternative options test''). Finally, all carriers, whether dominant or nondominant, that seek approval to grandfather legacy voice service are subject to a uniform reduced public comment period of 10 days and an automatic grant period of 25 days. Certain rules are now modified as described below. In March 2026, the Commission further modified the rules applicable to Section 214(a) discontinuance applications by: (1) adopting one consolidated rule applicable to all technology transitions discontinuance applications, whereby an application to discontinue a currently offered retail voice service as part of a technology transition is eligible for streamlined processing if the applicant certifies that one or more of five specified categories of replacement services is available in every location throughout the affected service area; (2) granting blanket section 214(a) authority

for carriers to grandfather legacy voices services, lower-speed data telecommunications services (defined as those operating at speeds below 25/3 Mbps), and interconnected Voice over internet Protocol (VoIP) service provisioned over copper wire, thus eliminating the need for carriers to file a section 214(a) application when grandfathering these services; (3) adopting requirements providing that carriers seeking authority to discontinue a service supporting interconnection trunks or the exchange of traffic must specifically identify the service to be discontinued, not just the branded name of the service being discontinued, and that they must include in such discontinuance applications a statement that at least 90 days prior to the planned discontinuance filing, the carrier provided a designated point of contact with authority to facilitate the orderly transition from legacy facilities that support 911 to the 911 Authorities, 911 service providers, and directly interconnecting local exchange service providers that support essential functions within 911 networks, including delivering 911 traffic to selective routers for transmission to public safety answering points (PSAPs) in the affected service area for coordination of the transition to ensure continued 911 connectivity, and a list of providers that received notice in the affected service area with which the carrier has coordinated and the date(s) of that coordination; (4) granting conditional forbearance relief from section 214(a) discontinuance requirements for resellers discontinuing resold services where the reseller's wholesale provider is engaging in a technology transitions discontinuance, with the condition that the discontinuing resellers provide reasonable notice to their customers; (5) applying the 31-day automatic grant period to all discontinuance applications; (6) setting forth content requirements for discontinuance applications; and (6) providing that a carrier may permanently discontinue a service after a showing that it has previously obtained emergency discontinuance authority for the service in question, that the service is one for which the requesting carrier has had no customers or reasonable requests for service during the 60-day period immediately preceding the permanent discontinuance, and that an adequate replacement service is available throughout the affected service area. The Commission also eliminated 47 CFR 63.66, 63.90, 63.100, 63.504, 63.601, and 63.602, and revised 47 CFR 63.60, 63.62, and 63.63 to account for any references or cross-references in those sections caused by the elimination of the previously enumerated rule provisions.

List of Subjects

47 CFR Part 51

Communications, Communications common carriers, Telecommunications, Telephone.

47 CFR Part 63

Authority delegations (Government agencies), Cable television, Communications, Communications common carriers, Organization and functions (Government agencies), Radio, Reporting and recordkeeping requirements, Telegraph, Telephone.

Federal Communications Commission,

Marlene Dortch,

Secretary, Office of the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 51 and 63 as follows:

PART 51—INTERCONNECTION

■ 1. The authority citation for part 51 continues to read as follows:

Authority: 47 U.S.C. 151–55, 201–05, 207–09, 218, 225–27, 251–52, 271, 332 unless otherwise noted.

■ 2. Amend § 51.329 by:
■ a. Revising paragraph (a); and
■ b. Removing paragraph (c).
The revision reads as follows:

§ 51.329 Notice of network changes: Methods for providing notice.

(a) An incumbent LEC may provide the required notice to the public of network changes through publicly accessible industry fora, industry publications, or the incumbent LEC's website.

* * * * *

■ 3. Amend § 51.333 by:
■ a. Revising the section heading and paragraph (a);
■ b. Removing paragraphs (b) through (f);
■ c. Redesignating paragraph (g) as paragraph (b);
■ d. Removing newly redesignated paragraph (b)(1)(iii);
■ e. Further redesignating newly redesignated paragraphs (b)(1)(iv) and (v) as paragraphs (b)(1)(iii) through (iv); and
■ f. Revising newly redesignated paragraph (b)(2)(i) and (ii).
The revisions read as follows:

§ 51.333 Notice of network changes: Short-term network changes and copper retirement.

(a) *Direct notice.* If an incumbent LEC wishes to provide less than six months' notice of planned network changes, or provide notice of a planned copper retirement, the incumbent LEC must serve a copy of its public notice upon each telephone exchange service provider that directly interconnects with the incumbent LEC's network, 911 service providers, and directly interconnecting local exchange service providers that support essential functions within 911 networks in the affected service areas, provided that, with respect to copper retirement notices, such service may be made by postings on the incumbent LEC's website if the directly interconnecting telephone exchange service provider has agreed to receive notice by website postings. For purposes of this section, ''911 service provider'' is defined as an entity that provides 911, E911, or NG911 capabilities such as call routing, automatic location information, automatic number identification, or the functional equivalent of those capabilities, directly to a public safety answering point (PSAP), statewide default answering point, or appropriate local emergency authority as defined in § 9.3 of this chapter; and/or operates one or more central offices that directly serve a PSAP.

(1) An incumbent LEC must provide the required direct notice of a short-term network change at least 10 days prior to implementation.

(2) An incumbent LEC must provide direct notice of a planned copper retirement at least 90 days prior to implementation, except that it must provide direct notice of a planned copper retirement involving copper facilities not being used to provision services to any customers at least 15 days prior to implementation.

(b) * * *

(2) * * *

(i) Notwithstanding the requirements of this section, if in response to circumstances outside of its control other than a force majeure event addressed in paragraph (b)(1) of this section, an incumbent LEC cannot comply with the timing requirement set forth in paragraph (a) of this section, hereinafter referred to as the waiting period, the incumbent LEC must give notice of the network change as soon as practicable.

(ii) A short-term network change or copper retirement notice subject to paragraph (b)(2) of this section must include a brief explanation of the circumstances necessitating the reduced

waiting period and how the incumbent LEC intends to minimize the impact of the reduced waiting period on directly interconnected telephone exchange service providers.

* * * * *

PART 63—EXTENSION OF LINES, NEW LINES, AND DISCONTINUANCE, REDUCTION, OUTAGE AND IMPAIRMENT OF SERVICE BY COMMON CARRIERS; AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS

■ 4. The authority citation for part 63 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 154(j), 160, 201–205, 214, 218, 403, 571, unless otherwise noted.

■ 5. Amend § 63.60 by revising paragraphs (a), (b)(1) and (2), (c), and (g) to read as follows:

§ 63.60 Definitions.

* * * * *

(a) For the purposes of §§ 63.60 through 63.71, the term ''carrier,'' when used to refer either to all telecommunications carriers or more specifically to non-dominant telecommunications carriers, shall include interconnected VoIP providers.

(b) * * *

(1) The closure by a carrier of a telephone exchange rendering interstate or foreign telephone toll service, or a public toll station serving a community or part of a community.

(2) The reduction in hours of service by a carrier at a telephone exchange rendering interstate or foreign telephone toll service or at any public toll station (except at a toll station at which the availability of service to the public during any specific hours is subject to the control of the agent or other persons controlling the premises on which such office or toll station is located and is not subject to the control of such carrier); the term reduction in hours of service does not include a shift in hours which does not result in any reduction in the number of hours of service.

* * * * *

(c) *Emergency discontinuance, reduction, or impairment of service* means any discontinuance, reduction, or impairment of the service of a carrier occasioned by conditions beyond the control of such carrier where the original service is not restored or comparable service is not established within a reasonable time. For the purpose of this part, a reasonable time shall be deemed to be a period not in excess of 60 days.

* * * * *

(g) For the purposes of §§ 63.60 through 63.71, the term ''service,'' when used to refer to a real-time, two-way voice communications service, shall include interconnected VoIP service as that term is defined in § 9.3 of this chapter but shall not include any interconnected VoIP service that is a ''mobile service'' as defined in § 20.3 of this chapter.

* * * * *

■ 6. Amend § 63.62 by revising the introductory text and paragraphs (a), (b), and (d) to read as follows:

§ 63.62 Type of discontinuance, reduction, or impairment of telephone service requiring formal application.

Authority for the following types of discontinuance, reduction, or impairment of service shall be requested by formal application containing the information required by the Commission in the appropriate sections to this part, including § 63.505, or in emergency cases (as defined in § 63.60(b)) as provided in § 63.63:

(a) The dismantling or removal of a trunk line (for contents of application see §§ 63.71 and 63.500) for all domestic carriers and for dominant international carriers except as modified in § 63.19;

(b) The severance of physical connection or the termination or suspension of the interchange of traffic with another carrier (for contents of application see §§ 63.71 and 63.501);

* * * * *

(d) The closure of a public toll station where no other such toll station of the applicant in the community will continue service (for contents of application, see § 63.505): *Provided, however,* That no application shall be required under this part with respect to the closure of a toll station located in a community where telephone toll service is otherwise available to the public through a telephone exchange connected with the toll lines of a carrier;

* * * * *

■ 7. Amend § 63.63 by revising introductory text of paragraph (a) and paragraph (b) to read as follows:

§ 63.63 Emergency discontinuance, reduction or impairment of service.

(a) Application for authority for emergency discontinuance, reduction, or impairment of service shall be made by electronically filing an informal request through the ''Submit a Non-Docketed Filing'' module of the Commission's Electronic Comment Filing System. Such requests shall be made as soon as practicable but not later than 65 days after the occurrence of the conditions which have occasioned the discontinuance, reduction, or impairment. The request shall make reference to this section and show the following:

* * * * *

(b) Authority for the emergency discontinuance, reduction, or impairment of service for a period of 60 days shall be deemed to have been granted by the Commission effective as of the date of the filing of the request unless, on or before the 15th day after the date of filing, the Commission shall notify the carrier to the contrary. Renewal of such authority may be requested by letter, filed with the Commission not later than 10 days prior to the expiration of such 60-day period, making reference to this section and showing that such conditions may reasonably be expected to continue for a further period and what efforts the applicant has made to restore the original or establish comparable service. If the same or comparable service is reestablished before the termination of the emergency authorization, the carrier shall notify the Commission promptly. However, the Commission may, upon specific request of the carrier and upon a proper showing, contained in such informal request or in the initial application, authorize such discontinuance, reduction, or impairment of service for an indefinite period or permanently. In addition, the carrier may permanently discontinue, reduce, or impair a service for which it has received authority for emergency discontinuance, reduction, or impairment upon a showing that:

(1) It has had no customers or reasonable requests for service during the 60-day period immediately preceding the discontinuance; and

(2) An adequate replacement service is available throughout the affected service area.

■ 8. Amend § 63.71 by:

■ a. Revising paragraph (a)(5);

■ b. Removing paragraphs (a)(6) and (c)(4);

■ c. Redesignating paragraphs (c)(2), (3), and (5) as paragraphs (c)(3), (4), and (9);

■ d. Adding new paragraphs (c)(2) and (5) and paragraphs (c)(6) through (8);

■ e. Revising paragraph (f);

■ f. Removing paragraphs (h) and (l);

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

■ h. Revising newly redesignated paragraphs (h) and (j); and

■ i. Adding new paragraph (k).

The revisions and additions read as follows:

§ 63.71 Procedures for discontinuance, reduction or impairment of service by domestic carriers.

(a) * * *

(5) One of the following statements:

(i) The following statement: The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. You may file your comments electronically through the FCC's Electronic Comment Filing System using the docket number established in the Commission's public notice for this proceeding, or you may address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of (carrier's name). Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.

(ii) For discontinuances involving technology transitions, as defined in § 63.60(i), in addition to the statement required by paragraph (a)(5)(i) of this section, specific information as to how a customer who wants to object to or comment on the proposed discontinuance of service will be able to do so, including but not limited to providing the master docket number established by the Wireline Competition Bureau for such objections and comments and the web page(s) identified by the Wireline Competition Bureau for further guidance and resources to file an objection or comment.

* * * * *

(c) * * *

(2) For technology transitions discontinuance applications, as defined in § 63.60(i):

(i) Statement identifying the application as involving a technology transition;

(ii) Statement of the difference in price, if any, between the service being discontinued and replacement services available in the affected service area; and

(iii) Brief description of the affected community or part of a community, including the population size and any relevant characteristics of the customer population affected;

* * * * *

(5) Brief description of replacement services, whether available from the applicant or third parties, that would remain in the affected community or part of the affected community in the event the application is granted, including the name of any other carrier(s) providing replacement services to the affected community, and where in the affected community those services are available;

(6) Statement of the factors otherwise showing that neither the present nor future public convenience and necessity would be adversely affected by the granting of the application;

(7) For applications to discontinue a service supporting interconnection trunks or the exchange of traffic, in addition to the requirements set forth in §§ 63.500 and 63.501:

(i) Specific identity of the type of service to be discontinued in addition to any branded name of the service being discontinued;

(ii) Statement that at least 90 days prior to the planned discontinuance, the carrier provided a designated point of contact with authority to facilitate the orderly transition from legacy facilities that support 911 to the 911 Authorities, as defined in § 9.28 of this chapter, 911 service providers, and local exchange service providers that support essential functions within 911 networks in the affected service area. For purposes of this section, ''911 service provider'' is defined as an entity that provides 911, E911, or NG911 capabilities such as call routing, automatic location information, automatic number identification, or the functional equivalent of those capabilities, directly to a public safety answering point (PSAP), statewide default answering point, or appropriate local emergency authority as defined in § 9.3 of this chapter; and/or operates one or more central offices that directly serve a PSAP; and

(iii) List of the 911 Authorities, 911 service provider, and local exchange service providers that support essential functions within 911 networks in the affected service areas with which the carrier has coordinated and the date(s) of that coordination;

(8) A certification, executed by an officer or other authorized representative of the applicant and meeting the requirements of § 1.16 of this chapter, that the information required by this section is true and accurate; and

* * * * *

(f)(1) The application to discontinue, reduce, or impair service that does not constitute a technology transition or, if constituting a technology transition, meets the requirements of paragraph (f)(2) of this section, shall be automatically granted on the 31st day after its filing with the Commission without any Commission notification to the applicant unless the Commission has notified the applicant that the grant will not be automatically effective. For purposes of this section, an application will be deemed filed on the date the Commission releases public notice of the filing.

(2) An application to discontinue, reduce, or impair an existing retail service as part of a technology transition, as defined in § 63.60(i), may be automatically granted only if the applicant certifies that in every location throughout the affected service area, at least one of the following types of services is available:

(i) A facilities-based interconnected VoIP service, as defined in § 9.3 of this chapter;

(ii) A facilities-based mobile wireless service operating at speeds of at least 5 Mbps download and 1 Mbps upload, consistent with the coverage parameters set forth in § 1.7004(c)(3) of this chapter;

(iii) A voice service offered pursuant to an obligation from one of the Commission's modernized high-cost support programs;

(iv) A voice service already available from the applicant in the affected service area that that the applicant certifies offers substantially similar levels of network performance and availability as the legacy voice service being discontinued based on the applicant's own internal network testing in connection with rolling out a new product or service, provides access to 911 and complies with applicable 911 requirements in part 9 of this title, and permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network or any successor network that utilizes numbers issued pursuant to the North American Numbering Plan and supports access to 911 and complies with applicable 911 requirements in part 9 of this title; or

(v) A widely available alternative service offered by a third party that the applicant certifies offers substantially similar levels of network performance and availability as the legacy voice service being discontinued, and permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network or any successor network that utilizes numbers issued pursuant to the

North American Numbering Plan and supports access to 911 and complies with applicable 911 requirements in part 9 of this title.

* * * * *

(h) An application to discontinue, reduce, or impair a service filed by a competitive local exchange carrier in response to a copper retirement notice provided pursuant to § 51.333 of this chapter shall be automatically granted on the effective date of the copper retirement; provided that:

(1) The competitive local exchange carrier submits the application to the Commission for filing at least 40 days prior to the copper retirement effective date; and

(2) The application includes a certification, executed by an officer or other authorized representative of the applicant and meeting the requirements of § 1.16 of this chapter, that the copper retirement is the basis for the application and that the applicant has notified and coordinated with all 911 Authorities as defined in § 9.28 of this chapter with jurisdiction within the affected service area.

* * * * *

(j)(1) Notwithstanding any other provision of this section, a carrier is not required to file an application to grandfather a legacy voice service, lower-speed data service, or interconnected VoIP service provisioned over copper wire; however, it must provide notice to existing customers that it is grandfathering a service they current receive from that carrier. Such notice shall include:

(i) An approximate date by which it intends to seek to permanently discontinue the service; and

(ii) A statement regarding alternative services available in the affected service area.

(2) For purposes of this paragraph (j), ''lower-speed data service'' is defined as a data service operating at speeds below 25 Mbps download and 3 Mbps upload.

(k) Notwithstanding any other provision of this section, where a wholesale provider is engaging in a technology transitions discontinuance of a legacy voice service resold by another provider, the reseller is not required to file an application to discontinue the resold service, except that the reseller must provide notice to its customers, as soon as practicable, that it will no longer be able to provide the relevant legacy voice service. Such notice shall be via any means to which the customer has previously provided express, verifiable approval. Notice shall include the following:

(1) Name and address of carrier;

(2) Date of planned service discontinuance, reduction or impairment;

(3) Points of geographic areas of service affected;

(4) Brief description of type of service affected; and

(5) Statement regarding the availability of alternative services in the affected service area.

§ 63.602 [Removed and Reserved]

■ 9. Remove and reserve § 63.602.

[FR Doc. 2026–20192 Filed 9–30–26; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 260911–0004]

RIN 0648–BN73

Pacific Island Fisheries; Annual Catch Limit and Accountability Measures for Mariana Bottomfish Management Unit Species in the Guam Management Subarea

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

ACTION: Final rule.

SUMMARY: NMFS is modifying the annual catch limit (ACL) and accountability measures (AM) for Mariana bottomfish management unit species (MUS) in the Guam Management Subarea (the fishery). The rule increases the ACL from 31,000 pounds (lb) (14,061 kilograms (kg)) to 34,500 lb (15,649 kg), replaces the in-season AM with a post-season overage adjustment if the average catch from the most recent 3 years exceeds the ACL, and removes the higher performance standard that closes the fishery in Federal waters for any overage. The rule is based on the best available scientific, commercial, and other information about the fishery, and supports rebuilding of the fishery.

DATES: The final rule is effective November 2, 2026.

ADDRESSES: Copies of the Fishery Ecosystem Plan for the Mariana Archipelago (FEP) are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel. 808–522–8220, fax 808–522–8226, or *https://www.wpcouncil.org.*

Copies of the environmental analyses and other supporting documents for this action are available from *https://www.regulations.gov/docket/NOAA-NMFS-2025-0504,* or from Sarah J. Malloy, Regional Administrator, NMFS Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

FOR FURTHER INFORMATION CONTACT: Keith Kamikawa, NMFS PIRO Sustainable Fisheries, 808–725–5177.

SUPPLEMENTARY INFORMATION: NMFS and the Council manage bottomfish fishing in Federal waters around Guam in accordance with the FEP, as authorized by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Council recommended the subject action at its 201st meeting in December 2024, based on: (1) a 2024 stock assessment update for Mariana bottomfish MUS in Guam; (2) consideration of the best scientific, commercial, and other information about the fishery; (3) a review from the Council's Scientific and Statistical Committee; and (4) input from the public. Accordingly, NMFS implements this action under section 303(c) and section 304(b) of the Magnuson-Stevens Act.

The fishery targets 13 species of bottomfish that are managed as a multi-species stock complex. Accordingly, stock status and management measures such as ACLs and AMs are applied to the stock complex rather than to individual species. NMFS determined the stock complex was overfished but not experiencing overfishing (85 FR 26940, May 6, 2020), and it has been subject to a rebuilding plan with an ACL of 31,000 lb (14,061 kg) since 2022 (87 FR 9271, February 18, 2022). An updated stock assessment completed in 2024 by the NMFS Pacific Islands Fisheries Science Center found that the stock was no longer overfished and continued to not experience overfishing. However, while stock biomass had increased above the ''minimum stock size threshold'' for the overfished condition, it had not increased to the biomass that would produce maximum sustainable yield. This means the stock is not yet fully rebuilt, so NMFS and the Council continue to manage the fishery under the rebuilding plan with a target time to rebuild by 2031. The stock assessment update also provided new projections showing the stock could support moderately larger catches and still rebuild by 2031.

The subject action will also remove the in-season AM that would close the fishery in Federal waters if NMFS projects catch will reach the ACL

because NMFS and the Council found that available data systems do not allow for accurate in-season tracking and projections. The rule would implement a post-season AM in place of the in-season AM. Under the post-season AM, if the average catch from the most recent 3-year period exceeds the ACL, the ACL will be reduced in the subsequent fishing year by the amount of the overage to mitigate potential effects to the stock. NMFS would conduct a subsequent rulemaking action to implement the overage adjustment, if necessary. The rule would also remove the higher performance standard that requires NMFS to close the fishery in Federal waters indefinitely in response to any exceedance of the ACL. Fishery management would revert to the performance standard described in the FEP, which requires the Council to re-evaluate AMs if the ACL is exceeded twice in a 4-year period.

As described in the Environmental Assessment (EA), NMFS does not expect this rule to result in a change in fishing operations, or other changes to the conduct of the fishery that would result in significant environmental impacts. Additional background information on this action can be found in the preamble to the proposed rule published on April 23, 2026 (91 FR 21782) (the proposed rule).

Comments and Responses

On April 23, 2026, NMFS published the proposed rule, draft EA, and Regulatory Impact Review for public comment (91 FR 21782). The comment period ended on May 26, 2026, and NMFS received comments from two individuals. NMFS did not receive any comments from fishery management agencies, nongovernmental organizations, or from individuals who identified themselves as fishery participants.

Comment 1: One commenter generally expressed concern regarding the welfare of fish, stating that fishing causes pain, and requested a stop to fishing activities.

Response 1: The comment did not identify a conservation, sustainability, or legal rationale to alter the rule under consideration. NMFS acknowledges the need to balance various fisheries issues, and is mandated under the Magnuson-Stevens Act to prevent overfishing while providing resources to consumers. Catch limits, accountability measures, monitoring, and EAs ensure the long-term sustainability of the fishery and resource availability for the communities that depend on seafood in the Pacific Islands region.

Comment 2: One commenter suggested that NMFS had not considered or documented consideration of the Magnuson-Stevens Act and other applicable laws appropriately in the proposed rule.

Response 2: NMFS disagrees. In developing the proposed rule and this final rule, we appropriately considered the Magnuson-Stevens Act and applicable laws, regulations and policies. During the rule development process, NMFS thoroughly reviewed the proposed action with respect to all applicable legal authorities. Prior to publication of the proposed rule and this final rule, the NOAA Assistant Administrator for Fisheries determined that they are consistent with the national standards and other provisions of the Magnuson-Stevens Act and other applicable laws. The Classification sections of the proposed and final rules documented compliance with all applicable statutes and regulations as required by law.

Changes From the Proposed Rule

This final rule does not make any substantive changes from the proposed rule.

Classification

Pursuant to section 304(b)(3) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the FEP, other provisions of the Magnuson-Stevens Act, and other applicable law.

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

This final rule is expected to be an E.O. 14192 deregulatory action.

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

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

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

List of Subjects in 50 CFR Part 665

Accountability measure, Annual catch limit, Bottomfish, Fishing, Guam, Pacific Islands, Western Pacific.

Dated: September 28, 2026.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS amends 50 CFR part 665 as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

■ 1. The authority citation for part 665 continues to read as follows:

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

§ 665.405 [Amended]

■ 2. Amend § 665.405 by removing paragraphs (g) and (h).

■ 3. Revise § 665.409 to read as follows:

§ 665.409 Guam Annual Catch Limits (ACL).

(a) In accordance with § 665.4, the ACL for Mariana bottomfish MUS in the Guam Management Subarea is 34,500 lb (15,649 kg).

(b) If the average catch of Mariana bottomfish MUS in the Guam Management Subarea from the most recent 3-year period exceeds the specified ACL, the Regional Administrator will reduce the ACL for the subsequent fishing year by the amount of the overage in a separate rulemaking.

[FR Doc. 2026–20140 Filed 9–30–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 260305–0066; RTID 0648–XG085]

Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is exchanging unused yellowfin sole and flathead sole Community Development Quota (CDQ) for rock sole CDQ acceptable biological catch (ABC) reserves in the Bering Sea and Aleutian Islands (BSAI) management area. This action is necessary to allow the CDQ fishery to optimize their total rock sole harvest in the BSAI.

DATES: Effective October 1, 2026, through December 31, 2026.

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

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

The 2026 flathead sole, rock sole, and yellowfin sole CDQ allocations of the TACs specified for these species in the BSAI are 3,852 metric tons (mt), 8,025 mt, and 15,515 mt, respectively, as established by the final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026). The 2026 flathead sole, rock sole, and yellowfin sole CDQ ABC reserves are 5,532 mt, 8,905 mt, and 13,122 mt, respectively, as established by the final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026).

The Norton Sound Economic Development Corporation (NSEDC) has requested that NMFS exchange 200 mt of flathead sole TAC and 700 mt of yellowfin sole TAC allocated to the CDQ sector for 900 mt of rock sole CDQ ABC reserves pursuant to §§ 679.31(d) and 679.4(p). NMFS approves the completed Flatfish Exchange Application submitted by NSEDC, which meets all the criteria specified at § 679.4(p)(3). Specifically, NSEDC has sufficient CDQ ABC reserves of rock sole and is exchanging an equal amount of unused flathead sole and yellowfin sole TACs allocated to the CDQ sector. Approval will not cause harvest to exceed an ABC or ABC reserve for any of these species, NSEDC has not received at least three approved flatfish exchanges, and NMFS can approve the exchange before the end of the calendar year in which it would be effective. Therefore, NMFS exchanges 200 mt of flathead sole TAC and 700 mt of yellowfin sole TAC allocated to the CDQ sector for 900 mt of rock sole CDQ ABC reserves in the BSAI. This action also decreases and increases the TACs and CDQ ABC reserves by the corresponding amounts. Tables 13 and 15 of the final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026) are revised as follows:

TABLE 13—FINAL 2026 CDQ RESERVES, ICAS, AND AMENDMENT 80 SECTOR AND BSAI TRAWL LIMITED ACCESS SECTOR ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Values are rounded to the nearest metric ton]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	EAI	CAI	WAI	BSAI	BSAI	BSAI
TAC	6144	5,441	12,000	35,800	75,900	144,300
CDQ	657	582	1,284	3,652	8,925	14,815
ICA	100	60	10	2,000	3,000	2,000
BSAI trawl limited access	539	480	214	n/a	n/a	15,936
Amendment 80	4,848	4,319	10,492	30,148	63,975	111,549

Note: Sector apportionments may not total precisely due to rounding. The 2026 CDQ reserves, ICAs, and allocations for BSAI flathead sole, rock sole, and yellowfin sole are effective from 1200 hours, A.l.t., March 18, 2026, through 2400 hours, A.l.t., December 31, 2026.

TABLE 15—FINAL 2026 AND 2027 ABC SURPLUS, ABC RESERVES, CDQ ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE

[Values are rounded to the nearest metric ton]

Sector	2026 Flathead sole	2026 Rock sole	2026 Yellowfin sole	2027 Flathead sole [1]	2027 Rock sole [1]	2027 Yellowfin sole [1]
ABC	87,700	158,225	267,639	87,700	158,225	267,639
TAC	35,800	75,900	144,300	36,000	75,000	145,000
ABC surplus	51,900	82,325	123,339	51,700	83,225	122,639
ABC reserve	51,900	82,325	123,339	51,700	83,225	122,639
CDQ ABC reserve	5,732	8,005	13,822	5,532	8,905	13,122
Amendment 80 ABC reserve	46,168	74,320	109,517	46,168	74,320	109,517

Note: Sector apportionments may not total precisely due to rounding.

[1] The 2026 ABC surpluses and ABC reserves for BSAI flathead sole, rock sole, and yellowfin sole are effective from 1200 hours, A.l.t., March 18, 2026, through 2400 hours, A.l.t., December 31, 2026. The 2027 ABC surpluses and ABC reserves for BSAI flathead sole, rock sole, and yellowfin sole are effective from 0001 hours, A.l.t., January 1, 2027, through 1200 hours, A.l.t., March 18, 2027. The 2027 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2026.

Fishermen are reminded that all actions and closures remain in full force and effect. This reallocation does not rescind or modify closures to directed fishing or actions prohibiting retention of a groundfish species.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to

section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would not allow for the ongoing harvest of rock sole in the BSAI by the CDQ sector. NMFS was unable to publish a notice providing time for public comment because the NSEDC Flatfish Exchange Application was received on September 18, 2026, and this is the most recent, relevant data on flathead sole, rock sole, and yellowfin. Without this inseason adjustment, NMFS could not allow the CDQ fishery for rock sole in the BSAI to be harvested in an expedient manner.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in the effective date of this action. This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: September 29, 2026.

Shannon Bettridge,

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

[FR Doc. 2026–20177 Filed 9–30–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 260305–0066, RTID 0648–XG026]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock Fishing in the Winter Herring Savings Area of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock by vessels using trawl gear in the Winter Herring Savings Area of the Bering Sea and Aleutian Islands management area (BSAI). This action is required by regulation and is necessary to prevent herring prohibited species catch (bycatch) in the Winter Herring Savings Area by vessels directing fishing for pollock using trawl gear. This action includes prohibiting directed fishing for pollock in the Winter Herring Savings Area by vessels using trawl gear participating in the Community Development Quota Program.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 30, 2026, through 1200 hours, A.l.t., March 1, 2027.

FOR FURTHER INFORMATION CONTACT: Andrew Olson, 907–586–7228.

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

The 2026 herring bycatch limit specified for the midwater pollock fishery in the BSAI is 2,359 metric tons as established by the final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026). When a trawl fishery category will catch its herring bycatch allowance, NMFS will close that fishery category to directed fishing for the areas and time periods defined in regulation as Herring Savings Areas, except when the midwater pollock fishery category reaches its specified herring bycatch allowance, the applicable Herring Savings Areas are closed to directed fishing for pollock with trawl gear (§ 679.21(e)(7)(vi)).

The Regional Administrator, Alaska Region, NMFS has determined that the 2026 herring bycatch allowance specified for the midwater pollock fishery in the BSAI has been caught. Consequently, in accordance with § 679.21(e)(7)(vi)(B)(*1*), NMFS is closing directed fishing for pollock by vessels using trawl gear in the Winter Herring Savings Area of the BSAI from 1200 hours, A.l.t., September 30, 2026, through 1200 hours, A.l.t., March 1, 2027. This includes prohibiting directed fishing for pollock in the Winter Herring Savings Area of the BSAI by vessels using trawl gear participating in the Community Development Quota Program. The Winter Herring Savings Area is that part of the Bering Sea subarea that is between latitudes 58° and 60° North and longitudes 172° and 175° West from 1200 hours, A.l.t., September 1 of the current fishing year through 1200 hours, A.l.t., March 1 of the succeeding fishing year (figure 4 to 50 CFR part 679). This action is required by regulation and is necessary to prevent herring bycatch in the Winter Herring Savings Area by vessels directing fishing for pollock using trawl gear.

Classification

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data on herring bycatch in a timely fashion and would delay the closure of directed fishing for pollock by vessels using trawl gear in the Winter Herring Savings Area of the BSAI. Any delay in publishing this directed fishing closure could result in further bycatch of herring in the Winter Herring Savings Area by vessels directing fishing for pollock using trawl gear. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on herring bycatch by vessels using trawl gear directed fishing for pollock only became available as of August 29, 2026.

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

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

Dated: September 29, 2026.

Shannon Bettridge,

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

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Proposed Rules

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–11796; Project Identifier MCAI–2025–01206–T]

RIN 2120–AA64

Airworthiness Directives; Embraer S.A. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2024–05–13, which applied to all Embraer S.A. Model EMB–545 and EMB–550 airplanes. AD 2024–05–13 requires revising the Limitations and Normal Procedures sections of the existing airplane flight manual (AFM) to incorporate new operational airspeed limitations, and flight control limitations and approach procedures when angle of attack (AOA) limiter protection is engaged. AD 2024–05–13 also requires inspecting records for instances of AOA limiter engagement during a certain phase of flight and reporting findings to the FAA. Since the FAA issued AD 2024–05–13, the manufacturer developed a modification to the flight control computer (FCC) software and related AFM revisions. This proposed AD would continue to require certain actions in AD 2024–05–13. This proposed AD would also require updating the FCC software and incorporating a new revision of the existing AFM, which would terminate the operational airspeed limitations, and flight control limitations and approach procedures when AOA limiter protection is engaged. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by November 16, 2026.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–11796; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Agência Nacional de Aviação Civil (ANAC) material identified in this proposed AD, contact ANAC, Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, Brazil; telephone 55 (12) 3203–6600; email *pac@anac.gov.br.* You may find this material on the ANAC website at *sistemas.anac.gov.br/certificacao/DA/DAE.asp.* It is also available at *regulations.gov* under Docket No. FAA–2026–11796.
- 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: Deondre Harris, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 404–474–5586; email: *deondre.d.harris@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–11796; Project Identifier MCAI–2025–01206–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Deondre Harris, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 404–474–5586; email: *deondre.d.harris@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2024–05–13, Amendment 39–22705 (89 FR 20846, March 26, 2024) (AD 2024–05–13), for all Embraer S.A. Model EMB–545 and EMB–550 airplanes. AD 2024–05–13 was prompted by an MCAI originated by

ANAC, which is the aviation authority for Brazil. ANAC issued ANAC AD 2024–02–02, effective February 26, 2024 (ANAC AD 2024–02–02), to correct an unsafe condition.

AD 2024–05–13 requires revising the Limitations and Normal Procedures sections of the existing AFM to incorporate new operational airspeed limitations, and flight control limitations and approach procedures when AOA limiter protection is engaged. AD 2024–05–13 also requires inspecting records for instances of AOA limiter engagement during a certain phase of flight and reporting findings to the FAA. The FAA issued AD 2024–05–13 to address AOA limiter engagement during the final approach phase when the landing flare is commanded, which could reduce pitch response during a critical phase of flight near the ground. In unstable air conditions, this condition, if not addressed, could result in a high-rate-of-descent landing and consequent catastrophic structural damage to the airplane on landing.

Actions Since AD 2024–05–13 Was Issued

Since the FAA issued AD 2024–05–13, ANAC superseded ANAC AD 2024–02–02 and issued ANAC AD 2024–02–02R1, effective July 14, 2025 (ANAC AD 2024–02–02R1) (also referred to as the MCAI), to correct an unsafe condition for all Embraer S.A. Model EMB–545 and EMB–550 airplanes. The MCAI states that a hard landing event with substantial damage to the airplane was reported, in which the AOA limiter was engaged during the final approach phase in unstable air conditions and remained engaged until the airplane touched down on the runway.

The preamble to AD 2024–05–13 specifies that the FAA considers that AD an interim action and that the FAA might consider further rulemaking if a final action is developed. The manufacturer has since developed a modification to the FCC software and related AFM revisions to address the unsafe condition. The FAA has determined that modification should be required; this proposed AD follows from that determination.

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

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–11796.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2024–05–13, this proposed AD would retain all of the requirements of AD 2024–05–13, except the records inspections and reporting requirement. The retained requirements are referenced in ANAC AD 2024–02–02R1, which, in turn, is referenced in paragraph (g) of this proposed AD.

Material Incorporated by Reference Under 1 CFR Part 51

ANAC AD 2024–02–02R1 specifies procedures for revising the Limitations and Normal Procedures sections of the existing AFM to incorporate operational airspeed limitations, and flight control limitations and approach procedures when AOA limiter protection is engaged. ANAC AD 2024–02–02R1 also specifies procedures for updating the FCC software to part number 494910–1011 and incorporating a new revision of the existing AFM, which would terminate the operational airspeed limitations, and flight control limitations and approach procedures when AOA limiter protection is engaged. The FCC software update includes reidentifying FCC 1 and FCC 2.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would retain certain requirements of AD 2024–05–13. This proposed AD would require accomplishing the actions specified in ANAC AD 2024–02–02R1 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Compliance With AFM Revisions

FAA regulations require that operators furnish to pilots any changes to the AFM (for example, 14 CFR 121.137), and to ensure the pilots are familiar with the AFM (for example, 14 CFR 91.505). As with any other flightcrew training requirement, training on the updated AFM content is tracked by the operators and recorded in each pilot's training record, which is available for the FAA to review. FAA regulations also require pilots to follow the procedures in the existing AFM including all updates. Section 91.9 requires that any person operating a civil aircraft must comply with the operating limitations specified in the AFM.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate ANAC AD 2024–02–02R1 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with ANAC AD 2024–02–02R1 through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material required by ANAC AD 2024–02–02R1 for compliance will be available at *regulations.gov* by searching for and locating Docket No. FAA–2026–11796 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD affects 340 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2024–05–13.	1 work-hours × $85 per hour = $85.	$0	$85	$28,900.

ESTIMATED COSTS FOR REQUIRED ACTIONS—Continued

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
New actions	Up to 4 work-hours × $85 per hour = $340.	$0	Up to $340	Up to $115,600.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2024–05–13, Amendment 39–22705 (89 FR 20846, March 26, 2024); and

■ b. Adding the following new AD:

Embraer S.A.: Docket No. FAA–2026–11796; Project Identifier MCAI–2025–01206–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by November 16, 2026.

(b) Affected ADs

This AD replaces AD 2024–05–13, Amendment 39–22705 (89 FR 20846, March 26, 2024) (AD 2024–05–13).

(c) Applicability

This AD applies to all Embraer S.A. Model EMB–545 and EMB–550 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 22, Auto Flight.

(e) Unsafe Condition

This AD was prompted by a report of a hard landing event with substantial damage to the airplane, in which the angle of attack (AOA) limiter was engaged during the final approach phase in unstable air conditions and remained engaged until the airplane touched down on the runway. The FAA is issuing this AD to address AOA limiter engagement during the final approach phase when the landing flare is commanded, which could reduce pitch response during a critical phase of flight near the ground. In unstable air conditions, this condition, if not addressed, could result in a high rate-of-descent landing and consequent catastrophic structural damage to the airplane on landing.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Agência Nacional de Aviação Civil (ANAC) AD 2024–02–02R1, effective July 14, 2025 (ANAC AD 2024–02–02R1).

Note 1 to paragraph (g): Embraer EMB–545/EMB–550 Stall Protection, General Publication GP–8073, Revision 1, dated February 16, 2024, provides additional guidance regarding the actions required by this AD.

(h) Exceptions to ANAC AD 2024–02–02R1

(1) Where ANAC AD 2024–02–02R1 refers to February 26, 2024 (the effective date of ANAC AD 2024–02–02), this AD requires using April 10, 2024 (the effective date of AD 2024–05–13).

(2) Where ANAC AD 2024–02–02R1 refers to its effective date, this AD requires using the effective date of this AD.

(3) This AD does not adopt paragraph (e) of ANAC AD 2024–02–02R1.

(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)(1) 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 ANAC; or ANAC's authorized Designee. If approved by the ANAC Designee, the approval must include the Designee's authorized signature.

(j) Additional Information

(1) For more information about this AD, contact Deondre Harris, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite

410, Westbury, NY 11590; phone: 404–474–5586; email: *deondre.d.harris@faa.gov.*

(2) For Embraer S.A. material identified in this AD that is not incorporated by reference, contact Embraer S.A., Technical Publications Section (PC 560), Rodovia Presidente Dutra, km 134, 12247–004 Distrito Eugênio de Melo—São José dos Campos—SP—Brazil; telephone +55 12 3927–0386; email *distrib@embraer.com.br;* website *mytechcare.embraer.com.*

(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) Agência Nacional de Aviação Civil (ANAC) AD 2024–02–02R1, effective July 14, 2025.

(ii) [Reserved]

(3) For ANAC material identified in this AD, contact ANAC, Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, Brazil; telephone 55 (12) 3203–6600; email *pac@anac.gov.br.* You may find this material on the ANAC website at *sistemas.anac.gov.br/certificacao/DA/DAE.asp.*

(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 28, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–20076 Filed 9–30–26; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 461

RIN 3084–AB90

Rule on Impersonation of Government and Businesses

AGENCY: Federal Trade Commission.

ACTION: Advance notice of proposed rulemaking (''ANPRM''); request for public comment.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') proposes to commence a rulemaking proceeding to prevent certain unfair or deceptive acts or practices by search engine, social media, and other digital marketplace platforms that further government and business impersonation scams to defraud consumers. The Commission is soliciting written comment, data, and arguments concerning the need for such rulemaking.

DATES: Comments must be received on or before November 30, 2026.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''16 CFR part 461—Impersonation Rule, Matter No. R207000'' on your comment and file your comment online at *https://www.regulations.gov,* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''16 CFR part 461—Impersonation Rule, Matter No. R207000'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Hong Park (202–326–2158) and Elyse McNamara (202–725–3101), Attorneys, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Overview

Every year, American citizens lose tens of billions of dollars to scams. In 2025, consumers reported losing approximately $16 billion to fraud, a 25% increase compared to 2024.[1] In our annual *Protecting Older Consumers Report,* the FTC estimated that the true cost of fraud in 2024, adjusted to account for underreporting, may be as high as $195.9 billion.[2] The top fraud reported by consumers to the FTC is impersonation—where an imposter pretends to be a real business, government agency, family member, or other trusted source to elicit money from the victim.[3] Last year, the FTC received over 1 million imposter reports, with consumers reporting nearly $3.5 billion in losses.[4]

Some of the most pernicious impersonation scams involve government and business impersonations. Consumers rely on government agencies and businesses on a daily basis to comply with the law (such as by paying tolls) and to conduct routine transactions (such as online bank transfers). Impersonation scams exploit this trust, often inflicting considerable harm on consumers while causing legitimate businesses to lose revenue and suffer reputational damage.

The Commission previously determined that these impersonation scams are prevalent in the U.S. economy and promulgated the Rule on Impersonation of Government and Businesses[5] (''Impersonation Rule'' or ''Rule'') to address them. The Commission has vigorously enforced the Rule and other laws to stop these scams. Notwithstanding these efforts, however, scams—especially those perpetrated by foreign bad actors—continue to proliferate. In recent years, these scams have been amplified by search engine, social media, and other digital marketplace platforms that profit from optimizing online ads for third parties, regardless of whether the third parties are legitimate, while avoiding the social cost of the impersonation scams furthered by such ad optimization.[6] The Commission now seeks public comment on whether it should address this misalignment of platform incentives, which is not covered by the current Rule, by initiating a rulemaking that would force such platforms to internalize the cost of optimizing fraudulent ads.

[1] Fed. Trade Comm'n, *FTC Data Show People Reported Losing $3.5 Billion to Imposter Scams in 2025* (June 15, 2026), *https://www.ftc.gov/news-events/news/press-releases/2026/06/ftc-data-show-people-reported-losing-3-point-5-billion-imposter-scams-2025.*

[2] Fed. Trade Comm'n, *Protecting Older Consumers Report 2024–2025,* at 28 (2025), *https://www.ftc.gov/system/files/ftc_gov/pdf/P144400-OlderAdultsReportDec2025.pdf.*

[3] *See* Fed. Trade Comm'n, *FTC Data Show People Reported Losing $3.5 Billion to Imposter Scams in 2025, supra* note 1.

[4] Fed. Trade Comm'n, *The Big View: All Sentinel Reports, Top Reports 2025,* Tableau Public (July 28, 2026), *https://public.tableau.com/app/profile/federal.trade.commission/viz/TheBigViewAllSentinelReports/TopReports.*

[5] 16 CFR part 461; 89 FR 15017 (Mar. 1, 2024).

[6] Firms that do not internalize the costs their activities impose on others can create harmful spillovers or ''externalities.'' *See* R.H. Coase, *The Problem of Social Cost,* 3 J.L. & Econ. 1 (1960); *infra* notes 22–24 and accompanying text discussing negative externalities. Among other things, because many consumers who fall victim to impersonation scams blame the impersonated business or scammer—not the digital platform furthering the impersonation—digital platforms face little to no market discipline to correct the problem and have even less incentive to internalize the cost of scams, leaving the social harm unaddressed.

II. March 2024 Impersonation Rule and Proposed Means-and-Instrumentalities Provision

The Impersonation Rule prohibits the impersonation of government, businesses, and their officers or agents as unfair or deceptive acts or practices under section 5 of the Federal Trade Commission Act[7] (''FTC Act''), 15 U.S.C. 45. In December 2021, the Commission began its consideration of a rule to address impersonation fraud by soliciting public comment on an advance notice of proposed rulemaking.[8] The following year, the Commission determined it had reason to believe these acts or practices are prevalent in the U.S. economy and published a notice of proposed rulemaking (''2022 NPRM'') formally proposing to promulgate a new rule.[9] In March 2024, the Commission finalized and promulgated the Rule, finding that consumer complaint data from the Consumer Sentinel Network, the Commission's enforcement record, data from a wide range of commenters, and other evidence in the rulemaking record supported its prevalence determination.[10]

During the course of that rulemaking, the Commission had also considered expanding the Rule to prohibit two additional types of unfair or deceptive acts or practices: first, the impersonation of individuals; and second, the provision of the means and instrumentalities used in prohibited impersonations.[11] However, after further consideration, the Commission did not adopt the proposed means and instrumentalities prohibition.[12] With respect to the impersonation of individuals provision, the Commission held an informal hearing in January 2025 and is still evaluating its options.[13]

III. Digital Marketplace Platforms and the Growing Threat of Impersonation Scams

Digital marketplace platforms (''Platforms'')[14] have become essential infrastructure of the U.S. economy. They have achieved near-universal adoption in the United States, serving as a primary gateway through which consumers discover products and services, interact with businesses, and gather information.[15] Indeed, about 85% of U.S. consumers shop online, with e-commerce Platform *Amazon.com* leading in online retail sales.[16]

A key driver of Platforms' expanding role in e-commerce is advertising. Platforms have revolutionized how advertisers reach consumers by offering ad-optimization tools and services that enhance an ad's effectiveness in engaging consumers. These tools and services can develop ad content, including through ad copy creation, image and video generation, ad enhancements, and product listing creation or enhancement. They can also use detailed consumer data—including the consumer's demographic profile, websites visited, and search history—to tailor the content and delivery of advertisements. For example, Meta offers its advertisers Meta Advantage+, a ''suite of products that helps advertisers maximize performance by using AI to optimize campaigns in real-time and match ads to the people most likely to take action.''[17] Similarly, Google offers tools that will ''find the best performing ad combinations'' from advertiser-supplied assets to optimize delivery and consumer response.[18] These capabilities benefit both businesses and consumers. But they also

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[7] 45 U.S.C. 41 *et seq.*

[8] 86 FR 72901 (Dec. 23, 2021).

[9] 87 FR 62741 (Oct. 17, 2022).

[10] 89 FR 15017 (Mar. 1, 2024).

[11] 87 FR 62741 (Oct. 17, 2022) (2022 NPRM); 89 FR 15072 (Mar. 1, 2024) (Supplemental Notice of Proposed Rulemaking ''2024 SNPRM''). In the 2024 SNPRM, the proposed definition of ''individual'' was ''a person, entity, or party, whether real or fictitious, other than those that constitute a business or government under this Part.'' 89 FR at 15077. The Commission initially proposed a means and instrumentalities provision in the 2022 NPRM. The 2024 SNPRM subsequently modified that proposal to read: ''It is a violation of this part, and an unfair or deceptive act or practice to provide goods or services with knowledge or reason to know that those goods or services will be used to: (a) materially and falsely pose as, directly or by implication, a government entity or officer thereof, a business or officer thereof, or an individual, . . . ; or (b) materially misrepresent, directly or by implication, affiliation with, including endorsement or sponsorship by, a government entity or officer thereof, a business or officer thereof, or an individual . . . .'' 89 FR at 15083.

[12] In the December 26, 2024 Initial and Final Notice of Informal Hearing, the Commission stated it ''has decided not to proceed with the SNPRM's proposed means and instrumentalities provision at this time.'' 89 FR 104905, 104906 (Dec. 26, 2024). Commenters responding to the SNPRM proposal raised a number of concerns, including that the proposed language covering any means and instrumentality was overbroad and that the Commission should have introduced the proposal through an ANPRM instead of an SNPRM. *See, e.g.,* FTC–2023–0030–0059, FTC–2023–0030–0070, FTC–2023–0030–0082, and FTC–2023–0030–0092. Comments to the 2024 SNPRM can be found at *https://www.regulations.gov/document/FTC-2023-0030-0031/comment.* The Commission does not take a position on these issues. Regardless, the Commission's action here moots these commenters' concerns as any means-and-instrumentalities provision that the Commission considers in this proceeding will focus on ad-optimization practices by digital marketplace platforms and will therefore necessarily be narrower than the 2024 SNPRM's proposed provision covering *any* means and instrumentality. In addition, the Commission begins its consideration of any such provision through this ANPRM, not an SNPRM.

[13] *See* Trade Regulation Rule on Impersonation of Government and Business, 2026 Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions (July 2026), *https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202510&RIN=3084-AB71.*

[14] As used herein, Platforms are public-facing websites or apps on which third parties offer goods, services, or opportunities through paid advertisements or other listings. These Platforms typically integrate ads for third-party products and services into the platform user experience, such as through posts on social media feeds and search engine results, and often embed hyperlinks into the ads for the interested consumer to use to contact the third party. Examples of Platforms include *Google.com, Facebook.com, Amazon.com,* Apple App Store, and *LinkedIn.com.*

[15] *See* Colleen McClain & William Bishop, *What we know about internet use, smartphone ownership and digital divides in the U.S.,* Pew Rsch. Ctr. (Jan. 8, 2026), *https://www.pewresearch.org/short-reads/2026/01/08/internet-use-smartphone-ownership-digital-divides-in-u-s/#_What%E2%80%99s_the_current* (''Nine-in-ten U.S. adults use the internet daily, including 41% who say they're online almost constantly. This is on par with what we found in 2023 and 2024.''); Jeffrey Gottfried & Eugenie Park, *Americans' Social Media Use 2025,* Pew Rsch. Ctr. (Nov. 20, 2025), *https://www.pewresearch.org/internet/2025/11/20/americans-social-media-use-2025/#changes-in-use-of-online-platforms* (52% of surveyed adults said they used Facebook at least once a day; 48% reported using YouTube at least once a day); *Holiday Shopping 2025: US Fact Sheet,* McAfee (Nov. 11, 2025), *https://www.mcafee.com/blogs/mcafee-news/holiday-shopping-2025-us-fact-sheet/* (97% of respondents use at least one social media platform); *State of Search 2025: Insights into American Online Search Behavior,* Claneo, *https://www.claneo.com/en/state-of-search-us/* (last visited Aug. 19, 2026) (72% of surveyed respondents used search engines like Google, Bing, and Yahoo multiple times a week); U.S. Census Bureau, *Quarterly Retail E-Commerce Sales 1st Quarter 2026,* at 1–2 (May 18, 2026), *https://www2.census.gov/retail/releases/historical/ecomm/26q1.pdf* (e-commerce retail sales accounted for 16.8% of total retail sales in the first quarter of2026, totaling over $300 billion).

[16] *See* Xin Ou, *Online shopping behavior in the United States—statistics & facts,* Statista (Dec. 17, 2025), *https://www.statista.com/topics/2477/online-shopping-behavior/#editorsPicks.*

[17] *Meta Advantage+ features,* Meta, *https://www.facebook.com/business/help/2486309305148646* (last visited Aug. 19, 2026) (features include audience automation, ad creative automation, ad placement automation, and more). *See also* Jeff Horwitz, *Meta is earning a fortune on a deluge of fraudulent ads, documents show,* Reuters (Dec. 28, 2025), *https://www.reuters.com/investigations/meta-is-earning-fortune-deluge-fraudulent-ads-documents-show-2025-11-06/* (''The [Meta] documents further note that users who click on scam ads are likely to see more of them because of Meta's ad-personalization system, which tries to deliver ads based on a user's interests'').

[18] *How to set up your first Google Ads campaign,* Google Ads, *https://business.google.com/us/google-ads/how-ads-work/* (last visited Aug. 20, 2026) (''Add your campaign assets and preview your keywords, images, logos, and videos in different ad formats. Google's AI will then find the best performing ad combinations to multiply campaign results for your goal.''). *See also FTC* v. *Doxo Inc. et al.,* No. 2:24–cv–00569, 2026 WL 1429295, at *2 (W.D. Wash. May 21, 2026) (according to defendants' search engine optimization expert, the advertiser did ''not manually dictate the precise order or static nature of the text in ad headlines'' displayed on search engine platform; ''rather, advertisers submit up to 15 ad headlines elements, three of which are dynamically assembled by the search engine platform'').

create serious risks: the same tools and services that rapidly generate and deliver highly-targeted ads are often readily available and easy for both legitimate entities and scammers to use.[19]

The root of the problem lies in how Platforms' incentives are structured. In economic terms, Platforms may be thought of as multi-sided markets that connect consumers on one side with sellers who may advertise on the other, and their incentive structure reflects their intermediary role. Currently, Platforms financially benefit from all paid advertisements posted on their platform, including scam advertisements.[20] As with other ads, Platforms can generate revenue from scam ads in multiple ways, including when Platform services are used to develop the ads, when the ads are posted on the Platform, or when consumers engage with the ads.[21] However, Platforms do not bear meaningful responsibility for the enormous social cost that results when consumers are victimized by scam ads that Platforms display and optimize.[22] These costs may represent negative externalities—costs that are not borne by the parties best positioned to reduce them—in this case, the Platforms.[23] The result is Platforms seeking to maximize their ad-related revenues with insufficient financial disincentive to avoid generating those revenues from scam ads.[24] In other words, Platforms internalize the revenue but externalize the risk.

Recent data, lawsuits, and press reports demonstrate the real-life impact of these misaligned incentives. Consumer data indicate that ''scams perpetrated online [are] . . . more likely to result in a monetary loss'' than those initiated by phone or text message,[25] with social media ranking among scammers' most frequently used contact methods and the costliest channel for consumers by total reported losses.[26] In 2025 alone, almost 30% of consumers who reported losing money to scammers said the contact started on social media platforms, with reported losses reaching $2.1 billion.[27] Consistent with that data, public opinion research shows broad consumer consensus that online scams through Platforms are a national problem.[28] In parallel, the Commission has brought several recent enforcement actions against scams perpetrated on Platforms.[29] And State law enforcers, consumer advocacy organizations, and private parties have recently filed legal actions against Platforms, alleging that Platforms have enabled and profited from scam advertisements.[30]

[19] *See* Consumer Fed'n of Am., *The Scam Economy: The True Cost of Online Scams and Crimes in America,* at 3 (2026) *https://consumerfed.org/media/legacy/post_32705/The-Scam-Economy_The-True-Cost-of-Online-Scams.pdf* (''AI is supercharging these scams, social media platforms are enabling the spread, and data brokers facilitate targeting of victims, allowing criminals to reach consumers at massive scales while exploiting highly precise profiling.''). *See also Creative solutions, bring your brand story to life,* Amazon Ads, *https://advertising.amazon.com/creative-solutions* (last visited Aug. 18, 2026) (''Amazon Ads creative solutions are a suite of tools and services designed to help advertisers of all types and sizes to bring their brand story to life. Our creative solutions include self-service tools as well as hands-on support across creative ideation and strategy, creative production and editing, ad policy, and creative effectiveness.''); *supra* notes 17–18.

[20] *See* Google, *How Google makes money with ads, https://publicpolicy.google/article/how-google-makes-money-with-ads/* (last visited Aug. 20, 2026) (''If you find an ad useful and click on it to learn more, the advertiser pays Google.''). *See also* Alphabet Inc., *Alphabet Announces First Quarter 2026 Results,* at 2 (2026), *https://s206.q4cdn.com/479360582/files/doc_financials/2026/q1/2026q1-alphabet-earnings-release.pdf* (Google and YouTube advertising alone generated over $77 billion in earnings in the first quarter of 2026—70% of Alphabet's total revenues that quarter); Investing.com, *Meta Q1 2026 slides: 33% revenue surge driven by ad momentum* (Apr. 29, 2026), *https://www.investing.com/news/company-news/meta-q1-2026-slides-33-revenue-surge-driven-by-ad-momentum-93CH-4647470* (Meta's total reported revenue for the first quarter of 2026 was $56.3 billion, of which $55 billion was attributed to advertising); *Q1 earnings: Amazon CEO Andy Jassy discusses what's powering Amazon Ads,* Amazon News, *https://www.aboutamazon.com/news/company-news/andy-jassy-amazon-ads-q1-2026-earnings* (last visited Aug. 20, 2026) (reporting that Amazon Ads generated a revenue of $17.2 billion in the first quarter of 2026, which was up 22% year-over-year);*see also infra* notes 30–32.

[21] *See,* Consumer Fed'n of Am., *supra* note 19, at 19 (''For some scams and crimes, social media platforms directly profit via advertising revenue, revenue splits, and monetized content''); *How Google makes money with ads, supra* note 20.

[22] For example, Commission staff has reviewed Consumer Sentinel Network complaints about third parties perpetrating scams advertised on Platforms that do not mention the role the Platform tools/services played in optimizing the scam ad.

[23] The externalities—and corresponding costs—this proposal is addressing are what economists refer to as technological or non-pecuniary externalities, *i.e.,* a cost that affects another party's ability to produce or consume, without operating through prices or the price system. In other words, the price system does not internalize the externality through compensation or price adjustments. *See, e.g.,* Tibor Scitovsky, *Two Concepts of External Economies,* 62 J. Pol. Econ. 143 (1954).

[24] *See* Cristobal Cheyre, *Meta ad tools 'potent instruments' for scammers,* Cornell Chronicle (Nov. 6, 2025), *https://news.cornell.edu/media-relations/tip-sheets/meta-ad-tools-potent-instruments-scammers* (''Meta's response underscores a deeper failure of incentives: it bans only the most flagrant offenders while allowing others under suspicion to remain active, so long as they pay higher ad rates. This structure perversely rewards the most profitable scams—and ensures the platform takes a larger share of their proceeds.'').

[25] Better Bus. Bureau, *2024 BBB Scam Tracker Risk Report,* at 26 (2025), *https://bbbmarketplacetrust.org/wp-content/uploads/2025/02/2024-RiskReport-US.pdf.*

[26] *See* Fed. Trade Comm'n, *Reported losses to scams on social media eight times higher than in 2020* (Apr. 27, 2026), *https://www.ftc.gov/news-events/data-visualizations/data-spotlight/2026/04/reported-losses-scams-social-media-eight-times-higher-2020#ft1* (listing social media as the top fraud contact method based on total reported monetary loss; nearly 30% of people who reported losing money to scams in 2025 said the scam started on social media); Fed. Trade Comm'n, *Protecting Older Consumers Report 2024–2025, supra* note 2, at 25–26 (''In 2024, older adults filed more loss reports and reported losing more money in the aggregate to fraud that started on social media than to fraud that reached them by any other method of contact''); Better Bus. Bureau, *supra* note 25, at 26–29 (36.2% of BBB survey respondents said that the scam incident they reported to the BBB that year involved social media, with roughly half of those incidents beginning when consumers responded to an advertisement or post); Horwitz, *Meta is earning a fortune on a deluge of fraudulent ads, documents show, supra* note 17 (internal May 2025 presentation by Meta's safety staff further estimated that the company's platforms were implicated in approximately one-third of successful scams in the United States).

[27] Fed. Trade Comm'n, *Reported losses to scams on social media eight times higher than in 2020, supra* note 26. And independent analyses suggest the true monetary losses are far higher due to widespread underreporting. *Id.* (*citing* K.B. Anderson, *To Whom Do Victims of Mass-Market Consumer Fraud Complain?,* at 1 (2021) *https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3852323* (finding only 4.8% of people who experienced mass-market consumer fraud complained to a Better Business Bureau or a government entity). *See also* Consumer Fed'n of Am., *supra* note 19, at 6–8 (considering various surveys and research to measure underreporting).

[28] Pew Rsch. Ctr., *Online Scams and Attacks in America Today,* at 16 (2025), *https://www.pewresearch.org/wp-content/uploads/sites/20/2025/07/PI_2025.07.31_Scams_REPORT.pdf* (62% of respondents said scams are a major problem on social media platforms, and 50% said scams were a major problem on shopping platforms). *See also* Utah Dep't of Com., *NEWS RELEASE: 42 State and Territory Attorneys General Urge Meta to Take Action Against Investment Scam Ads* (June 11, 2025), *https://commerce.utah.gov/2025/06/11/42-state-and-territory-attorneys-general-urge-meta-to-take-action-against-investment-scam-ads/* (42 attorneys general sent a letter to Meta ''urging the company to take immediate and meaningful action to address the proliferation of fraudulent investment advertisements'').

[29] *See, e.g., FTC* v. *Clickprofit, LLC et al.,* No. 1:25–cv–20973 (S.D. Fla. Mar. 3, 2025) (alleging that a company used Google advertisements to fraudulently induce consumers into purchasing e-commerce stores); *FTC* v. *Arise Virtual Sols,* No. 24–cv–61152 (S.D. Fla. July 3, 2024) (settling allegations that a company used Google to advertise unsubstantiated earnings claims); *FTC et al.* v. *Grubhub, Inc.,* No. 1:24–cv–12923 (N.D. Ill. Aug. 25, 2025) (settling allegations that a company used Google ads to make unsubstantiated earnings claims).

[30] *See, e.g., People of the State of Cal.* v. *Meta Platforms, Inc.,* No. 26–CV–4934491 (Cal. Super. Ct. May 11, 2026) (alleging Meta knowingly facilitates and profits from billions of scam advertisements on its platforms, including through its provision of ad tools that create/refine fraudulent ads on its platforms); *Consumer Fed'n of Am.* v. *Meta Platforms, Inc.,* 2026–CAB–002643 (D.C. Super. Ct. Apr. 21, 2026) (alleging Meta misleads users about the steps it claims to be taking to fight fraud on its platform; while promising users that it is meaningfully fighting scams and removing scam content from its platform, Meta has instead allegedly adopted policies and practices that it knows allow scam advertisements to proliferate and

Continued

In late 2025, Reuters published a special investigative report detailing how these misaligned incentives operate at Meta. According to the report, Meta generates substantial revenues from providing powerful advertising tools that enable scammers to reach vulnerable consumers, often charging these scammers premium rates.[31] In fact, Meta allegedly earned an estimated 10% of its 2024 revenue—or $16 billion—by running scam advertisements.[32] Consequently, internal documents and other reports indicate that Meta has been hesitant to harm its advertising revenue stream by implementing more rigorous enforcement procedures against scam advertisers.[33]

The consequences of these misaligned Platform incentives are particularly concerning with respect to scam ads that impersonate trusted government and business entities. Consumers routinely turn to these trusted entities for transactions ranging from everyday purchases to banking to important government benefits. Once a consumer believes that a scammer is a trusted entity, the consumer may review the terms of the transaction with less scrutiny, leading to harm that is both immediate and far-reaching.

Consider these common examples. Scammers are using Meta's powerful ad-optimization and targeting tools to deliver Medicare-impersonation ads to seniors—a group particularly impacted by such scams.[34] They are also using these tools to impersonate consumer brands—for example, impersonating McCormick Spice with fake ''giveaway'' ads on Meta platforms that redirect consumers to fraudulent websites.[35] Another common tactic, known as search-engine malvertising, involves scammers purchasing high-ranking sponsored placements on search engines for their deceptive ads that impersonate legitimate businesses, often incorporating the business's trademarks or brand names in the ads' text or associated web addresses that redirect users to imposter—or in some cases malicious—websites.[36] Search-engine malvertising is a popular method for travel and banking impersonation schemes: deceptive third-party hotel and booking portals use Google Ads to appear above genuine hotel websites and steer consumers to lookalike reservation portals;[37] meanwhile, according to industry sources, scammers frequently use search-engine ads to impersonate legitimate banking institutions and obtain placement at the top of sponsored search results for consumer banking searches.[38] Given the pervasiveness of these impersonation scams, the FTC and other government agencies have brought law enforcement actions targeting Platform-enabled business and government impersonation scams,[39] and issued alerts urging consumers to be vigilant for impersonation scam advertisements on Platforms.[40]

simultaneously profits off those ads); *Bouck et al.* v. *Meta Platforms, Inc.,* No. 25–cv–05194 (N.D. Cal. June 20, 2025) (alleging Meta enabled stock investment scams via Facebook and Instagram with its ad content generation tools and ad-targeting tools, which are used to push scams to vulnerable users); *Forrest* v. *Meta Platforms, Inc.,* No. 22–cv–03699 (N.D. Cal. June 23, 2024) (alleging Meta played a role in creation of fraudulent ads that ran on Meta's platforms in which scammers impersonated plaintiff's endorsement of sham cryptocurrency investments).

[31] Horwitz, *Meta is earning a fortune on a deluge of fraudulent ads, documents show, supra* note 17. The report analyzed various internal Meta documents, including an assessment that estimated users on Meta platforms were shown roughly 15 billion ''higher-risk'' scam ads per day, and that under Meta's policies, advertisers were typically banned only when automated ad review models reached at least 95% certainty of fraud, with lesser suspicions triggering higher pricing instead of takedowns. *See also* Jeff Horwitz, *Meta created 'playbook' to fend off pressure to crack down on scammers, documents show* (Jan. 5, 2026), *https://www.reuters.com/investigations/meta-created-playbook-fend-off-pressure-crack-down-scammers-documents-show-2025-12-31/* (''As regulators press Meta to crack down on rogue advertisers on Facebook and Instagram, the social media giant has drafted a 'playbook' to stall them.'').

[32] Horwitz, *Meta is earning a fortune on a deluge of fraudulent ads, documents show, supra* note 17.

[33] *Id.* (2023 internal Meta report allegedly uncovered that Meta ignored or incorrectly rejected 96% of roughly 100,000 valid weekly user reports of scam messages; some high-spending advertisers received leniency, with certain ''High Value Accounts'' accruing more than 500 strikes); Jeff Horwitz & Angel Au-Yeung, *Meta Battles an 'Epidemic of Scams' as Criminals Flood Instagram and Facebook,* Wall St. J. (May 15, 2025), *https://www.wsj.com/tech/meta-fraud-facebook-instagram-813363c8* (''Current and former employees say Meta is reluctant to add impediments for ad-buying clients . . . [e]ven after users demonstrate a history of scamming, Meta balks at removing them.''); Ctr. for Countering Digital Hate, *New Investigation Finds Meta Allowed Medicare Scammers to Generate More Than 215 Million Views on Ads, Mostly from Seniors* (May 12, 2026), *https://counterhate.com/blog/meta-allowed-medicare-scammers-to-generate-more-than-215-million-views-on-ads-mostly-from-seniors/* (''Nearly every scam advertiser studied had ads removed for violations, averaging 151 removals each. One advertiser had 1,335 ads removed.'').

[34] Ctr. for Countering Digital Hate, *SCAMBOOK How Meta helps Medicare scammers target seniors,* at 10–11 (2026), *https://counterhate.com/wp-content/uploads/2026/05/Scambook_CCDH_Final.pdf* (watchdog report finding Medicare scammers promising ''free'' benefits, like groceries or money, paid Meta to run Medicare scam ads targeted at seniors on the Meta platform; ''73% of ad impressions from top Medicare scammers were people over the age of 65''). The watchdog report also details that, in 2025, the top 30 known Medicare scammers on Meta generated around 215 million Medicare-scam impressions, earning Meta an estimated $12 million in ad revenue that year. *Id.* at 4. *See also* Fed. Trade Comm'n, *Protecting Older Consumers Report 2024–2025, supra* note 2, at 18–19, 22–25 (''Older adults were much more likely than younger adults to report losing money on tech support scams, prize, sweepstakes, and lottery scams, romance scams, and government impersonation scams.''); Fed. Trade Comm'n, *Explore Age and Fraud Loss,* Tableau Public (June 30, 2026), *https://public.tableau.com/app/profile/federal.trade.commission/viz/AgeandFraud/Infographic* (comparing fraud loss reports, median reported monetary loss, fraud types, and payment/contact methods by age of reporter).

[35] Horwitz & Au-Yeung, *supra* note 33.

[36] *See* N.J. Cybersecurity & Commc'ns Integration Cell, *Beware of SEO Poisoning and Malvertising* (July 17, 2023), *https://www.cyber.nj.gov/Home/Components/News/News/225/. See also* Fed. Bureau of Investigation, *Public Service Announcement: Cyber Criminals Impersonating Brands Using Search Engine Advertisement Services to Defraud Users* (Dec. 21, 2022), *https://www.ic3.gov/PSA/2022/PSA221221* (warning consumers of cyber criminals' use of ''search engine advertisement services to impersonate brands and direct users to malicious sites'').

[37] *See People of the State of Cal.* v. *BookOnline.com, LLC, et al.,* No. CGC26639469 (Cal. Super. Ct. July 29, 2026), available at *https://media.api.sf.gov/documents/2026-7-29_People_v_BookOnline_Complaint.pdf* (alleging booking portals *GuestReservations.com* and *BookingOnline.com* used Google and other search engines to rank their impersonation ads above genuine hotel websites and funnel consumers to lookalike booking portals with considerable rate markups, up-front payment requirements, and inflexible cancellation policies); Better Bus. Bureau, *BBB Scam Alert: How to avoid scams when booking a hotel online* (May 2, 2025), *https://www.bbb.org/article/scams/28768-bbb-scam-alert-how-to-avoid-scams-when-booking-a-hotel-online.*

[38] *See* U.S. Dep't of Just., *Justice Department Announces Seizure of Stolen-Password Database Used in Bank Account Takeover Fraud* (updated Dec. 30, 2025), *https://www.justice.gov/opa/pr/justice-department-announces-seizure-stolen-password-database-used-bank-account-takeover* (scammers delivered fraudulent advertisements through search engines, including Google and Bing, that imitated the sponsored search engine advertisements used by legitimate banking entities and sent consumers to malicious websites that impersonated legitimate banks).

[39] *See, e.g.,* Complaint, *FTC* v. *MediaAlpha, Inc.,* No. 2:25–cv–07263 (C.D. Cal. Oct. 16, 2025) (alleging defendant impersonated the government by placing deceptive search text ads on search engines like Google when consumers searched for government-related health care terms or State-run marketplaces); Complaint, *FTC* v. *Doxo, Inc., et al.,* No. 2:24–cv–00569 (W.D. Wash. Apr. 25, 2024) (alleging defendants use misleading search ads to impersonate consumers' billers); Complaint *FTC* v. *Mercury Marketing, LLC, et al.,* No. 1:25–cv–02021 (D. Md. Jun. 24, 2025) (alleging defendants impersonated substance use disorder clinics in Google search ads to deceptively route consumers trying to call those clinics to defendants' clinics); Complaint *FTC* v. *Innovative Partners LP,* No. 0:26–cv–60976 (S.D. Fla. Apr. 7, 2026) (alleging defendants impersonated government and large insurance companies by deceptively using government-related URLs and names in online advertisements, including search engine advertisements).

[40] *See, e.g.,* Off. of the Att'y Gen. Conn., *Attorney General Tong Warns Connecticut Against Investment Scams on Meta Platforms* (Apr. 6, 2026), *https://portal.ct.gov/ag/press-releases/2026-press-releases/attorney-general-tong-warns-connecticut-against-investment-scams-on-meta-platforms;* N.Y. Att'y Gen., *INVESTOR ALERT: Attorney General James Warns New Yorkers of Investment Scams on Meta Platforms* (Apr. 6, 2026), *https://ag.ny.gov/*

Beyond harming individual consumers, these impersonation scams undermine the conditions that markets need to function efficiently. Efficient markets allocate a society's scarce resources to the most valued uses by allowing consumers to discover and choose among competing sellers, thereby channeling consumer spending to firms that produce goods and services that consumers value, and away from firms that do not. Markets can, however, only perform this important role efficiently when material information is transparent and consumers trust the market enough to engage. Information asymmetries—when a buyer has less information than a seller—can hinder consumer purchasing decisions that reflect what consumers value. In this way, economic theory explains, markets with imperfect information can harm both consumers and legitimate businesses.[41]

Impersonation scams erode both the transparency and trust required for optimal market outcomes. Through sham advertisements, impersonation scammers conceal a critical piece of information—their real identities—and exploit consumers' trust in legitimate businesses and government entities.[42] The resulting harm is not merely academic: it is a concrete market failure that leaves consumers exposed and distorts fair competition. Indeed, consumer victims lose hundreds of millions in hard-earned money to online impersonation scams each year,[43] while the legitimate businesses being impersonated suffer lost revenue and serious reputational harm.[44] And because the marketplace does not incentivize Platforms to absorb or address the costs of the impersonation scams they further,[45] market discipline alone is insufficient to correct the problem.

Recognizing the prevalence of these pernicious impersonation scams throughout the economy, the Commission promulgated the Government and Business Impersonation Rule to curb such conduct.[46] The Rule does not, however, expressly address Platform conduct that furthers impersonation scams. In light of the foregoing record indicating that certain Platform conduct could constitute unfair or deceptive acts or practices in violation of section 5 of the FTC Act—and that such conduct is widespread—the Commission issues this Notice to solicit public comment on whether rulemaking is needed.

IV. Commission's Authority To Address Platform Misconduct Through Rulemaking

The Commission is well-positioned to address this growing threat of online impersonation scams by targeting Platform conduct that furthers the threat. Nearly ninety years ago, Congress amended section 5 of the FTC Act to authorize the Commission to protect consumers from ''unfair or deceptive acts or practices in or affecting commerce.'' [47] Platform conduct falls squarely within the Commission's authority defined by long-established FTC Act jurisprudence.[48] A Platform's act or practice is deceptive where: (1) its representation, omission, or practice misleads or is likely to mislead the consumer; (2) a consumer's interpretation of the representation, omission, or practice is considered reasonable under the circumstances; and (3) the misleading representation, omission, or practice is a fact material to the consumer's choice or conduct.[49] A Platform's act or practice is ''unfair'' if it: (1) ''causes or is likely to cause substantial injury''; (2) the injury is not ''reasonably avoidable by consumers''; and (3) the injury is not ''outweighed by countervailing benefits to consumers or to competition.'' [50]

Section 230 of the Communications Decency Act does not deprive the Commission of this authority over Platform conduct. In relevant part, section 230 states that ''[n]o provider or user of an interactive computer service

press-release/2026/investor-alert-attorney-general-james-warns-new-yorkers-investment-scams-meta; Sec. and Exch. Comm'n, *Social Media and Stock Tip Scams—Investor Alert* (2024), *https://www.sec.gov/files/litigation/litreleases/2024/26187-investor-alert-investor.pdf;* Fed. Bureau of Investigation, *Public Service Announcement, supra* note 36.

[41] *See, e.g.,* George A. Akerlof, *The Market for ''Lemons'': Quality Uncertainty and the Market Mechanism,* 84 Q.J. Econ., 488–500 (1970). This seminal paper demonstrates how asymmetric information can lead to a reduction in the average quality of goods and the size of the market. Imperfect information about quality can harm sellers of high-quality goods by driving them out of business.

[42] This is likely because ''consumers [are] more likely to click ads appearing to come from known brands or local businesses.'' Consumer Fed'n of Am., *supra* note 19, at 15–16 (2026).

[43] *See* Fed. Trade Comm'n, *Fraud Reports: Subcategory Payment & Contact Method,* Tableau Public (July 28, 2026), *https://public.tableau.com/app/profile/federal.trade.commission/viz/FraudReports/FraudFacts* (displaying reported consumer monetary loss by contact method and fraud type, including business and government imposter frauds); Fed. Trade Comm'n, *FTC Data Show People Reported Losing $3.5 Billion to Imposter Scams in 2025, supra* note 1 (reporting $3.5 billion in reported consumer monetary loss to imposter scams, regardless of contact method, in 2025). Consumer scam victims also report experiencing non-financial harms such as lost time, compromised personal information, and emotional impacts. Better Bus. Bureau, *2024 BBB Scam Tracker Risk Report, supra* note 25, at 9–10.

[44] *See* Horwitz & Au-Yeung, *supra* note 33 (recounting harm to legitimate businesses); Ben Rogers, *The Hidden Costs of Brand Impersonation,* Allure Security (Jan. 16, 2026), *https://alluresecurity.com/blog/hidden-costs-impersonation/* (recounting reputational harms legitimate businesses suffer due to brand impersonation). Government entities also suffer both financial and reputational harm from being impersonated, as entities must divert resources to alert the public and implement consumer education, enforcement, and other measures to combat the impersonation. *See, e.g.,* Fed. Trade Comm'n, *FTC Data Show People Reported Losing $3.5 Billion to Imposter Scams in 2025, supra* note 1 (recounting various FTC consumer education and enforcement efforts in response to impersonation scams, including FTC impersonations); Fed. Trade Comm'n, *Federal Trade Commission Warns of Scammers Pretending to be Agency Staff* (Mar. 19, 2024), *https://www.ftc.gov/news-events/news/press-releases/2024/03/federal-trade-commission-warns-scammers-pretending-be-agency-staff* (alerting consumers about FTC impersonation scams). Government entities may also suffer financial harm to the extent impersonation scams divert money that consumers owe to government entities.

[45] *See supra* notes 22–24 and accompanying text discussing negative externalities of Platform ad-optimization tools and services.

[46] 16 CFR part 461; *see also* 86 FR 72901, 72901–03 (Dec. 23, 2021) (providing a detailed prevalence description of government and business impersonation scams generally).

[47] Wheeler-Lea Act, Public Law 75–447, 52 Stat. 111 (1938) (codified as amended at 15 U.S.C. 45(a)(1)).

[48] The FTC Act provides the Commission plenary authority to prevent unfair or deceptive acts or practices and only includes limited exemptions from its jurisdiction, none of which apply to Platforms. These include status-based exemptions for ''banks, savings and loan institutions described in section 57a(f)(3) of this title, Federal credit unions described in section 57a(f)(4) of this title, common carriers subject to the Acts to regulate commerce, air carriers and foreign air carriers subject to part A of subtitle VII of Title 49, and persons, partnerships, or corporations insofar as they are subject to the Packers and Stockyards Act, 1921, as amended, except as provided in section 406(b) of said Act.'' 15 U.S.C. 45(a)(2).

[49] FTC Policy Statement on Deception (Oct. 14, 1983), appended to *In re Cliffdale Assocs., Inc.,* 103 F.T.C. 110, 174 (1984); *see also FTC* v. *Corpay, Inc.,* 164 F.4th 807, 834 (11th Cir. 2026); *FTC* v. *LeadClick Media, LLC,* 838 F.3d 158, 168 (2d Cir. 2016).

[50] 15 U.S.C. 45(n); FTC Policy Statement on Unfairness (Dec. 17, 1980), appended to *In re Int'l Harvester Co.,* 104 F.T.C. 949, 1070 (1984); *see also Corpay,* 164 F.4th at 839–40 (confirming the three requirements for determining unfairness under section 5(n) and rejecting defendant's argument that the section contains a fourth requirement). Privity with the consumer is not necessary for section 5 to apply. *See FTC* v. *Five-Star Auto Club,* 97 F. Supp. 2d 502, 530 (S.D.N.Y. 2000) (''One who places into the hands of another a means of consummating a fraud or competing unfairly in violation of the Federal Trade Commission Act is himself guilty of a violation of the Act.'') (citing *Regina Corp.* v. *FTC,* 322 F.2d 765, 768 (3d Cir. 1963)); Order Reopening and Setting Aside Order, *In re Rytr LLC,* No. C–4806 (Dec. 22, 2025) (same; identifying situations in which courts and the Commission have applied means and instrumentalities liability); *see also* Complaint, *FTC* v. *Amare Glob. Holdings, Inc.,* No. 2:26–cv–05900 (C.D. Cal. June 2, 2026) (alleging section 5 violations against multilevel marketing defendants, including for providing deceptive instructional and marketing materials to their brand partners).

shall be treated as the publisher or speaker of any information provided by another information content provider.'' [51] This statutory language provides Platforms an affirmative defense for liability that arises from merely hosting third-party content.[52] Beyond that, however, courts have held that section 230 immunity does not extend to all Platform conduct that involves third-party content. For instance, the immunity does not apply to Platform conduct involving unlawful content that the Platform materially contributed to developing, even if the content includes third-party material.[53] Likewise, the Third Circuit recently held that a Platform's recommendation or curation of third-party content constitutes the Platform's own expressive conduct, which may fall outside section 230 protection.[54] More broadly, any Platform service that enhances the effectiveness of ads may fall outside the ''publisher or speaker'' categorization of the activity protected by section 230.[55] In any event, whether a particular type of Platform conduct falls outside section 230 immunity involves a fact-intensive inquiry, and the Commission has posed specific questions below to solicit information relevant to making that determination. To the extent Platform conduct falls outside section 230 and is unfair or deceptive, the Commission may exercise its authority to protect consumers from such conduct.

The Commission's authority includes not only the power to pursue enforcement actions against Platforms engaged in unfair or deceptive acts or practices but also the power to promulgate rules that define with specificity the violative acts and practices. This rulemaking authority includes the power to promulgate regulatory ''requirements prescribed for the purpose of preventing'' the violative acts and practices.[56] The Commission has already exercised its rulemaking authority to promulgate the Impersonation Rule. The Commission now solicits public comment on whether it should exercise that authority again to enhance the Rule, or to promulgate some other measure, to combat the impersonation fraud proliferating on social media, search engines, and other digital marketplace platforms.

V. Anticipated Benefits of Rulemaking

The Commission anticipates multiple benefits from using rulemaking to address growing concern about impersonation fraud on Platforms. First, rulemaking would provide the Commission a powerful enforcement tool to address Platform-optimized impersonation scams by targeting the market failure generating such conduct. As explained above, misaligned Platform incentives appear to drive the proliferation of impersonation scam ads. A rule could realign those incentives by subjecting Platforms to court-imposed monetary sanctions for their involvement in furthering those ads. Such a rule would effectively impose the social costs of Platform-optimized impersonation scams on the Platforms that are likely in the best position to reduce them.[57]

Second, rulemaking would enable the Commission to craft rule requirements that build on the existing scaffolding of legally mandated and voluntary measures that Platforms have already implemented. While these existing measures lack the scope and rigor to adequately address the conduct at issue, they provide monitoring, takedown, and other processes that the Commission could harness in crafting an appropriate rule. For instance, section 3 of the TAKE IT DOWN ACT requires Platforms to establish a process for individuals to request the removal of offensive posted material but only if it qualifies as a non-consensual intimate visual depiction (*e.g.,* ''revenge porn'').[58] Section 512 of the Digital Millennium Copyright Act requires internet service providers,

[51] 47 U.S.C. 230(c)(1). A provider of ''interactive computer service'' includes search engines, *see, e.g., Marshall's Locksmith Serv. Inc.* v. *Google, LLC,* 925 F.3d 1263, 1268 (D.C. Cir. 2019), and social media platforms, *see, e.g., Force* v. *Facebook, Inc.,* 934 F.3d 53, 64 (2d Cir. 2019), *cert. denied,* 140 S. Ct. 2761 (2020). ''Information content provider'' is defined as ''any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the internet or any other interactive computer service.'' 47 U.S.C. 230(f)(3).

[52] ''Section 230 immunity is an affirmative defense'' to liability that a Platform would need to raise and prove in litigation. *U.S.* v. *EZ Lynk, SEZC,* 149 F.4th 190, 198 (2d Cir. 2025).

[53] Platforms ''materially contributing'' to violative content's alleged unlawfulness are considered to be developing the Platform's own content for section 230 purposes. *See Fair Hous. Council of San Fernando Valley* v. *Roommates.Com, LLC,* 521 F.3d 1157, 1166 (9th Cir. 2008); *Kimzey* v. *Yelp! Inc.,* 836 F.3d 1263, 1269 n.4 (9th Cir. 2016) (''Our sister circuits have generally adopted *Roommates.Com*'s 'material contribution' to activity test.'').

[54] *Anderson* v. *TikTok, Inc.,* 116 F.4th 180, 184 (3d Cir. 2024). While a number of circuits have held that section 230 protects a Platform's recommendation or curation of third-party content, many of these cases follow precedent that predate the Supreme Court's decision in *Moody* v. *NetChoice, LLC,* 603 U.S. 707 (2024). *See, e.g., Force.,* 934 F.3d 53; *Jones* v. *Dirty World Ent. Recordings LLC,* 755 F.3d 398 (6th Cir. 2014); *Klayman* v. *Zuckerberg,* 753 F.3d 1354 (D.C. Cir. 2014). In *Moody,* the Court held that a Platform's ''presenting a curated compilation of speech originally created by others'' constitutes the Platform's own ''expressive conduct'' for First Amendment purposes. 603 U.S. at 728. The Court has yet to address the section 230 implications of *Moody,* but the Third Circuit held that *Moody* excludes Platform curation/recommendation activities from section 230 immunity, and two Justices have indicated a willingness to take the same approach. *See Anderson,* 116 F.4th at 184 (''Given the Supreme Court's observations that platforms engage in protected first-party speech under the First Amendment when they curate compilations of others' content via their expressive algorithms, id. at 2409, it follows that doing so amounts to first-party speech under § 230, too.''); *Doe Through Roe* v. *Snap, Inc.,* 144 S. Ct. 2493, 2494 (2024) (proposing the Court consider the implications of *Moody* for narrowing section 230 immunity) (Thomas, J., joined by Gorsuch, J., dissenting from denial of cert.); *but see Computer & Commc'ns Indus. Ass'n* v. *Paxton,* No. 24–50721, 2026 WL 2130729, at *14 (5th Cir. July 24, 2026) (''The argument that we must choose between [*Moody* and circuit precedent on section 230] presents a false choice.''); *Doe 1* v. *Meta Platforms, Inc.,* 174 F.4th 1159, 1168–69 (9th Cir. 2026) (following circuit precedent immunizing algorithmic recommendations, and without discussion, declining to apply *Moody* to section 230).

[55] The statutory text of section 230 does not appear to support the expansive reading of ''publisher or speaker'' activity that some courts have given in an effort to advance their understanding of Congress's policy choice. *See, e.g., Universal Commc'n Sys., Inc.* v. *Lycos, Inc.,* 478 F.3d 413, 418 (1st Cir. 2007) (noting courts ''have generally interpreted Section 230 immunity broadly, so as to effectuate Congress's policy choice'') (internal quotes removed); *see also Snap, Inc.,* 144 S. Ct. at 2493 (Thomas, J., joined by Gorsuch, J., dissenting from denial of cert.) (''Notwithstanding the statute's narrow focus, lower courts have interpreted § 230 to 'confer sweeping immunity' for a platform's own actions.''). Its language appears to limit immunity to a platform's passive hosting of third-party content. *See* Brief for the United States as Amicus Curiae, 2022 WL 17650509, at *13–20. Moreover, a growing body of cases suggests a shift in section 230 jurisprudence to limit ''publisher or speaker'' immunity to reflect this strict construction of the statutory text. *See, e.g., Doe* v. *Snap, Inc.,* 88 F.4th 1069 (5th Cir. 2023) (stating section 230 does not immunize design defect claims against platform) (Elrod, J., joined by Smith, Willett, Duncan, Engelhardt, Oldham, Wilson, Js., dissenting from denial of rehearing *en banc*); *Lemmon* v. *Snap, Inc.,* 995 F.3d 1085, 1094 (9th Cir. 2021) (holding section 230 does not bar claim based on Snapchat design); *Gonzalez* v. *Google LLC,* 2 F.4th 871, 913 & 922 (9th Cir. 2021) (stating section 230 does not immunize platform conduct to amplify and develop third-party content) (Berzon, J., concurring; Gould, J., concurring in part); *Force,* 934 F.3d at 76 (stating section 230 does not immunize platform recommendations of third-party content) (Katzmann, C.J., concurring); *FTC* v. *LeadClick Media,* 838 F.3d at 176 (2d Cir. 2016) (holding that a claim based on provider's involvement in editing third-party's deceptive content is ''not derived from . . . status as a publisher or speaker''); *FTC* v. *Accusearch, Inc.,* 570 F.3d 1187, 1204–05 (10th Cir. 2009) (stating section 230 does not immunize provider against liability ''for its conduct rather than for the content of the information it was offering'') (Tymkovitch, J., concurring).

[56] 15 U.S.C. 57a(a)(1)(B).

[57] *See* H. Beales, *et al., The Efficient Regulation of Consumer Information,* 24 J.L. & Econ., 491–539 (1981) for an overview of government interventions in response to market failures. The paper argues that intervention is often warranted in cases where injury is substantial.

[58] 47 U.S.C. 223a.

including Platforms, to implement a process for copyright owners to request the removal of infringing *copyrighted* material but not infringing *trademarked* material typically used in impersonation scams.[59] The INFORM Consumers Act (''INFORM Act'') requires Platforms to verify third-party sellers and provide consumers a way to report suspicious conduct relating to these sellers, including impersonation scams—but only if the sellers are deemed ''high volume third party sellers'' and only if the Platform qualifies as an ''online marketplace.'' [60] Moreover, the INFORM Act does not require online marketplaces to investigate reported cases of suspicious sellers or terminate services for confirmed cases.

In addition to these measures prescribed by law, many Platforms highlight their adoption of some voluntary measures aimed at reducing fraudulent ads in their ecosystem.[61] However, the type and quality of such measures vary across Platforms, and the Platforms could even degrade or scrap these voluntary measures altogether if the current media scrutiny lessens and impersonation scams remain profitable. Moreover, the studies and articles discussed above explain why these voluntary measures are inadequate at curbing widescale impersonation scams on Platforms.[62]

These existing legally mandated and voluntary measures, while inadequate for combatting impersonation scams, nonetheless provide the Commission with a starting point. Platforms are already engaged in some practices that could prevent their current amplification of impersonation scams. Rulemaking would allow the Commission to tailor rule requirements that build on these existing efforts and thereby minimize unnecessary compliance costs for Platforms.

Third, a rule that targets this core market failure would enable the Commission to maximize its law enforcement efforts. Enforcement actions are time- and resource-intensive. Rather than expend the Commission's efforts only on investigating and litigating a limited number of impersonation scams at a time, a rule would potentially prevent or mitigate substantially more impersonation scams by addressing the Platform conduct that optimizes or otherwise contributes to the scams. By defining, with specificity, the Platform conduct that is unfair or deceptive, the rule would give Platforms the guidance they need to refrain from problematic practices that further impersonation scams, while also allowing the Commission to pursue enforcement actions against Platforms based on the defined conduct itself, without the need to demonstrate that the defined conduct is unfair or deceptive. The result is a framework that both prevents and mitigates a universe of impersonation scams by addressing the underlying Platform practices that drive them.

Finally, a rule would provide the Commission a more efficient means to recover money under section 19 for consumers injured by the prohibited Platform conduct.[63] More specifically, a rule would enable the Commission to seek court-ordered consumer redress in one Federal district court action brought under section 19(a)(1), rather than the longer, less efficient, two-step process for obtaining redress under section 19(a)(2).[64]

VI. Objectives, Regulatory Alternatives, and Request for Comments

For the foregoing reasons, the Commission seeks comments on whether it should commence a rulemaking proceeding to amend the Rule, or to adopt some other measure, to address unfair or deceptive practices by Platforms that further government and business impersonation scams through their ad-optimization tools and services. While the materials cited above and in the prior proceeding promulgating the Rule indicate the pervasiveness of such practices,[65] the Commission now solicits additional public comment to supplement that record and ensure its rulemaking adequately responds to concerns from consumers, industry, and other stakeholders.

Specifically, the Commission seeks information on Platforms' business operations and financial incentives relating to advertising and advertising optimization; how those operations and incentives intersect with impersonation scams advertised on those Platforms; whether Platforms are engaged in unfair or deceptive acts or practices in furthering impersonation scams through their advertising-optimization tools and services (*e.g.,* content creation, audience targeting); and whether any of these acts or practices are prevalent in the U.S. economy. The Commission also seeks information regarding ways to address these acts or practices, including amending the Impersonation Rule, promulgating a new rule, or implementing alternatives to regulation. Potential alternatives to regulation could include educating consumers and businesses on avoiding impersonation scams on Platforms or implementing measures to encourage voluntary industry-wide efforts aimed at combatting impersonation scams.

In responding to the questions below, the Commission invites the public to submit any market studies, economic data, or other empirical evidence. The Commission reminds commenters that, while it reviews all submissions, comments may be more persuasive when substantiated with evidence, particularly economic data.

A. Questions About the Marketplace for Advertising on Platforms

1. How many Platforms allow users to post advertisements on their platform(s)? How many Platforms offer advertising-optimization tools/services, such as audience targeting or advertisement content creation services? [66]

[59] 17 U.S.C. 512. Section 512 addresses safe harbor requirements, including the process to request removal of infringing material, for ''infringement of copyright'' only.

[60] 15 U.S.C. 45f.

[61] *See, e.g.,* Kaitlyn Huamani, *AI Is A Gold Mine for Spammers and Scammers, but Google Is Using It as a Tool to Fight Back,* Associated Press (Apr. 16, 2026), *https://apnews.com/article/google-ads-safety-report-ai-scams-defense-06d9ef869958555884989e8ec25974be;* Asim BN, *Meta Removes 134 Million Scam Ads and Disrupts 12 Million Accounts to Combat Online Scams,* Digital Information World (Dec. 4, 2025), *https://www.digitalinformationworld.com/2025/12/meta-removes-134-million-scam-ads-and.html.* According to these articles, Google attempts to use AI to screen potential scam ads before they run, while Meta attempts to identify and remove scam ads after they are posted.

[62] *See supra* Section III.

[63] Since 2021, when the Supreme Court held that section 13(b) of the FTC Act (15 U.S.C. 53(b)) did not authorize equitable monetary relief, section 19 (15 U.S.C. 57b) is the only statutory authorization for the Commission to obtain monetary relief to redress consumers harmed by unfair or deceptive acts or practices. *See AMG Cap. Mgmt., LLC* v. *FTC,* 593 U.S. 67, 81–82 (2021).

[64] *See* 15 U.S.C. 57b(a)(1) and (2). When the Commission has reason to believe that a rule has been violated, the Commission can commence a Federal court action to ask a Federal judge to determine liability and, if proven, require violators to provide redress. *See* 15 U.S.C. 57b(a)(1), (b). Without a rule, the path to court-ordered redress is longer. The Commission must first conduct an administrative proceeding to determine whether the respondent engaged in unfair or deceptive acts or practices in violation of section 5(a) of the FTC Act. If the Commission finds that the respondent did so, the Commission issues a cease-and-desist order, which might not become final until after the resolution of any resulting appeal to a Federal court of appeals. Then, to obtain redress, the Commission must initiate a second action in Federal district court, in which it must prove that the violator engaged in objectively fraudulent or dishonest conduct in order to obtain court-ordered redress. *See* 15 U.S.C. 57b(a)(2), (b).

[65] *See supra* Section III; 86 FR 72901 (Dec. 23, 2021); 87 FR 62741 (Oct. 17, 2022); 89 FR 15017 (Mar. 1, 2024); 89 FR 15072 (Mar. 1, 2024).

[66] For instance, audience targeting services include such services as target audience profiling,

Continued

2. What are the names of the Platforms identified in response to Question A.1, and for each, what are the gross annual revenues generated from advertising and advertising-optimization tools/services, respectively? Which of these Platforms, if any, are small businesses? [67]

3. Do Platforms generate revenue from providing advertising and/or advertising-optimization tools/services for deceptive ads? If so, what financial incentives, if any, do Platforms have to prevent the use of their digital platforms and advertising-optimization tools/services for deceptive ads?

4. What kinds of businesses advertise on Platforms or use Platform advertising-optimization tools/services?

a. Which industries, if any, have the types of businesses that do not advertise on Platforms or use these tools/services? Why do businesses in these industries not advertise on Platforms or use these tools/services?

b. What percentage of ads on Platforms advertise small businesses? What percentage of these ads utilize Platform advertising-optimization tools and services?

B. Questions About the Role of Platforms in Advertising Optimization

1. What advertising-optimization tools/services does each Platform identified in response to Question A.2 provide its advertisers?

a. How does each tool/service work? What capabilities or functions does each type of tool/service provide advertisers?

b. To what extent does each tool/service create, develop, or modify the content (including images) of the advertisement? What specific actions does the tool/service perform to create, develop, or modify the content of the advertisement?

c. To what extent does each tool/service control the delivery of the advertisement, including when, where, and to whom the advertisement is displayed? What specific actions does the tool/service take to control the delivery of the advertisement?

d. To what extent does each tool/service optimize the advertisement in ways other than those referenced in Questions B.1.b and B.1.c? What specific action(s) does the tool/service perform?

e. For each tool/service, what percentage of businesses advertising on the Platform utilize the tool/service? What percentage of businesses utilizing the service are small businesses?

2. What measures does each Platform identified in response to Question A.2 employ to prevent the use of their advertising-optimization tools/services for deceptive advertising involving government or business impersonation (''Impersonation Ads'')?

a. Does the Platform verify the advertiser's identity prior to providing access to its tools/services? If so, how? What criteria, factors, and/or metrics does the Platform use to perform the verification?

b. Does the Platform perform any steps other than verifying the advertiser's identity to determine whether to provide access to its tools/services? If so, what and how? For instance, does the Platform evaluate the advertiser's website for signs that the advertiser is engaged in Impersonation Ads? What criteria, factors, and/or metrics does the Platform use to determine whether to provide access to its tools/services?

c. Does the Platform restrict the use of trademarks, tradenames, or other names or symbols identifying government or business entities unaffiliated with the advertiser, when optimizing the content or delivery of advertisements? If so, how? What criteria, factors, and/or metrics does the Platform use to determine whether to restrict the use of particular trademarks, tradenames, or other identifying names or symbols?

d. Does the Platform screen or monitor advertisements to determine whether they are Impersonation Ads? If so, how? What criteria, factors, and/or metrics does the Platform use to determine whether an advertisement is an Impersonation Ad?

e. Does the Platform take any steps to remediate Impersonation Ads that have already been posted and/or optimized? If so, what steps? What criteria, factors, and/or metrics does the Platform use to determine which steps to take to remediate the posted and/or optimized Impersonation Ad?

f. Does the Platform take any steps to discipline advertisers who have engaged in Impersonation Ads? If so, what steps? What criteria, factors, and/or metrics does the Platform use to determine whether to discipline the advertiser and which disciplinary steps to take?

g. Does revenue or any other benefit that the Platform derives from posting, or from providing tools/services for optimizing, Impersonation Ads play a role in the Platform's setting or use of the criteria, factors, and/or metrics referenced in response to Questions B.2.a through B.2.f above? If so, how?

C. Questions About the Prevalence of Unfair or Deceptive Acts or Practices (''UDAP'') by Platforms That Further Impersonation Ads

1. Which of the Platform practices identified in response to Questions B.1 and B.2 do you consider unfair or deceptive in furthering Impersonation Ads (hereinafter, ''Platform UDAPs'')?

a. Specifically for Platform advertising-optimization tools/services that tailor the ad content or delivery to the consumer,[68] do Platforms either actively encourage or fail to take reasonable steps to prevent the use of such tools/services for Impersonation Ads? If so, how?

b. To what extent do Platform advertising-optimization tools/services that tailor the ad content or delivery to search queries using government or business names constitute a Platform UDAP?

c. Do any of these Platform UDAPs further other types of deceptive advertising, apart from Impersonation Ads? If so, which Platform UDAPs, and how?

d. Are there any limitations on the types of deceptive ads that each of these Platform UDAPs can further? If so, please identify and explain those limitations.

2. Do non-advertising posts on Platforms contribute to impersonation fraud (*e.g.,* sham LinkedIn or Facebook profiles used to bolster the credibility of an impersonation scam conducted via text or phone)? If so, how?

a. What Platform UDAPs enable the use of non-advertising posts for impersonation fraud?

b. Do Platforms either actively encourage, or fail to take reasonable steps to prevent, the use of non-advertising posts for impersonation fraud? If so, how?

c. Do Platforms generate revenue from non-advertising posts? If so, how?

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as well as targeting based on demographics, employment background, location, interests, user activity, and shopping history. Advertisement content creation services include such services as ad copy creation, image and video generation, ad enhancements, and product listing creation or enhancement.

[67] Please use the U.S. Small Business Administration's (''SBA'') standards for defining ''small business'' to answer any questions regarding small businesses in Section VI. *See Size Standards, https://www.sba.gov/federal-contracting/contracting-guide/size-standards.* SBA defines ''small business'' by NAICS code based on either employment levels or annual receipts. To the extent any questions regarding small businesses in Section VI implicate any other ''small entities''—small governmental jurisdictions or small nonprofit organizations as defined by section 601 of the Regulatory Flexibility Act (5 U.S.C. 601–612)—please provide information for those ''small entities.''

[68] For instance, Platform tools/services may tailor third-party ad content to appeal to a particular consumer, or target the delivery of the ad to a particular consumer, based on the consumer's profile (*e.g.,* demographic information) or the consumer's online activity (*e.g.,* specific search terms entered by the consumer).

3. How do the Platform UDAPs identified in response to Questions C.1 and C.2 impact:

a. Competition among Platforms?

b. Competition among businesses advertising on Platforms?

4. Do the Platform UDAPs identified in response to Questions C.1 and C.2 impact small businesses differently than other businesses? If so, how?

5. Do the Platform UDAPs identified in response to Questions C.1 and C.2 have any benefits for businesses or consumers? If so, what are these benefits?

6. Congress authorized the Commission to propose a rule defining unfair or deceptive acts or practices with specificity when the Commission ''has reason to believe that the unfair or deceptive acts or practices which are the subject of the proposed rulemaking are prevalent.'' [69] A determination about prevalence can be made either on the basis of previous Commission cease-and-desist orders regarding such acts or practices, or when the Commission has ''any other information'' that ''indicates a widespread pattern of unfair or deceptive acts or practices.'' [70] For each Platform UDAP identified in your response to Questions C.1 and C.2, please answer the following:

a. What information or data indicates that the Platform UDAP is prevalent or is not prevalent?

b. How frequently do consumers encounter Impersonation Ads furthered by the Platform UDAP?

c. How many consumers have encountered Impersonation Ads furthered by the Platform UDAP?

d. What proportion of consumers have encountered Impersonation Ads furthered by the Platform UDAP?

e. What is the consumer harm caused by Impersonation Ads furthered by the Platform UDAP? Consumer harm can include monetary losses as well as wasted time (*e.g.,* time spent initiating chargebacks, seeking refunds, or resolving identity fraud).

7. Do you expect future developments in the Platform marketplace to change any of your responses to the above questions? If so, how?

D. Questions About Regulations and Regulatory Alternatives to Address Unfair or Deceptive Acts or Practices by Platforms

1. Is there a need for new regulations to prevent Platform UDAPs? Why or why not?

a. If new regulations are needed, should the Impersonation Rule be amended, or should a new rule or rules be created? Should the new regulations prohibit Platform conduct that further deceptive advertising other than those involving impersonation scams? Why or why not?

b. Should the Commission consider alternatives to new regulation, such as the publication of additional consumer and business education? If so, what are these alternatives, and how effectively would they prevent Platform UDAPs?

c. What are the benefits and costs to consumers and businesses under your proposed approach compared to the other options, whether issuing a new rule(s), amending the existing Rule, or implementing an alternative to new regulation?

2. In certain industries, companies cooperate to combat abuses in the marketplace. For instance, banks and payment processors use the MATCH database to identify merchants that pose a high risk to the payment system.[71] What barriers, if any, do Platforms face in working together as an industry to combat impersonation scams?

a. To what extent do Platforms share information with each other regarding confirmed or suspected impersonation scams and/or related scam advertisers? Would additional information sharing within the industry assist Platforms in combatting impersonation scams? What prevents such additional information sharing?

b. What steps could the Commission take to lower or remove these barriers to the Platforms working together to more effectively combat impersonation scams?

E. Questions About Specific Rule Provisions

The Commission may consider a range of measures in proposing any new or amended regulations to address prevalent Platform UDAPs. For instance, the Commission may tailor the previously proposed means-and-instrumentalities provision by requiring Platforms to evaluate advertisements prior to posting, and by prohibiting Platforms from providing advertising optimization services to those engaged in Impersonation Ads. The Commission also may require Platforms to take affirmative steps to address Impersonation Ads that are posted, including: implementing a program to detect suspected Impersonation Ads; providing consumers a clear and conspicuously placed tool to report suspected Impersonation Ads; investigating suspected Impersonation Ads; removing confirmed Impersonation Ads; discontinuing advertising optimization services for confirmed Impersonation Ads; and taking appropriate disciplinary action against the offending advertiser. Instead of serving as affirmative requirements, these measures may form the basis of a safe harbor provision by which Platforms' compliance could provide a defense to liability under any new regulations. In addition, the Commission may consider ancillary measures, such as requiring Platforms to maintain records documenting their compliance, to facilitate enforcement of the new or amended rule. The following questions solicit comments on these and other potential regulatory measures.

1. What regulatory requirements, if any, would be helpful for mitigating Platform UDAPs that are prevalent in the marketplace? What regulatory requirements would not be helpful? For each requirement (helpful or unhelpful), please provide the following information:

a. What benefit would the requirement provide, including time and money saved, for consumers?

b. What benefit would the requirement provide for legitimate businesses advertising on Platforms and for the Platforms themselves?

c. What costs would the requirement impose on consumers?

d. What costs would the requirement impose on Platforms and on legitimate businesses advertising on Platforms? For each discrete requirement, describe each component of such costs, including costs to read and understand the rule, costs to update procedures and train personnel on compliance, costs to revise web pages and apps for compliance, costs for record keeping, and any other compliance costs, and state whether said costs would be imposed on Platforms, legitimate businesses, or both. If Platforms were to pass along the costs imposed on them to others, please state to what extent and to whom (*e.g.,* small business advertisers, consumers).

e. To what extent could Platforms comply with the requirement by scaling processes Platforms currently use to comply with the Digital Millennium Copyright Act, TAKE IT DOWN Act, INFORM Act, and any other law or voluntary effort to identify and/or remove problematic online content? What impact would such scaling have on the costs to comply with the requirement?

f. What modifications, if any, should the Commission make to the requirement to reduce the costs imposed

[69] 15 U.S.C. 57a(b)(3).

[70] *Id.*

[71] MATCH stands for Member Alert to Control High-Risk Merchants. Mastercard maintains the database. *See MATCH Pro, Mastercard.com, https://developer.mastercard.com/match/documentation/.*

on legitimate businesses advertising on Platforms, particularly small businesses?

g. Should the requirement be limited to advertisers of certain types of products and services? If so, why and which types of products and services?

h. Would the requirement interfere with a Platform's provision of services to legitimate businesses not engaged in deceptive advertising?

i. If so, what kinds of Platform services and how?

ii. How can the Commission modify the requirement to accommodate Platform services to legitimate businesses not engaged in deceptive advertising?

i. Would the requirement discourage Platforms from innovating their services or tools, particularly with respect to services or tools incorporating the use of artificial intelligence?

i. If so, what kinds of Platform services and how?

ii. How can the Commission modify the requirement to avoid discouraging Platform innovation?

j. Does the requirement overlap or conflict with existing Federal, State, or local laws or regulations?

i. If so, what laws or regulations, and how?

ii. Should any Rule amendment address such overlaps or conflicts? If so, why, and how? If not, why not?

k. To what extent does the requirement address Platform UDAPs that materially contribute to the development of impersonation-specific ad content?

l. To what extent does the requirement address Platform UDAPs that provide audience targeting for impersonation fraud ads?

m. To what extent does the requirement address Platform UDAPs that enhance the effectiveness of impersonation fraud ads, other than through developing impersonation-specific ad content and audience targeting?

n. Should the requirement trigger liability only if the Platform has some level of knowledge of, or participation in, the Impersonation Ad? If so, what level of knowledge or participation should trigger liability?

o. Does the requirement help prevent other kinds of deceptive advertising that do not involve impersonation? If so, what kind of deceptive advertising, and how?

2. Specifically for Platform advertising-optimization tools/services that tailor the ad content or delivery to the consumer, what requirements would be a cost-effective way to prevent the use of such tools/services for deceptive advertising?

3. Would requiring Platforms to verify the identity of the advertiser before providing advertising-optimization tools/services be a cost-effective way to help mitigate Platform UDAPs? Why or why not? Which specific verification requirements would be helpful?

4. Would requiring Platforms to screen and/or monitor for Impersonation Ads be a cost-effective way to help mitigate Platform UDAPs? Why or why not? Which specific monitoring requirements would be helpful?

5. Would requiring Platforms to investigate and/or take other steps to respond to complaints identifying suspected Impersonation Ads be a cost-effective way to help prevent Platform UDAPs? Why or why not? Which specific requirements would be helpful?

a. What types of complaints (*e.g.,* consumer complaints, competitor complaints, complaints from those being impersonated), and what volume of complaints (by individuals, small businesses, or others) should trigger a duty for Platforms to investigate a suspected Impersonation Ad?

b. What steps should Platforms take to investigate and confirm a suspected Impersonation Ad?

c. Should Platforms be required to respond to complaints by taking down confirmed Impersonation Ads? If so, how much time do Platforms need to take down the confirmed Impersonation Ads?

d. Should Platforms be required to respond to complaints by terminating advertising-optimization tools/services for the confirmed Impersonation Ads? If so, how much time do Platforms need to terminate such services?

F. Miscellaneous

1. For each of your responses to the questions above, please answer the following:

a. What timeframe(s) does your response cover?

b. Do you expect your response to change significantly in the next few years? If so, how and why?

c. What evidence supports your response?

VII. Comment Submissions

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before November 30, 2026. Write ''16 CFR part 461—Impersonation Rule, Matter No. R207000'' on your comment. Your comment—including your name and your State—will be placed on the public record of this proceeding, including, to the extent practicable, on the *https://www.regulations.gov* website.

We encourage you to submit comments through the *https://www.regulations.gov* website. Postal mail addressed to the Commission will be subject to delay because of heightened security screening. If you prefer to file your comment on paper, write ''16 CFR part 461—Impersonation Rule, Matter No. R207000'' on your comment and on the envelope, and send it via overnight service to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex P), Washington, DC 20580.

Because your comment will be placed on the publicly accessible website at *www.regulations.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other State identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c), 16 CFR 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted publicly at *www.regulations.gov,* we cannot redact or remove your comment from that website, unless you submit a

confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

VIII. Regulatory Review

E.O. 12866 states that agencies should assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, 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 to submit all their proposed and final significant regulatory actions to the Office of Management and Budget (OMB) for review. OMB determined that this ANPRM is a significant regulatory action under E.O. 12866.

By direction of the Commission.

April J. Tabor,

Secretary.

[FR Doc. 2026–20143 Filed 9–30–26; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1312

[Docket No. DEA–730]

RIN 1117–AB87

Extension of Reexportation Period.

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rule would amend the regulations of the Drug Enforcement Administration (DEA) to extend the time allowed for reexports of controlled substances outside of the European Economic Area from 180 days from the date of original release from U.S. Customs and Border Protection to 365 days from that original release date.

DATES: Electronic comments must be submitted, and written comments must be postmarked, on or before November 30, 2026. Commenters should be aware that the electronic Federal Docket Management System will not accept any comments after 11:59 p.m. Eastern Time on the last day of the comment period.

All comments concerning collections of information under the Paperwork Reduction Act must be submitted to the Office of Management and Budget on or before November 30, 2026.

ADDRESSES: To ensure proper handling of comments, please reference ''Docket No. DEA–730'' on all correspondence, including any attachments.

- *Electronic comments:* DEA encourages 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 *http://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon completion of your submission, you will receive a Comment Tracking Number for your comment. Please be aware that submitted comments are not instantaneously available for public view on *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.
- *Paper comments:* Paper comments that duplicate electronic submissions are not necessary. Should you wish to mail a paper comment in lieu of an electronic comment it should be sent via regular or express mail to: Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, VA 22152.
- *Paperwork Reduction Act comments:* All comments concerning collections of information under the Paperwork Reduction Act must be submitted to the Office of Information and Regulatory Affairs, OMB, Attn: Desk Officer for DOJ, Washington, DC 20503. Please state that your comment refers to RIN 1117–AB87/Docket No. DEA–730.

FOR FURTHER INFORMATION CONTACT: Heather E. Achbach, Regulatory Drafting and Policy Support Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, VA 22152; Telephone: (571) 362–3261.

SUPPLEMENTARY INFORMATION:

I. Posting of Public Comments

Please note that all comments received are considered part of the public record. They will, unless reasonable cause is given, be made available by DEA for public inspection online at *http://www.regulations.gov.* Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter. The Freedom of Information Act applies to all comments received. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be made publicly available, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also place all of the personal identifying information you do not want made publicly available in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be made publicly available, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify the confidential business information to be redacted within the comment.

Comments containing personal identifying information or confidential business information identified as directed above will be made publicly available in redacted form. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be made publicly available. Comments posted to *http://www.regulations.gov* may include any personal identifying information (such as name, address, and phone number) included in the text of your electronic submission that is not identified as confidential as directed above.

An electronic copy of this proposed rule and a plain language summary are available at *http://www.regulations.gov* for easy reference.

II. Legal Authority

The Controlled Substances Act (CSA) grants the Attorney General authority to promulgate rules and regulations relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances and listed chemicals and the efficient execution of his statutory functions under the CSA.[1] The Attorney General is further authorized by the CSA to promulgate rules and regulations relating to the registration and control of importers and exporters of controlled substances and listed chemicals.[2] The

[1] 21 U.S.C. 821, 822(a), 871(b), and 957(b).

[2] 21 U.S.C. 958(f).

Attorney General has delegated this authority to the Administrator of DEA.[3]

III. Background and Purpose of the Proposed Rule

The Controlled Substances Export Reform Act of 2005, Public Law 109–57, 119 Stat. 592 (CSERA) amended the CSA to allow ''any controlled substance that is in schedule I or II, or is a narcotic drug in schedule III or IV, to be exported from the United States to a country for subsequent export from that country to another country'' if specific conditions are met.[4] Prior to enactment of the CSERA, it was impermissible to export a controlled substance in schedules I and II or a narcotic controlled substance in schedules III and IV for the purpose of reexport to another country. Such controlled substances could lawfully be exported only to the immediate country where they would be consumed. DEA issued a final rule implementing the CSERA in 2007.[5] Although the Notice of Proposed Rulemaking (NPRM) corresponding to that final rule proposed a 90-day time period for reexports,[6] the final rule extended this time period to 180 days in response to the public comments received.[7]

The Improving Regulatory Transparency for New Medical Therapies Act was enacted in 2015 as Public Law 114–89, 129 Stat. 698 (IRTNMTA). In relevant part, the IRTNMTA allows reexports from one European Economic Area (EEA) member to another[8] if certain conditions are met by each country to which the controlled substance is subsequently exported. The IRTNMTA requires, within 30 days of the reexportation, that the person who exported the controlled substance from the United States deliver to the Attorney General documentation certifying the reexport and information concerning the consignee, country, and product.[9] Furthermore, the Attorney General cannot promulgate or enforce any regulation, subregulatory guidance, or enforcement policy that impedes reexportation of any controlled substance among EEA countries, including any requirement that reexportation from the first country to the second or from the second to another country occur within a specified period of time.[10] DEA issued a final rule implementing the IRTNMTA in 2016.[11]

Except for reexports among countries of the EEA in accordance with 21 U.S.C. 953(f), DEA's current regulation on reexportation, codified at 21 CFR 1312.22(h)(6), allows any controlled substance listed in schedule I or II or any narcotic drug listed in schedule III or IV to be reexported only within 180 days of the date when the controlled substance was released by U.S. Customs and Border Protection (CBP). The purpose of this proposed rule is to extend the time period during which such controlled substances may be reexported once released by CBP (except for reexports among countries of the EEA in accordance with 21 U.S.C. 953(f)). DEA has found that the current limit of 180 days is often too short to allow reexportation because of circumstances beyond the control of the initial exporter. When these circumstances occur, they create additional difficulties for the exporter and DEA. These additional difficulties include delays in facilities receiving their licenses, which can cause receipt of shipments to be postponed; issues fulfilling back orders, and supply chain issues. This proposed rule would amend DEA regulations to extend the reexportation period from up to 180 days to a limit of 365 days after the release by a customs officer of the United States. This change will ease the difficulties facing exporters and DEA when uncontrollable circumstances delay reexportation.

IV. Need for Regulatory Changes

Regulatory changes to existing DEA regulations are needed to extend the time period necessary for the reexportation of certain controlled substances once released by a customs officer of the United States. DEA has found that the current limit of 180 days is being exceeded because of circumstances beyond the control of the initial exporter. DEA has found that 180 days has not been a sufficient amount of time for companies to perform logistical operations needed for reexportation, such as storing and moving exports. Compliance with the 180-day limit can be infeasible because of manufacturing issues; geopolitical issues, like closures of airspace; facility licensing delays; and the inability to fulfill back orders. Therefore, this proposed rule would amend existing DEA regulations in 21 CFR 1312.22(h)(6) in order to increase the limit from a maximum of 180 days to a maximum of 365 days for reexportation of certain controlled substances.

V. Regulatory Analyses

Executive Orders 12866, 13563, and 14192 (Regulatory Review)

The Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) has determined that this rulemaking is a ''significant regulatory action'' under section 3(f) of Executive Order (E.O.) 12866, *Regulatory Planning and Review,* 58 FR 51735, 51738 (Sep. 30, 1993), but it is not an economically significant action under section 3(f)(1). Accordingly, DEA has submitted this proposed rule to OMB for review. This proposed rule has been drafted and reviewed in accordance with section 1(B) of E.O. 12866, as well as section 1(b) of E.O. 13563, *Improving Regulation and Regulatory Review,* 76 FR 3821, 3821 (Jan. 18, 2011), and E.O. 14192 *Unleashing Prosperity Through Deregulation,* 90 FR 9065 (Jan. 31, 2025).

This proposed rule is expected to be a deregulatory action under E.O. 14192 because it has a total cost less than zero. DEA estimates a total cost savings of $349 annually as a result of the proposed rule, which equates to a present value of $2,451 at a seven percent discount rate over a 10-year analysis period.

Assessment of Benefits and Costs

Currently, except in the case of reexports among countries in the EEA, the deadline for reexports is 180 days from the date of original release from CBP. If the exporter anticipates that the reexport deadline will be exceeded, it must notify DEA of the anticipated delay and request a one-time waiver of this requirement. This proposed rule would amend DEA regulations to extend the time allowed for reexportation from 180 days to 365 days. By extending the deadline to 365 days, DEA estimates these notifications and requests for waivers from exporters will be virtually eliminated, generating cost savings for exporters and DEA. DEA has examined the benefits and costs of this proposed rule as described below.

As stated above, currently the deadline is 180 days for reexport for non-EEA countries. The U.S. exporter must notify DEA and request a one-time waiver if there will be a delay. There is no standard method for reporting the delay. Typically, the registrant calls or emails DEA's Import/Export Section, the registration call center, or a field office to notify DEA about the probable delay and to request guidance. The exporter is

[3] 28 CFR 0.100(b).
[4] 21 U.S.C. 953(f).
[5] 72 FR 72921 (Dec. 26, 2007).
[6] 71 FR 61436, 61437 (Oct. 18, 2006).
[7] 72 FR at 72923.
[8] 21 U.S.C. 953(f)(5).
[9] 21 U.S.C. 953(f)(6).
[10] 21 U.S.C. 953(g).
[11] 81 FR 96992 (Dec. 30, 2016).

referred to DEA's Office of Diversion Control Policy, Policy Section for guidance, and the Policy Section generally suggests that the exporter needs to submit a request for a waiver of the anticipated violation of the 180-day deadline.

DEA estimates that, on average, there are currently three delays per year, where the exporter notifies DEA of the anticipated delay and the exporter submits a request for a waiver. By extending the deadline to 365 days, DEA estimates these notifications and requests for waivers from exporters will be virtually eliminated, generating cost savings for exporters. The primary cost savings from this proposed rule would result from registrants not needing to notify DEA of the delay and submit a request for a waiver. Based on an estimated two hours for the exporter to contact DEA and to submit a request for a waiver, DEA estimates a cost savings of $116.20 per each event (notification and request for waiver) or annual cost savings associated with this rule for exporters of $348.60.[12]

There are also some benefits that cannot be quantified. By extending the deadline from 180 to 365 days, exporters will gain more flexibility in adjusting to any unforeseen logistical circumstances and conducting reexports. Currently, exporters may make decisions that are not economically optimal in order to meet the 180-day deadline. By essentially doubling the deadline to 365 days, the proposed rule would allow exporters to explore economically optimal options and minimize the costs associated with meeting the 180-day deadline.

DEA may also save costs from not having to respond to inquiries and not processing waiver requests. However, there are only approximately three such inquiries per year, so any cost savings to DEA would be minimal.

In summary, this proposed rule would essentially eliminate the need for an exporter to contact DEA and request a waiver of the requirement to reexport before the deadline. DEA estimates a cost savings of $116.20 per request not made, resulting in annual cost savings of $348.60 ($349 rounded) for an estimated three delays per year. An annual cost savings of $349 over a 10-year time horizon equates to a present value of cost savings of $2,451 at seven percent discount rate.

Executive Order 12988 (Civil Justice Reform)

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988, 61 FR 4729 (Feb. 5, 1996), to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burdens.

Executive Order 13132 (Federalism)

This proposed rule does not have federalism implications warranting the application of E.O. 13132, 64 FR 43255 (Aug. 4, 1999). The proposed rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This proposed rule does not have tribal implications warranting the application of E.O. 13175, 65 FR 67249 (Nov. 6, 2000). The proposed rule does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Executive Order 14267 (Reducing Anti-Competitive Regulatory Barriers)

The proposed rule does not reduce competition, entrepreneurship, and innovation and therefore does not run afoul of E.O. 14267, 90 FR 15629 (Apr. 15, 2025).

Executive Order 14294 (Overcriminalization of Federal Regulations)

E.O. 14294, 90 FR 20363 (May 14, 2025), specifies that all NPRMs and final rules published in the **Federal Register**, the violation of which may constitute criminal regulatory offenses, should include a statement identifying that the rule or proposed rule is a criminal regulatory offense, the authorizing statute, and the mens rea requirement for each element of the offense. This final rule does not involve a criminal regulatory offense and thus E.O. 14294 does not apply.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to prepare a Regulatory Impact Analysis to evaluate options for regulatory relief of small entities unless it can certify that the proposed rule will not have a significant impact on a substantial number of small entities. DEA has analyzed the economic impact of each provision of this proposed rule and estimates that it will have minimal economic impact on affected entities, including small businesses, nonprofit organizations, and small governmental jurisdictions.

This proposed rule would amend DEA regulations to extend the time allowed for reexportation of controlled substances from 180 days to 365 days. As discussed above, by extending the deadline to 365 days, this proposed rule would essentially eliminate the need for an exporter to contact DEA and request a waiver of the requirement to reexport before the deadline. DEA estimates cost savings of $116.20 per request or an annual cost savings of $348.60 for the estimated three delays that occur each year.

Based on the number of inquiries received per year, DEA estimates there are three controlled substances exporters affected by this proposed rule. DEA assumes the three registrations represent three different entities, meaning that, at most, three small entities are affected by this proposed rule. The North American Industry Classification System (NAICS) code 424210 (Drugs and Druggists' Sundries Merchant Wholesalers) best represents the industry affected by this proposed rule. Based on data from the U.S. Small Business Administration [13] and the U.S. Census Bureau's Statistics of U.S. Businesses (SUSB), 6,703 of the total 7,012 firms in NAICS industry code 424210 are small businesses with fewer than 250 employees.[14] The three small entities affected by this proposed rule thus account for 0.04 percent of the relevant small businesses, and they accordingly do not amount to a

[12] These figures are based on the U.S. Bureau of Labor Statistics (BLS) estimates for occupation code 13–1041: Compliance Officer. The mean hourly wage for that position according to the May 2024 National Occupational Employment and Wage Estimates United States, *https://www.bls.gov/oes/current/oes_nat.htm,* is $40.86. Based on the BLS report, ''Employer Costs for Employee Compensation—March 2025,'' *https://www.bls.gov/news.release/pdf/ecec.pdf,* for private industry workers, total benefits is 29.7 percent and 'wages and salaries' is 70.3 percent of total compensation. The 30 percent of total compensation equates to 42.2 percent of wages and salaries (29.7/70.3 = 0.422). Therefore, an additional 42.2 percent load is added to the wage rate to account for benefits. Factoring in benefits, then, the cost of one hour's work for a compliance officer is $40.86 multiplied by 1.422, or $58.10. The estimated two hours for a compliance officer to write and submit exception requests therefore equates to $116.20 (2 × $58.10) per delay. Multiplying $116.20 by the three delays that occur annually equates to a total annual cost saving of $348.60.

[13] Table of size standards, U.S. Small Business Administration, *https://www.sba.gov/document/support-table-size-standards* (last accessed Sept. 30, 2025).

[14] 2022 SUSB Annual Datasets by Establishment Industry, ''U.S. & states, NAICS, detailed employment sizes (U.S., 6-digit and states, NAICS sectors),'' *https://www.census.gov/data/tables/2022/econ/susb/2022-susb-annual.html* (last accessed Sept. 30, 2025).

''substantial'' number of the small entities in NAICS code 424210. Therefore, DEA certifies that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act of 1995 (UMRA),[15] DEA has determined that this action would not result in any Federal mandate that may result ''in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any 1 year.'' Therefore, neither a Small Government Agency Plan nor any other action is required under the UMRA.

Paperwork Reduction Act

This proposed rule would modify existing collections of information requirements under the Paperwork Reduction Act (PRA).[16] Pursuant to the PRA,[17] DEA has identified the collections of information below related to this proposed rule. A person is not required to respond to a collection of information unless it displays a valid OMB control number.[18]

A. Collections of Information Associated With the Proposed Rule

Title: Application for Permit to Export Controlled Substances-DEA 161, Application for Permit to Export Controlled Substances for Subsequent Reexport-DEA 161R.

OMB Control Number: 1117–0004.

Form Number: DEA–161/161R/161R–EEA.

DEA is proposing to amend its regulations in order to extend the time allowed for reexportation of certain controlled substances from 180 days from the date of original release from CBP to 365 days from that original release date. This change will affect the instructions for completing form DEA–161R, but it will not require submission of additional information to complete that form, nor will it affect form DEA–161.

DEA anticipates no change in the number of respondents or the burden associated with this information collection as a result of this proposed rule. DEA estimates the following number of respondents and burden associated with this collection of information:[19]

- *Number of respondents:* 162.
- *Number of responses:* 10,180.
- *Frequency of response:* 62.83951 (as needed, calculated average).
- *Burden per response:* 0.5535363.[20]
- *Total annual hour burden:* 5,635.

B. Request for Comments Regarding the Proposed Collections of Information

Written comments and suggestions from the public and affected entities concerning the proposed collections of information are encouraged. Under the PRA, DEA is required to provide a notice regarding the proposed collections of information in the **Federal Register** with the proposed rule and solicit public comment. Pursuant to section 3506(c)(2) of the PRA (44 U.S.C. 3506(c)(2)), DEA solicits comments on the following issues:

- Whether the proposed collection of information is necessary for the proper performance of the functions of DEA, including whether the information will have practical utility.
- The accuracy of DEA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Recommendations to enhance the quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

All comments concerning collections of information under the PRA must be submitted to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for DOJ, Washington, DC 20503. Please state that your comments refer to RIN 1117–AB87/Docket No. DEA–730. All comments must be submitted to OMB on or before November 30, 2026. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposed rule.

If you need a copy of the proposed information collection instrument(s) with instructions or additional information, please contact the Regulatory Drafting and Policy Support Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, VA 22152; Telephone: (571) 362–3261.

List of Subjects

21 CFR Part 1301

Administrative practice and procedure, Drug traffic control, Security measures.

21 CFR Part 1309

Administrative practice and procedure, Drug traffic control, Exports, Imports, Security measures.

21 CFR Part 1312

Administrative practice and procedure, Drug traffic control, Exports, Imports.

21 CFR Part 1321

Administrative practice and procedure.

For the reasons stated in the preamble, DEA proposes to amend 21 CFR part 1312 as follows:

PART 1312—IMPORTATION AND EXPORTATION OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1312 continues to read as follows:

Authority: 21 U.S.C. 821, 871(b), 952, 953, 954, 957, 958.

■ 2. In § 1312.22, revise paragraph (h)(6) to read as follows:

§ 1312.22 Application for export or reexport permit; return information.

* * * * *

(h) * * *

(6) Except in the case of reexports among countries of the European Economic Area in accordance with section 1003(f) of the Act (21 U.S.C. 953(f)), the controlled substance will be reexported from the first country to the second country (or second countries) no later than 365 calendar days after the controlled substance was released by a customs officer from the United States.

* * * * *

Signing Authority

This document of the Drug Enforcement Administration was signed on September 21, 2026, by DEA Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in

[15] 2 U.S.C. 1501 *et seq.*

[16] 44 U.S.C. 3501 *et seq.*

[17] 44 U.S.C. 3507(d).

[18] Copies of existing information collections approved by OMB may be obtained at *http://www.reginfo.gov/public/do/PRAMain.*

[19] This information collection request pertains to the use of DEA Forms 161 and 161R generally, and not just to the proposed revision to the time allowed for reexportation. Accordingly, the burden estimates provided here are for all uses of Forms 161 and 161R.

[20] This is the weighted average burden per response for forms DEA–161, 161R, and 161R–EEA.

electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–20084 Filed 9–30–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF STATE

22 CFR Parts 120, 121, and 123

[Public Notice: 13123]

RIN 1400–AF40

International Traffic in Arms Regulations (ITAR): Review of the U.S. Munitions List and Related Definitions and License Exemptions

ACTION: Proposed rule; request for comments.

SUMMARY: The Department of State (the Department) proposes to amend the International Traffic in Arms Regulations (ITAR) to ensure that the U.S. Munitions List (USML) focuses ITAR controls on the most sensitive technologies, to improve regulatory transparency and clarity, and to reduce regulatory burdens. The revisions proposed in this rule would remove certain items from the USML, update definitions and standardize the regulatory text, and add a new exemption to the licensing requirements of the ITAR. The Department also requests public comments to further refine ITAR controls.

DATES: Send comments by November 30, 2026.

ADDRESSES: Interested parties may submit comments to the Department by any of the following methods:

- Visit the *Regulations.gov* website at: *https://www.regulations.gov* and search for the docket number DOS–2026–0991.
- *Email: DDTCPublicComments@state.gov.* Commenting parties must include RIN 1400–AF40 in the subject line of the email message.

See **SUPPLEMENTARY INFORMATION** for other information about electronic filing in the ''Comment Submission Instructions'' section.

FOR FURTHER INFORMATION CONTACT: Chris Weil, Office of Defense Trade Controls Policy, Department of State, telephone 202–663–1282, email *DDTCCustomerService@state.gov;* SUBJECT: International Traffic in Arms Regulations: Omnibus Proposed Changes (RIN 1400–AF40).

SUPPLEMENTARY INFORMATION: The Department's Directorate of Defense Trade Controls (DDTC) administers the ITAR (22 CFR parts 120 through 130) to, among other things, regulate the export, reexport, retransfer, and temporary import of the defense articles and defense services identified on the USML at 22 CFR 121.1. Items not subject to the ITAR or to the exclusive licensing jurisdiction of certain other departments or agencies of the U.S. Government are subject to the Export Administration Regulations (EAR, 15 CFR parts 730 through 774, which includes the Commerce Control List (CCL) in supplement no. 1 to part 774). The EAR is administered by the Department of Commerce, Bureau of Industry and Security (BIS). The changes proposed by this rule would not modify the list of defense articles and defense services controlled for purposes of permanent import by the Attorney General, as enumerated on the U.S. Munitions Import List (USMIL) at 27 CFR 447.21.

Section 38 of the Arms Export Control Act (AECA) (22 U.S.C. 2778), the authority from which the ITAR is derived, requires periodic review to determine what articles and services, if any, no longer warrant designation on the USML at ITAR § 121.1. Further, Executive Order 14268 directs the Department to focus ITAR protections ''. . . on our most sensitive and sophisticated technologies . . .'' DDTC's Office of Defense Trade Controls Policy (DTCP) identifies articles and services for potential removal from or addition to the USML, or clarification on how they are described on the USML, through a variety of methods, including public feedback and interagency consultations, commodity jurisdiction reviews, advisory opinions, and technology monitoring. The Department maintains the USML such that it is composed of those defense articles or defense services that provide a critical military or intelligence advantage. The Department, informed by consultations with its interagency partners, assesses that the items this rule proposes to remove from the USML no longer meet this standard, and therefore proposes to transfer them to the jurisdiction of the EAR.

This rule proposes the removal of items ranging from specific types of items to much broader sets of items described in catch-all controls (*i.e.,* controls that refer to unspecified parts, components, accessories, or attachments if they are specially designed for an enumerated item; see § 120.42(g)). It also proposes to create a new exemption from the licensing requirements of the ITAR for the temporary export of a foreign defense article to its foreign manufacturer. In addition, the Department proposes to revise parts 120 and 121 to improve the clarity, consistency, and syntax of the regulatory text, and to align with evolving technologies and update internal references within the USML, with no change in the scope of the regulation.

The Department invites feedback from industry and other interested parties on revisions proposed by this rule, which are further explained in this supplementary information. In accordance with 5 U.S.C. 553(b)(4), a summary of this proposed rule may be found at *https://www.regulations.gov.*

Proposed Changes to Part 120

§ 120.31—Defense Article

To clarify the definition of defense article at § 120.31, the Department proposes to restructure, revise, and relocate paragraph (b) to new paragraphs in § 120.35. These changes would clarify the terms ''basic marketing information on function or purpose'' and ''general system descriptions'' in proposed paragraphs § 120.35(b)(1) and (2), with no intended change in scope. Additional details are included in the section of this preamble discussing changes to § 120.35.

§ 120.32—Defense Service

The Department proposes to revise the definition of defense service in § 120.32 by adding a cross-reference in paragraph (a) to proposed § 120.35, which would exclude certain services from the USML. Additional details are included in the section of this preamble discussing changes to § 120.35.

§ 120.33—Technical Data

The Department proposes to revise the definition of technical data in § 120.33 by moving the last sentence in paragraph (a)(1) to a new note 1 to paragraph (a)(1). The Department proposes this move, and minor revisions for clarity, as the list of examples in the sentence is a subset of the definition, which includes information in all forms.

§ 120.35—Items That Are Excluded From the U.S. Munitions List

The Department proposes to remove the reserved § 120.35 and add a new § 120.35 to identify certain items that would be excluded from control under the ITAR. Proposed paragraphs (a) and (b) would exclude certain items from the § 120.31 definition of defense article.

Proposed paragraph (a) would clarify specific circumstances in which,

following demilitarization, certain commodities are no longer described in a USML paragraph that uses the term ''specially designed.'' In analyzing whether an article has been modified such that it is no longer described on the USML, practitioners must assess whether all characteristics that made the item a defense article have been permanently removed. This may require specific development and engineering knowledge from the original equipment manufacturer (OEM). Removing all components described on the USML (*e.g.,* armor and weapons) may be insufficient if, for example, structural elements or other features remain that result in the article continuing to be described on the USML.

Consider, for example, a helicopter that was designed to deliver munitions. Such aircraft are described in USML Category VIII, even if the specific aircraft is now used exclusively for fighting wildfires, as it has an airframe that was designed to meet the requirements for delivering munitions. Removing components supporting that function (*e.g.,* hard points, ballistically tolerant systems, weapons, and mission systems) would not remove all the airframe properties that were included in the design to support the vertical stub-wing loads for carrying munitions and the horizontal stub-wing loads to accommodate forces from munitions launches. Such a helicopter still has properties that are only in its design to enable the delivery of munitions, and thus it remains described in USML Category VIII.

An example of an article that has been modified such that it is no longer a defense article described in USML Category VII(b) would be a vehicle variant designed to launch missiles, from which all of its weapons, mission systems, and armor have been removed such that the remaining vehicle chassis and systems are also common to variants of the same vehicle that were not designed as a firing or launch platform. Specifically, provided the vehicle no longer has defense articles incorporated, and no properties that meet paragraph (a)(1) of § 120.41 in the context of USML Category VII(b), it would no longer be described therein.

Proposed paragraph (b) would revise the text relocated from § 120.31(b), with no intended change to the scope of control, to better describe the information this paragraph excludes from the defense article definition.

§ 120.41—Specially Designed

The Department proposes revisions to paragraph (b) of the definition of specially designed in § 120.41. Specifically, the Department proposes to revise paragraph (b)(3), with no change to the scope of control, to add and reserve paragraph (b)(6) to prevent conflation with paragraph (b)(6) in the EAR's parallel definition, to add paragraphs (b)(7) and (8) to reduce the scope of items designated on the USML, and to make conforming changes to the notes to paragraph (b).

In paragraph (b)(3), the Department proposes to remove the phrase ''and fit'' as an artifact of language that has no practical effect and has caused confusion among practitioners. Specifically, the definition of equivalent at § 120.42(e) requires a difference in fit. Thus, the Department assesses the correct term is ''equivalent form'' when referring to a change in form solely for fit purposes. Stated another way, if the fit is the same, any change in form would not be for fit purposes and thus would not be equivalent.

The Department proposes to revise paragraph (b)(3)(i) to account for the proposed revisions to the definitions of production and development. This change is intended to have no effect on the scope of the controls, as the current and proposed text both require that production has begun and development has ended.

Additionally, the Department proposes to add paragraph (b)(7) to § 120.41 to prevent certain items from being described in a catch-all control on the USML. Specifically, the Department is proposing to remove from the USML certain items originally designed for a defense article that were not described on the USML within the first year after leaving development but are later used, without modification, in another defense article that results in their *post hoc* description on the USML in a catch-all control. The proposed paragraph (b)(7) would establish distinct conditions in which an article would not meet the ITAR's ''specially designed'' definition despite its subsequent use in or with additional defense articles if it did not meet the definition initially and all modifications for subsequent use were solely for fit purposes.

This new exclusion from the USML via the specially designed definition is intended to ensure that the ITAR does not inadvertently control articles that were designed and produced for defense articles with no catch-all control on the USML and are later used in defense articles with a catch-all control on the USML. For example, consider a component originally developed for an electronic support system described in paragraph (a)(4)(i) of USML Category XI. If the component is not described elsewhere on the USML, it is subject to the EAR and described in Export Control Classification Number (ECCN) 3A611.x. Years later, the unmodified component is reused in an electronic support system specially designed for a naval submarine described in paragraph (a)(1) of USML Category XX, which has a catch-all control in paragraph (c) of Category XX. In the context of that catch-all control, the component meets the definition of ''specially designed'' in ITAR § 120.41(a)(2) as a component for use in or with the Category XX(a)(1) submersible. It does not meet the criteria in the current carve-out language in paragraphs (b)(3) through (5) of § 120.41 because it was developed exclusively for a defense article and is still used only in defense articles. As a result, the component previously subject to the EAR becomes described on the USML in Category XX(c) solely due to its subsequent use in a Category XX(a)(1) submersible. New paragraph § 120.41(b)(7) would ensure such a component is not described in USML Category XX(c) if it has the same or equivalent form when comparing the versions used in each defense article.

Additionally, the Department proposes to add paragraph (b)(8), which will expand the list of commodities that are explicitly excluded from catch-all controls on the USML. Proposed paragraph (b)(8) is intended to have a similar effect as paragraph (b)(2). Paragraph (b)(2) currently excludes fasteners and other basic commodities that the Department has determined do not provide a critical military or intelligence advantage. However, unlike paragraph (b)(2), paragraph (b)(8) would not have a similar provision in the EAR definition of specially designed. As a result, while commodities described in paragraph (b)(2) are not described in catch-all controls on either the USML or the CCL, being described in paragraph (b)(8) means that a commodity is not described in any catch-all controls on the USML. The Department assesses that the removal of these commodities, which the Department has determined do not provide a critical military or intelligence advantage, would promote U.S. industry participation in a range of international supply chains without adversely affecting U.S. national security.

§ 120.42—Form, Fit, Function, Performance Capability, Equivalent, Enumerated, and Catch-All Control

The Department proposes to clarify the definition of ''equivalent'' in paragraph (e) of § 120.42 by adding the word ''form'' to clarify that a commodity has ''equivalent form'' when its form

has been modified solely for fit purposes. This is intended to provide clearer guidance and reinforce that the reason for the form change is what is being assessed, not the fit. The Department also proposes to adjust the heading of § 120.42 to reflect that adjustment in terminology defined therein.

§ 120.43—Development, Production, and Related Terms; Basic and Applied Research

The Department proposes revising paragraphs (a) and (b) in § 120.43 to provide greater clarity on the scope of the development and production phases in the product lifecycle. The proposed revisions to § 120.43 add subparagraphs to paragraph (a) that detail specific development activities, while noting when development ends, and correct the structure of paragraph (b).

The proposed revisions would amend paragraph (a) to clarify the definition of development. Note this rule uses the name ''Department of Defense'' (DoD) as opposed to the ''Department of War,'' as the name of the agency designated with these authorities in the Arms Export Control Act, which the ITAR partially implements. Proposed paragraph (a)(2) would maintain that development concludes when design is finalized and tested to support serial production (or its equivalent), with all key design decisions, integration, and validation activities complete. Proposed paragraph (a)(3) would relocate language from current paragraph (b)(2) and clarify existing provisions that routine enhancements to sustainability, reliability, maintainability, quality improvements, cost reductions, or feature enhancements do not restart the development cycle for articles already in production. These revisions would also provide that cosmetic changes do not restart the development cycle.

Similarly, a portion of current paragraph (b)(1) would be moved to the unused paragraph (b) and revised for clarity. Paragraph (b)(1) would be revised to refine the definition, with adjustments to encompass equivalents to serial production. Having moved a portion of the existing scope of current paragraph (b)(2) to proposed paragraph (a)(3), the Department proposes to revise paragraph (b)(2) to provide more precise guidance on when post-production modifications constitute development versus production activities, distinguishing between routine enhancements that remain in production status and changes that alter function or performance capabilities that restart the development cycle. These revisions are intended to harmonize the definitions and resolve classification uncertainty during product transitions.

§ 120.54—Activities That Are Not Exports, Reexports, Retransfers, or Temporary Imports

The Department proposes to revise the language in § 120.54(a)(1) to clarify that for the launch of a defense article out of the United States to not constitute an export, reexport, retransfer, or temporary import under the ITAR, the defense article must be launched into or beyond orbit. The Department proposes this change for transparency and regulatory clarity and consistent with the scope of the current language, as launches into space that do not reach orbit and return directly to the United States are not currently exports (see § 120.54(a)(4)). The proposed revisions would provide a clear criterion for determining which launches are included in this regulatory provision, as the term ''into space'' is not defined.

Proposed Changes to Part 121

USML Category II—Guns and Armament

The Department proposes to narrow USML Category II(a)(4) to remove smooth-bore, fixed-barrel canister launchers. This change would remove the less-lethal and less-precise canister launchers from the USML while retaining grenade launchers with rifled or removable barrels. The Department assesses the items proposed for removal no longer provide a critical military or intelligence advantage.

USML Category VIII—Aircraft and Related Articles

The Department proposes to remove and reserve USML Category VIII(h)(10), which would remove most radar altimeters from the USML, based on its assessment these items no longer provide a critical military or intelligence advantage.

USML Category X—Personal Protective Equipment

The Department proposes to modify USML Category X(a)(7) to adjust the control text parameters to remove from the USML certain goggles, spectacles, visors, vision blocks, canopies, or filters for optical sights or viewers that it assesses no longer provide a critical military or intelligence advantage. The Department also proposes to remove the parenthetical examples as unnecessary. Additionally, the Department requests public comments on ways to further refine the scope and clarity of paragraph (a)(7) and the related controls in paragraph (d)(3).

USML Category XX—Submersible Vessels and Related Articles

The Department proposes to revise USML Category XX(c) in several ways. First, the Department proposes to restructure paragraph (c) by moving the items described therein into three new subparagraphs (1) through (3). Proposed paragraph (c)(1) would clarify controls on items specially designed for naval nuclear propulsion plants or facilities described in paragraph (b)(1) and newly designate them as Significant Military Equipment (SME), consistent with related paragraph (f)(5) of USML Category VI. Proposed new paragraph (c)(2) would describe the remaining systems and equipment currently described in paragraph (c). The remaining catch-all control in current paragraph (c), for items other than nuclear propulsion, would move to proposed paragraph (c)(3).

In addition, the Department proposes to narrow what would be described in proposed paragraph (c)(2) by replacing the single broad paragraph with multiple focused subparagraphs. Currently, paragraph (c) describes all specially designed parts, components, accessories, attachments, and associated equipment for military submersible and semi-submersible vehicles, which is one of the broadest control paragraphs on the USML. The Department assesses that certain articles described by this paragraph do not provide a critical military or intelligence advantage. Although the proposed changes would increase the number of subparagraphs to paragraph (c)(2), their addition would significantly narrow the scope of controls currently implemented through paragraph (c).

Proposed Changes to Part 123

§ 123.26—Temporary Export for Servicing or Repair of Foreign Defense Articles

The Department proposes a new exemption to ITAR licensing requirements at § 123.26 to allow the temporary export of foreign defense articles from the United States when the export is solely for certain activities, such as servicing or repair by the OEM or its authorized service provider. An export license would not be required when specific conditions are met, including that the defense article is unclassified and is temporarily exported from the United States to the OEM or its authorized service provider for specific authorized activities. This exemption from export licensing requirements does not relate to the import requirements that may be imposed by the United States Munitions Import List (USMIL),

found at 27 CFR part 447, which is administered by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Department of Justice. The Department assesses this change would reduce unnecessary regulatory burdens while maintaining appropriate controls on sensitive items.

Updating of Licenses and Agreements

As part of the Department's USML modernization efforts, the USML classification for some defense articles and defense services would change or be removed. Consistent with prior revisions of USML categories, additional guidance on the treatment of such items, including the impact of the change on the treatment of items previously exported under an ITAR license, is provided on DDTC's website.

Request for Comments

Comments Requested

Consistent with its ongoing USML review process, the Department is requesting public comments on the revisions proposed in this rulemaking. In particular, the Department is requesting comment on ways to streamline the descriptions and criteria on the USML, so that it may continue to protect U.S. national security and foreign policy interests while benefitting U.S. industry and international partners. Describing items more precisely could lower administrative burdens and regulatory compliance costs and present an opportunity for increased exports, thus bolstering the U.S. commercial sector and industrial base.

The Department encourages the public to provide both comments directly related to this proposed rule and responses to the questions presented in the rule. To facilitate timely review and assessment of comments, the Department recommends beginning with a concise summary sentence or paragraph, followed by explanations and supporting facts or evidence. Multiple comments should be submitted in separate paragraphs from each other. The Department specifically requests comments focused on the following questions:

1. Paragraph (a)(7) of USML Category X describes certain ocular personal protective equipment ''employing other than common broadband absorptive dyes or UV inhibitors as a means of protection,'' and provides a non-exhaustive list of examples. The Department requests comments on the following questions to assist in refining the scope and clarity of paragraph (a)(7) and the related controls in paragraph (d)(3).

a. Are there other specific functions, performance levels, or characteristics that could better delineate the ocular protection items on the USML from those widely available for civil applications such as laboratory work and manufacturing?

b. How useful do you find the optical density criterion? Should the thresholds be different for paragraphs (a)(7)(i), (ii), and (iii)? What is involved in changing the application process for a specific dye to reliably achieve greater optical density, and how challenging is it to make those changes?

c. Would a percentage of visible light transmission (VLT) be a useful criterion for distinguishing capabilities for this equipment? Please provide examples of VLT for ocular protection used in civil applications and that used in military applications.

2. The Department previously noted in 90 FR 41778 that paragraph (c)(10)(iv) of USML Category XI is not intended to describe antennas developed exclusively for civil airborne weather radar. If there are specific examples of antennas developed exclusively for civil airborne weather radar currently described therein, the Department requests detailed examples and technical criteria it could use to differentiate these antennas from other antennas described in paragraph (c)(10).

3. The Department emphasizes that paragraph (x) within the various categories of the USML is not an export classification. Instead, it serves as a mechanism to streamline export licensing by enabling a unified method to apply for an authorization to export both articles subject to the ITAR and related items subject to the EAR. Practitioners can utilize paragraph (x) to simplify the licensing process for such mixed shipments involving items controlled under both regulatory frameworks. The Department invites public comment on ways to enhance clarity and understanding for practitioners to avoid the erroneous application of this paragraph while maintaining this paragraph's ease of use and understanding.

4. The Department is considering removing references to ''software'' from paragraphs (a)(2), (b), (b)(3), and (b)(5) of the specially designed definition at § 120.41, as well as modifying paragraph (a) to read ''Except for commodities described in paragraph (b) of this section, a commodity or software is specially designed if . . .'' With this potential revision, an (a)(1) analysis would remain applicable to software, but the (a)(2) and (b) analyses would not. (Note that this proposed change would affect only USML entries where software is described as specially designed and not where software is described as technical data—which uses the definition at § 120.33(a)(4).) The Department is considering this change to address the implementation reality that system- and equipment-level controls, such as those in USML Category XI(b), generally do not release software despite the text of § 120.41(b). It would also be counterintuitive to potentially control software via § 120.41(a) because it was designed explicitly for intelligence purposes, then not do so via § 120.41(b)(4) merely because it was developed to run on both defense articles and EAR items. Specifically, in the case of software, even when portions of the code meet the text of § 120.41(b), the see-through rule at § 120.11(c) continues to control portions of the code that do not meet the text of § 120.41(b) and § 120.33(a)(4) continues to apply to software described in the technical data paragraphs that are directly related to the combined system or equipment (consisting of (1) the software running (2) on hardware subject to the EAR). Removing ''software'' from the specified paragraphs would ensure that software designations are applied more consistently by practitioners, consistent with the software's intended national security purpose. The Department invites comments on this potential revision, including locations within the regulations where practitioners would find guidance on reviewing software most useful.

5. The Department invites comments on the following questions to assist in refining the scope and clarity of the development and production phases in the product lifecycle, as defined in paragraphs (a) and (b) of § 120.43:

a. The Department considered using Technology Readiness Levels (TRLs) and DoD Acquisition Milestones; however, they only generally align with the development and production phases and the definitions apply broadly outside of DoD acquisitions. For example, in DoD Major Capability Acquisitions, the Milestone C decision generally aligns with the decision to enter into the Production and Deployment Phase; however, for the purposes of the ITAR, the Milestone C decision does not necessarily indicate the end of the development phase. The end of the development phase, for the purposes of the ITAR, is more aligned with entrance into Full Rate Production or equivalent production at scale. To what extent would you find an accompanying note to the definitions beneficial, if it only identifies general

DoD TRL or milestone alignments (and is thus not determinative)?

b. Do you believe the proposed definitions provide sufficient clarity for applicability or would other types of references be useful in the definition or explanatory notes? For example, do they sufficiently address the continuous integration and continuous deployment (CI/CD) or custom-build contexts?

c. Are there any other product lifecycle scenarios you believe these definitions do not fully address or incorrectly address?

6. Proposed paragraph (b) of § 120.35 is intended to relocate and more clearly identify the provision in § 120.31(b) that ''basic marketing information on function or purpose or general system descriptions'' is excluded from the definition of a defense article, with no change in scope. The Department welcomes suggestions on ways to further enhance clarity of the proposed paragraph (b) of § 120.35 and any perceived change in scope from the existing text.

7. Are there commodities, services, or technical data closely related to the proposed revisions that warrant ITAR control, but are currently either not described on the USML, or not described with sufficient clarity? If so, please provide examples and a concise explanation.

8. Are there specific commodities, services, or technical data described on the USML following these proposed revisions that are, or have previously been, in normal commercial use, that were previously removed from the USML, or that were previously determined not to be subject to the ITAR via a commodity jurisdiction determination issued pursuant to § 120.12? If so, please include supporting documentation.

9. Are there specific commodities, services, or technical data described on the USML following these proposed revisions for which civil use is proposed, intended, or anticipated in the next five years? Please include supporting documentation and a point of contact familiar with the details.

10. Are there specific articles or services described on the USML following these proposed revisions with such widespread foreign availability that they, and their directly related technical data and defense services, do not provide a critical military or intelligence advantage? Please include supporting documentation and a point of contact familiar with the details.

11. Are there specific functions, performance levels, or characteristics related to these proposed revisions that could better:

a. Distinguish between the commodities that do, and do not, warrant ITAR control;

b. Delineate the criteria for control, in lieu of using the term ''specially designed''; or

c. Align with the constructions or language used in other USML entries?

12. Can any of these revisions be more concisely stated?

13. Are these revisions unclear to you in any way? For example, please identify any:

a. Terms that you find ambiguous in definition or context; or

b. Constructions or regulatory text that varies from existing USML paragraphs.

14. Are there other technical issues directly related to these paragraphs which you believe the Department should address in future rulemaking?

Comment Submission Instructions

Include the Regulatory Information Number (RIN) (1400–AF40) or agency name and docket number for all submissions related to this rule. Parties who wish to comment anonymously may do so by submitting their comments via *www.regulations.gov,* leaving the fields that would identify the commenter blank and including no identifying information in the comment itself. Commenters are cautioned not to include proprietary, export-controlled, or other sensitive information that they are not comfortable making public in their comments. If such information would provide useful insight to the comment, (1) assemble that information in a separate document with proprietary markings; (2) include ''Proprietary supplement on file with: [provide Point of Contact]'' as the first line in the body of the email submission; (3) submit the public portion of the comment via email; and (4) call DDTC at (202) 663–1282 to coordinate submission of the proprietary supplement.

Regulatory Analysis and Notices

Administrative Procedure Act

This rulemaking is exempt from the rulemaking requirements of the Administrative Procedure Act (APA) pursuant to 5 U.S.C. 553(a)(1) as it involves a military or foreign affairs function of the United States. Nevertheless, and without prejudice to this determination, the Department elects to seek public comment on this rule.

Regulatory Flexibility Act

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

Unfunded Mandates Reform Act of 1995

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

Executive Orders 12372 and 13132

This rulemaking does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

Executive Orders 12866 and 13563

Executive Order 12866, as supplemented and reaffirmed by Executive Order 13563, directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributed impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Department specifically welcomes public comment on the impact, including costs and benefits, of this rule. After review by the Office of Management and Budget (OMB), this rule has been deemed a significant regulatory action.

This rule was undertaken pursuant to a statutory directive to periodically review the items on the USML. The Department generally determines which items warrant addition to, or removal from, the USML by assessing whether each provides a critical military or intelligence advantage based on national security and foreign policy considerations. Because the costs and benefits of changing what is controlled focus on the effect or utility of the item or service, rather than its market prevalence or economic value, quantitative analyses cannot be usefully estimated and are not available, particularly since the global prevalence or availability of the item or service are

not known. Moreover, the Department does not have useful estimates or models to predict whether or how frequently the items added to the USML by this rule will be applied for export or to which countries, or for temporary import and from which countries. Qualitatively, this rule was assessed for costs and benefits. Because listing individual items or model numbers would necessarily lead to incomplete controls when an item is renamed or slightly modified, the USML contains many descriptive controls that are based on broader characteristics, including form, fit, function, and performance capability. To more accurately describe only what the Department intends to control, and to provide companies and individuals with better certainty, some USML revisions made by this rule are intended to clarify and otherwise improve various entries and to more precisely focus controls. These revisions are also informed by confidential commodity jurisdiction determination and advisory opinion requests submitted by industry. The Department considers common questions and strives to streamline and simplify USML entries based on and consistent with industry's experience parsing the USML.

The Department assesses that the benefits of this rulemaking outweigh any costs, that modifying the USML in this manner is the most cost-effective method to achieve the Department's regulatory objectives on this matter, and that doing so will result in a net reduction of the burden on the regulated community.

Executive Order 13175

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

Executive Order 14192

This rule is exempt from Executive Order 14192 as it is a regulation issued with respect to a foreign affairs or national security function of the United States.

Executive Order 12988

The Department of State has reviewed this rulemaking in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Paperwork Reduction Act

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

List of Subjects

22 CFR Parts 120 and 121

Arms and munitions, Classified information, Exports.

22 CFR Part 123

Arms and munitions, Exports, Reporting and recordkeeping requirements.

Accordingly, for the reasons set forth above and under the authority of 22 U.S.C. 2778, the Department of State proposes to amend 22 CFR parts 120, 121, and 123, the United States Munitions List, as follows:

PART 120—PURPOSE AND DEFINTIONS

■ 1. The authority citation for part 120 continues to read as follows:

Authority: 22 U.S.C. 2651a, 2752, 2753, 2776, 2778, 2779, 2779a, 2785, 2794, 2797; E.O. 13637, 78 FR 16129, 3 CFR, 2013 Comp., p. 223.

■ 2. Amend § 120.31 by revising paragraph (a) and removing and reserving paragraph (b) to read as follows:

§ 120.31 Defense article.

(a) *Defense article* means, except as noted in § 120.35 of this subchapter, any item or technical data designated in § 121.1 of this subchapter and includes the following:

* * * * *

(b) [Reserved]

* * * * *

■ 3. Amend § 120.32 by revising paragraph (a) to read as follows:

§ 120.32 Defense service.

(a) *Defense service* means, except as noted in § 120.35 of this subchapter:

* * * * *

■ 4. Amend § 120.33 by revising paragraph (a)(1) and adding note 1 to paragraph (a)(1) to read as follows:

§ 120.33 Technical data.

(a) Technical data means for purposes of this subchapter:

(1) Information, other than software as defined in § 120.40(g), that is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of defense articles.

Note 1 to paragraph (a)(1): This includes information in any form (*e.g.,* blueprints, drawings, photographs, plans, instructions, or documentation).

* * * * *

■ 5. Add § 120.35 to read as follows:

§ 120.35 Items that are excluded from the U.S. Munitions List.

(a) Commodities, as follows:

(1) End-items, systems, and equipment that are described only in USML paragraphs pursuant to § 120.41(a)(1) and are subsequently modified by removing all properties peculiarly responsible for achieving or exceeding the control criteria in those USML paragraphs; or

(2) [Reserved]

Note 1 to paragraph (a): Certification of an item as ''demilitarized'' or ''DEMIL'' by the cognizant DoD agency does not mean that item is no longer described on the USML.

(b) Information, as follows:

(1) Unclassified descriptions of a commodity or software's functions, or the purpose it serves, that do not convey details on how the functions or purpose are performed; or

(2) Unclassified descriptions of a commodity or software's performance capabilities that do not convey requirements or specifications.

(c) [Reserved]

■ 6. Amend § 120.41 by revising paragraph (b) to read as follows:

§ 120.41 Specially designed.

* * * * *

(b) For purposes of this subchapter, a part, component, accessory, attachment, or software is not specially designed if it:

(1) Is subject to the EAR pursuant to a commodity jurisdiction determination;

(2) Is, regardless of form or fit, a fastener (*e.g.,* screws, bolts, nuts, nut plates, studs, inserts, clips, rivets, pins), washer, spacer, insulator, grommet, bushing, spring, wire, or solder;

(3) Has the same function, performance capabilities, and the same or equivalent form as a commodity or software used in or with a commodity that:

(i) Was in production after leaving development; and

(ii) Is not enumerated on the USML;

(4) Was or is being developed with knowledge that it is or would be for use in or with both defense articles enumerated on the USML and also commodities not on the USML;

(5) Was or is being developed as a general-purpose commodity or software, *i.e.,* with no knowledge for use in or with a particular commodity (*e.g.,* a F/A–18 or HMMWV) or type of commodity (*e.g.,* an aircraft or machine tool);

(6) [Reserved]

(7) Was not described in § 121.1 of this subchapter within the first year after leaving development, and is subsequently used, in the same or equivalent form, in or with a defense article that is described in a USML entry that has a catch-all control on the USML; or

(8) Is, regardless of form or fit, a knob, tire, visible spectrum light bulb, light fixture, analog gauge or indicator, audio selector panel, nameplate, magnetic compass, rheostat, manual electrical switch, solenoid, circuit breaker utilizing solely thermal-magnetic overcurrent protection, fuse, glass preform, latch, hinge, bracket, pneumatic hose, or passenger seat.

Note 1 to paragraph (b): For a defense article not to be specially designed on the basis of paragraph (b)(4), (5), or (7) of this section, documents contemporaneous with its development, in their totality, must establish the elements of paragraph (b)(4), (5), or (7). Such documents may include concept design information, marketing plans, declarations in patent applications, or contracts. Absent such documents, the commodity may not be excluded from being specially designed by paragraph (b)(4), (5), or (7).

Note 2 to paragraph (b): For the purpose of paragraphs (b)(4) and (5) of this section, ''knowledge'' includes not only the positive knowledge a circumstance exists or is substantially certain to occur, but also an awareness of a high probability of its existence or future occurrence. Such awareness is inferred from evidence of the conscious disregard of facts known to a person and is also inferred from a person's willful avoidance of facts.

Note 3 to paragraph (b): Items described in paragraph (b)(2) of this section may only have functions described in paragraph (b)(2). Thus, a flange nut (*i.e.,* a nut integrated with a washer) would qualify, whereas a hose connecting bolt (*i.e.,* a bolt with internal piping for fluid transfer) would not. Similarly, items described in paragraph (b)(8) of this section may only have functions described in paragraphs (b)(2) and (8). Thus, a bracket with integrated fasteners is eligible for paragraph (b)(8) of this section, but not paragraph (b)(2). For items meeting paragraph (b)(2), see also paragraph (b)(2) of the EAR definition for specially designed in 15 CFR 734. Coatings and other materials described on the USML remain ineligible for paragraph (b) of this section when applied to items otherwise described in paragraph (b).

■ 7. Amend § 120.42 by revising paragraph (e) to read as follows:

§ 120.42 Form, fit, function, performance capability, equivalent form, enumerated, and catch-all control.

* * * * *

(e) *Equivalent form.* With respect to a commodity, equivalent form means its form has been modified solely for fit purposes.

* * * * *

■ 8. Amend § 120.43 by revising paragraph (a) and (b) to read as follows:

§ 120.43 Development, production, and related terms; Basic and applied research.

(a) *Development* is related to all product life cycle stages prior to full production.

(1) This includes design, design research, design analyses, design concepts, assembly and testing of prototypes, pilot production schemes, low-rate initial production, design data, the process of transforming design data into a product, configuration design, integration design, and layouts.

(2) Development ends once the functional design decisions, integration, validation, and testing activities are complete, except as provided in paragraph (b)(2) of this section, and the design is approved for full-rate production, serial production, standardized production, software production release, deployment to production, or other equivalent transfer to full production.

(3) For articles in production, the following development activities do not place the article back in development: activities that would result only in cosmetic changes, or enhancements or improvements in the sustainability, reliability, or maintainability of the article, including those pertaining to quality improvements, cost reduction, or feature enhancements.

(b) *Production* is related to product life cycle activities after completion of development and includes production-focused product engineering, manufacture, integration, assembly, mounting, inspection, testing, quality assurance, and other stages following approval for full production.

(1) This includes serial production, or equivalent, when commodities have passed production readiness testing; have an approved, standardized design ready for full production; and are being or have been produced on an assembly line, or equivalent process, for multiple commodities using an approved, standardized design. If multiple quantities are not planned, such as custom builds, the equivalent is the production run for intended delivery or deployment for intended use. Production does not include runs to validate the manufacturing process.

(2) Articles in production reenter development when they are subjected to development activities that would result in changes to their function or performance capability. Such articles reenter production once the criteria in paragraph (a)(2) of this section are met again. The original version of the article may remain in production while the modified version is in development.

* * * * *

■ 9. Amend § 120.54 by revising paragraph (a)(1) to read as follows:

§ 120.54 Activities that are not exports, reexports, retransfers, or temporary imports.

(a) * * *

(1) Launching a spacecraft, launch vehicle, payload, or other article into or beyond orbit;

PART 121—THE UNITED STATES MUNITIONS LIST

■ 10. The authority citation for part 121 continues to read as follows:

Authority: 22 U.S.C. 2752, 2778, 2797; 22 U.S.C. 2651a; Sec. 1514, Pub. L. 105–261, 112 Stat. 2175; E.O. 13637, 78 FR 16129, 3 CFR, 2013 Comp., p. 223.

■ 11. Amend § 121.1 as follows:

■ a. In Category II, revise paragraph (a)(4);

■ b. In Category VIII, remove and reserve paragraph (h)(10);

■ c. In Category X, revise paragraph (a)(7) and Note 1 to paragraph (a)(7); and

■ d. In Category XX, revise paragraph (c).

The revisions and additions read as follows:

§ 121.1 The United States Munitions List

* * * * *

Category II—Guns and Armament

(a) * * *

* (4) Grenade launchers with rifled or removable barrels or tubes; or

* * * * *

Category X—Personal Protective Equipment

(a) * * *

(7) Goggles, spectacles, visors, vision blocks, canopies, or filters for optical sights or viewers, employing other than common broadband absorptive dyes or ultraviolet (UV) inhibitors as a means of protection that meet any of the following:

(i) Have an optical density greater than 4 and protect against multiple visible laser wavelengths;

(ii) Protect against thermal flashes associated with nuclear detonations, achieving an optical density greater than 3; or

(iii) Have an optical density greater than 3 and protect against near infrared or ultraviolet laser wavelengths; or

Note 1 to paragraph (a)(7): See paragraphs (d)(2) and (3) of USML Category X for

controls on related parts, components, and materials.

* * * * *

Category XX—Submersible Vessels and Related Articles

* * * * *

(c) Parts, components, accessories, attachments, systems, and equipment for articles described in paragraphs (a) and (b) of USML Category XX (MT for launcher mechanisms specially designed for rockets, space launch vehicles, or missiles capable of achieving a range greater than or equal to 300 km), as follows:

* (1) Parts, components, accessories, attachments, systems, and equipment, including tooling and production, testing, or inspection equipment, specially designed for plants or facilities described in paragraph (b)(1) of USML Category XX (see also § 120.5(c) of this subchapter for nuclear related controls);

(2) Systems and equipment, including production, testing, and inspection equipment and tooling, specially designed for articles described in paragraph (a) of USML Category XX, as follows:

(i) Habitability systems (*e.g.,* air purification, air circulation, oxygen generation/supply, temperature and humidity control, or other life-supporting systems);

(ii) Water treatment, distillation, or desalination systems;

(iii) Hulls or superstructures, including support structures therefor;

(iv) Steering and dive plane control systems not otherwise described on the USML;

(v) Weight and balance management systems;

(vi) Emergency and safety systems;

(vii) Communications and identification systems not otherwise described on the USML;

(viii) Systems and equipment, not otherwise described, specially designed to function at depths exceeding 600 meters;

(ix) Armaments and weapon delivery systems, not otherwise described on the USML (MT for launcher mechanisms specially designed for rockets, space launch vehicles, or missiles capable of achieving a range greater than or equal to 300 km);

(x) Power generation, distribution, and storage systems; or

(xi) Hydraulic and pneumatic systems.

(3) Parts, components, accessories, and attachments specially designed for articles described in paragraphs (b)(2) or (c)(2) of USML Category XX.

* * * * *

PART 123—LICENSES FOR THE EXPORT AND TEMPORARY IMPORT OF DEFENSE ARTICLES

■ 12. The authority citation for part 123 continues to read as follows:

Authority: Secs. 2, 38, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); 22 U.S.C. 2753; 22 U.S.C. 2651a; 22 U.S.C. 2776; Pub. L. 105–261, 112 Stat. 1920; Sec. 1205(a), Pub. L. 107–228; Sec. 520, Pub. L. 112–55; Section 1261, Pub. L. 112–239; E.O. 13637, 78 FR 16129.

■ 13. Add § 123.26 to read as follows:

§ 123.26 Temporary export for servicing or repair of foreign defense articles.

Exemption for temporary export. A license is not required for the temporary export of an unclassified foreign defense article when the export is solely for the purpose of servicing, inspecting, testing, calibrating, repairing, overhauling, upgrading, reconditioning, or one-to-one replacement of a defective item by the original equipment manufacturer (OEM) or its authorized service provider.

* * * * *

Thomas G. DiNanno,

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

[FR Doc. 2026–20079 Filed 9–30–26; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–1214]

RIN 1625–AA00

Safety Zone; Sector Mobile Captain of the Port Zone, Mobile, AL

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary moving safety zone and two temporary fixed safety zones to support the arrival and dismantling of the EX ENTERPRISE, formerly the USS ENTERPRISE (CVN–65), in the Sector Mobile Captain of the Port Zone. This proposed rulemaking would prohibit persons and vessels from entering these zones unless authorized by the Captain of the Port, Sector Mobile. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before October 16, 2026.

ADDRESSES: To submit comments and view available documents, go to *https://www.regulations.gov* and search for USCG–2026–1214.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact Lieutenant Zachary West, Waterways Management—Division, U.S. Coast Guard Sector Mobile; telephone (251) 382–8653, email *SectorMobileWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background and Authority

In June 2026, the U.S. Navy awarded a contract for the dismantling, recycling, and disposal of EX ENTERPRISE. Under this contract, EX ENTERPRISE will be dismantled in its entirety, and all resulting materials will be recycled or disposed of. Specifically, hazardous materials, including low-level radioactive waste, will be packaged and safely transported for disposal at authorized licensed sites. The vessel will be towed to its designated dismantlement location and has no capability to maneuver under its own power. Work will be performed in Mobile, Alabama, and is expected to be completed by December 2030. The receiving facility for the EX ENTERPRISE is on the west side of the Mobile River, located at 701 South Royal Street, in Mobile, AL.

To support the project, the U.S. Coast Guard was asked to establish a moving safety zone around the vessel and a temporary fixed safety zone on portions of the Mobile Bay and Mobile River channels to address risks associated with its transit into Mobile, and a second temporary fixed safety zone around the EX ENTERPRISE to address risk associated with the dismantling operation. These risks include the fact that EX ENTERPRISE has no propulsion, limited maneuverability, and contains regulated materials requiring controlled handling. When moored, the vessel will undergo prolonged dismantling operations involving the removal of hazardous materials and regulated waste, including radiological materials. Work crews, equipment, and response assets will be actively engaged on and around the hull. The Captain of the Port Sector Mobile (COTP) has determined that the transit and dismantling operations

present safety concerns for the EX ENTERPRISE, personnel involved with the operations, and the public. Therefore, the COTP is proposing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel and vessels in the navigable waters within these zones.

The Coast Guard is providing a comment period of fewer than 30 days because EX ENTERPRISE is scheduled to arrive on or about November 13, 2026, and the proposed safety zones must be in place by that date to ensure public and vessel safety during the tow and arrival operations. Providing a full 30-day comment period would prevent the Coast Guard from implementing necessary protections in time and would be contrary to the public interest.

III. Discussion of the Rule

To protect vessels, personnel, and the marine environment from hazards associated with the towing operations and subsequent dismantling of the EX ENTERPRISE, this proposed rule would establish a temporary moving safety zone that will be in effect whenever EX ENTERPRISE is underway and actively being towed within the Mobile COTP Zone. This moving safety zone would encompass all navigable waters within 100 yards of EX ENTERPRISE and all vessels involved in the dead-ship tow operation. The arrival of the EX ENTERPRISE into the Mobile COTP zone is anticipated to occur sometime in November 2026, and the COTP will provide specific notice of the enforcement date and time through Broadcast Notice to Mariners and other public advisories. Enforcement of the temporary moving safety zone would terminate once the EX ENTERPRISE is moored at the receiving facility.

This proposed rule would also establish a temporary fixed safety zone on all waters of the navigational channel, extending from the Mobile Bar Lighted Buoy 1 (LLNR 6100) northward to the Mobile River Channel ending at the Cochrane Bridge. Enforcement of this safety would begin upon arrival of the EX ENTERPRISE to the entrance of the Mobile Bar Channel until the vessel is moored at the receiving facility. The COTP will provide specific notice of the enforcement date and time through Broadcast Notice to Mariners and other public advisories. Enforcement of the moving safety zone and the fixed safety zone on the navigational channel would terminate once the EX ENTERPRISE is moored at the receiving facility.

In addition, this proposed rule would establish another temporary fixed-safety zone, extending 200-ft around the EX ENTERPRISE once it is moored at the receiving facility. This safety zone will remain in effect throughout the dismantling operations, for an estimated period of five years. Vessels may transit through portions of the safety zone that overlap the Federal channel only for direct and expeditious passage, while remaining within the channel, maintaining the maximum safe distance from EX ENTERPRISE, and not stopping or loitering. This zone is necessary due to the extensive dismantling work, removal of hazardous and regulated materials, and the continuous presence of personnel and equipment on and around the hull, all of which create elevated risks to nearby traffic.

The duration and enforcement periods for the temporary moving safety zone, temporary fixed safety zone, and the temporary fixed moored safety zone have been tailored to ensure protection of personnel, vessels, and the marine environment in these navigable waters while minimizing impacts on other waterway users to only what is necessary.

The COTP will issue a Broadcast Notice to Mariners via marine channel 16 (VHF–FM) and an MSIB announcing the exact dates and times of enforcement to the local maritime community. No vessel or person may enter these safety zones without obtaining permission from the COTP or their designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons.

Vessel traffic will be able to transit around the safety zones, and may also transit through the zones with permission from the COTP or a designated representative. Although these zones restrict movement in the immediate vicinity of EX ENTERPRISE, the overall impact on navigation is expected to be limited. The zones are narrowly tailored to the operational footprint of the tow and dismantling activities, and enforcement will occur only during defined periods necessary to ensure the safety of workers, nearby vessels, and the marine environment.

In addition, the Coast Guard will issue a Marine Safety Information Bulletin and Broadcast Notice to Marines via VHF FM marine channel 16, which will allow small entities to adjust their transit plans, and the rule allows vessels to request permission to enter the regulated area from the COTP.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this proposed rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247).

B. Collection of Information

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

C. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal

Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

D. Unfunded Mandates Reform Act

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

E. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2026–1214 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in the docket. To view available documents, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. We will post public comments in our online docket. Additional information is on the *https://www.regulations.gov* Frequently Asked Questions web page.

Personal information. We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–1214 to read as follows:

§ 165.T08–1214 Safety Zone; Sector Mobile Captain of the Port Zone, Mobile, AL

(a) *Locations.* (1) The following area is a moving safety zone: all navigable waters within a 100-yard radius of the EX ENTERPRISE and all vessels involved in the dead ship tow operation within the Sector Mobile Captain of the Port Zone.

(2) The following area is a fixed safety zone: all navigable waters within any Federal channel from the Mobile Bar Channel, beginning at the Mobile Bar Lighted Buoy 1 (LLNR 6100), extending northward to the Mobile River Channel ending at the Cochrane Bridge.

(3) The following area is a fixed safety zone: All navigable waters within a 200-ft radius of the EX ENTERPRISE while moored at the receiving facility on the west side of the Mobile River, located at 701 South Royal Street, in Mobile, AL.

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

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zones described in paragraphs (a)(1), (a)(2) and (a)(3) of this section unless authorized by the COTP or the COTP's designated representative.

(2) Vessels may transit through portions of the fixed safety zone described in paragraph (a)(3) that overlap the Federal channel only for direct and expeditious passage, while remaining within the channel, maintaining the maximum safe distance from EX ENTERPRISE, and not stopping or loitering.

(3) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at (251) 266–5888. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement periods.* This temporary regulation is effective from November 13, 2026 until December 31, 2030. The zones described in paragraph (a) will be enforced during the periods described below.

(1) The moving safety zone described in paragraph (a)(1) will be enforced during the transit of the EX ENTERPRISE on all navigable waters of the United States within the Captain of the Port Sector Mobile zone, until the vessel is moored at the receiving facility.

(2) The fixed safety zone described in paragraph (a)(2) of this part will be enforced beginning when the EX ENTERPRISE arrives at the entrance of the Mobile Bar Channel at the Mobile Bar Lighted Buoy 1 (LLNR 6100), and will remain in effect, until the vessel is moored at the receiving facility.

(3) The fixed safety zone described in paragraph (a)(3) will be enforced once the EX ENTERPRISE is moored at the receiving facility and will remain in effect until the dismantlement project has progressed to a stage deemed safe for nearby vessel traffic by the Captain of the Port (COTP). The dismantlement project is expected to be completed by December 2030. If the project is completed before December 31, 2030, enforcement of the fixed safety zone described in paragraph (a)(3) will be terminated, and notice given via Local Notice to Mariners. The USCG Heartland District Local Notice to

Mariners can be found at: *http://www.navcen.uscg.gov.*

(4) For each enforcement period generally described above, the Captain of the Port (COTP) will issue a Marine Safety Information Bulletin (MSIB) and Broadcast Notice to Mariners via marine channel 16 (VHF–FM), and Local Notice to Mariners announcing the exact dates and times of the enforcement periods in advance to the local maritime community.

M.O. Vega,

Captain, U.S. Coast Guard, Captain of the Port Sector Mobile.

[FR Doc. 2026–20124 Filed 9–30–26; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2025–1978; FRL–13551–01–R9]

Approval of Implementation Plans for Air Quality Planning Purposes; State of Nevada; Truckee Meadows Second 10-Year Maintenance Plan for the 1987 PM-10 Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing to approve the ''Second 10-Year Maintenance Plan for the Truckee Meadows 24-Hour PM_{10} Attainment Area'' (''Truckee Meadows Second PM_{10} Maintenance Plan'' or ''Plan'') as a revision to the Washoe County portion of the State implementation plan (SIP) for the State of Nevada. The Truckee Meadows Second PM_{10} Maintenance Plan includes, among other elements, a base year emissions inventory, a maintenance demonstration, contingency provisions, and motor vehicle emissions budgets for use in transportation conformity determinations. With this proposed rulemaking, the EPA is initiating the adequacy process for the 2025, 2030, and 2040 motor vehicle emissions budgets. The EPA is proposing these actions because the SIP revision meets the applicable statutory and regulatory requirements for such plans and motor vehicle emissions budgets. We are taking comments on this proposal and plan to follow with a final action.

DATES: Comments must be received on or before November 2, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2025–1978, at *https://www.regulations.gov.* For comments submitted at *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 identified in 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.* If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Ginger Vagenas, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; telephone number: (415) 972–3964; email address: *vagenas.ginger@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to the EPA. We use multiple abbreviations in this preamble. While the following list may not be exhaustive, for ease of reading and for reference purposes, the EPA defines the following abbreviations here:

Act: Clean Air Act
AERR: Air Emissions Reporting Requirements rule
AQMD: Air Quality Management Division
AQS: EPA Air Quality System database
CAA: Clean Air Act
Calcagni Memo: September 4, 1992 EPA memorandum from John Calcagni, titled ''Procedures for Processing Requests to Redesignate Areas to Attainment''
CBI: Confidential Business Information
CMTC: Contingency Measure Trigger Calculation
DBOH: District Board of Health
EPA: U.S. Environmental Protection Agency
FHWA: Federal Highway Administration
FTA: Federal Transit Administration
lbs/day: Pounds per Day
$\mu g/m^3$: micrograms per cubic meter
NAAQS: National Ambient Air Quality Standard
NDEP: Nevada Division of Environmental Protection
NEI: National Emissions Inventory
NNPH: Northern Nevada Public Health
NO_X: Nitrogen Oxides
Plan: Second 10-Year Maintenance Plan for the Truckee Meadows 24-Hour PM_{10} Attainment Area or Truckee Meadows Second PM_{10} Maintenance Plan
PM_{10}: Inhalable particles with diameters that are 10 micrometers or less.
SIP: State Implementation Plan
SLAMS: State and Local Air Monitoring Stations
SO_X: Sulfur Oxides
VOC: Volatile Organic Compound

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I. Background

A. What action is the EPA proposing to take?

The EPA is proposing to approve the Truckee Meadows Second PM_{10} Maintenance Plan as a revision to the Washoe County portion of the SIP for the State of Nevada. We are also initiating the adequacy process for the 2025, 2030, and 2040 motor vehicle emissions budgets.

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

Clean Air Act (CAA or ''Act'') section 175A(b) requires States to submit an additional SIP revision (a second 10-year maintenance plan) to maintain the national ambient air quality standards (NAAQS or ''standards'') for an additional 10 years after the expiration of the 10-year period covered by the initial maintenance plan approved in

connection with the redesignation of the area from nonattainment to attainment.

CAA section 176(c) requires Federal actions in nonattainment and maintenance areas to conform to the SIP's goals of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of the standards. The EPA's transportation conformity rule, which implements CAA section 176(c), is codified at 40 CFR part 93, subpart A.

C. The PM_{10} National Ambient Air Quality Standards

CAA section 109 grants the EPA the authority to set NAAQS for certain ambient air pollutants to protect public health and welfare.[1] Particulate matter (PM) refers to the mixture of solid particles and liquid droplets found in the air. PM is among the ambient air pollutants for which the EPA has established health-based standards. PM_{10} is defined as inhalable particles with diameters that are 10 micrometers or less. PM_{10} can cause adverse health effects by penetrating deep into the lungs and blood stream, leading to lung damage, increased respiratory disease, and premature death. Children, the elderly, and people with asthma and heart conditions are the most vulnerable.

On July 1, 1987, the EPA established primary and secondary NAAQS for PM_{10}.[2] At that time, the EPA established two PM_{10} standards: an annual standard and a 24-hour standard.[3] Effective December 18, 2006, the EPA revoked the annual PM_{10} standard but retained the 24-hour PM_{10} standard.[4] An area attains the 24-hour standard of 150 micrograms per cubic meter ($\mu g/m^3$) when the expected number of days per calendar year with a 24-hour concentration above the standard (referred to as an ''exceedance''),[5] averaged over three years, is equal to or less than one. The expected number of exceedances averaged over a three-year period at any regulatory monitor is known as the PM_{10} design value. The PM_{10} design value for the area is the highest design value within the nonattainment area.[6]

Generally, the EPA determines whether an area's air quality is meeting the PM_{10} NAAQS based on the most recent complete,[7] quality-assured, and certified data measured at established State and local air monitoring stations (SLAMS) in the nonattainment area and entered into the EPA Air Quality System (AQS) database. Data from air monitoring sites operated by State, local, or Tribal agencies in compliance with the EPA's monitoring requirements must be submitted to AQS. These monitoring agencies annually certify that these data are accurate to the best of their knowledge. Accordingly, the EPA relies primarily on data in AQS when determining the attainment status of an area.[8] All valid data are reviewed to determine the area's air quality status in accordance with 40 CFR part 50, appendix K.

D. The Truckee Meadows PM_{10} Planning Area

Through its enactment of the CAA Amendments of 1990, Congress designated certain areas of the country, including the Reno planning area, commonly referred to as ''Truckee Meadows,'' as nonattainment areas for the PM_{10} NAAQS. Truckee Meadows lies in the far southern part of Washoe County, Nevada.[9] Located at an average elevation of 4,500 feet above sea level, Truckee Meadows encompasses a land area of approximately 200 square miles and is surrounded by mountain ranges, which can lead to persistent wintertime temperature inversions where a layer of cold air is trapped in the valley. Warmer air above the inversion acts as a lid, containing and concentrating air pollutants at ground level. Emissions from anthropogenic activities such as automobile use and residential wood combustion are also concentrated here. The two major cities in Truckee Meadows are Reno and Sparks.

E. PM_{10} Planning in the Truckee Meadows Area

In 1991, the Reno planning area (*i.e.,* Truckee Meadows) was designated as a nonattainment area for PM_{10} by operation of law.[10] Truckee Meadows was initially classified as a ''Moderate'' PM_{10} nonattainment area with an applicable attainment date of December 31, 1994.[11] Truckee Meadows was later reclassified by operation of law to ''Serious'' upon the EPA's determination that, based on ambient PM_{10} data for the 1992 through 1994 period, the area had failed to attain the standard by the Moderate area attainment date.[12] The State was required under CAA section 188(c) to submit revisions to its SIP to, among other things, demonstrate attainment of the PM_{10} standard as expeditiously as practicable, but no later than December 31, 2001. Despite further improvements, in a 2011 rulemaking, the EPA found that Truckee Meadows failed to attain by the December 31, 2001 attainment date, based on ambient PM_{10} data for the 1999 through 2001 period.[13] Under such circumstances, the State would usually be required to submit a new attainment plan under CAA section 189(d). However, in the same 2011 rulemaking, the EPA determined that the area was currently attaining the PM_{10} NAAQS based on complete, quality-assured, and certified ambient air monitoring data that showed the area monitored attainment of the 1987 p.m.$_{10}$ NAAQS for the 2007 through 2009 monitoring period. Consequently, the requirement to submit a new SIP was suspended.

When a nonattainment area attains the NAAQS, the State may request redesignation to attainment, in conjunction with submission of a maintenance plan showing how it will continue to attain the NAAQS. CAA section 175A provides the general framework for a maintenance plan. The maintenance plan must provide for continued attainment of the NAAQS for at least 10 years after redesignation, including any additional control measures necessary to ensure such maintenance. In addition, maintenance plans must contain contingency provisions necessary to ensure the

[1] CAA section 109(b). For a given air pollutant, ''primary'' standards are those determined by the EPA as requisite to protect the public health. ''Secondary'' standards are those determined by the EPA as requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air.

[2] 52 FR 24634 (July 1, 1987).

[3] The primary and secondary standards were set at the same level for both the 24-hour and the annual PM_{10} standards.

[4] 71 FR 61144 (October 17, 2006).

[5] An exceedance is defined as a daily value that is above the level of the 24-hour standard (*i.e.,* 150 $\mu g/m^3$) after rounding to the nearest 10 $\mu g/m^3$ (*i.e.,* values ending in five or greater are to be rounded up). Thus, a recorded value of 154 $\mu g/m^3$ would not be an exceedance because it would be rounded to 150 $\mu g/m^3$. A recorded value of 155 $\mu g/m^3$ would be an exceedance because it would be rounded to 160 $\mu g/m^3$. 40 CFR part 50, appendix K, section 1.0.

[6] 40 CFR 50.6 and 40 CFR part 50, appendix K. The comparison with the allowable expected exceedance rate of one per year averaged over three years is made in terms of a number rounded to the nearest tenth (fractional values equal to or greater than 0.05 are to be rounded up; *e.g.,* an exceedance rate of 1.05 would be rounded to 1.1, which is the minimum design value for nonattainment). 40 CFR part 50, appendix K, section 2.1(b).

[7] For PM_{10}, a complete year of air quality data includes all four calendar quarters with each quarter having valid data on a minimum of 75 percent of the scheduled PM_{10} sampling days. 40 CFR part 50, appendix K, section 2.3(a).

[8] 40 CFR 50.6; 40 CFR part 50, appendix J; 40 CFR part 53; and 40 CFR part 58, appendices A, C, D, and E.

[9] Washoe County is located in the northwestern portion of Nevada and is bordered by the State of California to the west and the State of Oregon to the north. Within the State of Nevada, the counties of Humboldt, Pershing, Storey, Churchill, Lyon, and the city of Carson City bound Washoe County to the east and south.

[10] 56 FR 11101 (March 15, 1991).

[11] *Id.*

[12] 66 FR 1268 (January 8, 2001).

[13] 76 FR 21807 (April 19, 2011).

prompt correction of a violation of the NAAQS that occurs after redesignation.[14] The contingency provisions must include, at a minimum, a requirement that the State will implement all control measures contained in the nonattainment SIP prior to redesignation.

After verifying the area continued to attain the NAAQS and that Nevada had submitted an approvable plan to continue maintenance of the NAAQS through 2026, the EPA redesignated the Truckee Meadows area from nonattainment to attainment and approved the first maintenance plan for the Truckee Meadows area for the PM_{10} NAAQS, effective January 7, 2016.[15]

CAA section 175A(b) requires States to submit an additional SIP revision (a second 10-year maintenance plan) to maintain the NAAQS for an additional 10 years after the expiration of the 10-year period covered by the initial maintenance plan approved in connection with the redesignation of the area from nonattainment to attainment. The revision is to be submitted eight years after the original redesignation request and maintenance plan have been approved. The deadline to submit the second PM_{10} maintenance plan for Truckee Meadows was January 7, 2024.

II. Air Quality in the Truckee Meadows Area

A recent design value showing a maintenance area is continuing to attain the PM_{10} NAAQS (*i.e.,* the recorded number of days with levels above 150 $\mu g/m^3$, averaged over a 3-year period, is less than or equal to one) is the foundation of a second 10-year maintenance plan. As described in more detail in section IV.A of this document, a base year emissions inventory from the design value period that represents attainment conditions is used as the basis for projecting emissions inventories into the future and to demonstrate that future emissions will not lead to an exceedance of the standards. Northern Nevada Public Health [16] (NNPH), which administers air quality programs through its Air Quality Management Division (AQMD), used the data from calendar years 2017 through 2019 to calculate a 2019 design value to demonstrate the area had continued to attain the PM_{10} standard and selected the 2017 emissions inventory as its base year inventory.

Table 1 of this document shows the design values for the Truckee Meadows PM_{10} maintenance area at the monitoring sites active in the maintenance area from 2016 through 2025, accounting for all recorded exceedances during that time. Table 2 of this document shows the number of exceedances recorded at active monitors for the years 2016 through 2025.[17]

TABLE 1—DESIGN VALUES FOR THE FIRST 10-YEAR MAINTENANCE PERIOD [a]

Monitor (AQS ID)	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Galletti (32–0031–0022)	*0.3	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Toll (32–031–0025)	0.3	0.3	0.0	0.0	1.0	4.0	5.3	4.3	1.3	0.0
Sparks (32–031–1005)	0.0	0.0	0.0	0.0	1.0	2.7	3.0	2.0	0.3	0.0
Reno4 (32–031–0031) [b]	0.0	0.0	0.0	0.0	0.3	2.7	3.7	3.3	1.0	0.0
Plumb-Kit (32–031–0030)	0.0	0.0	*0.0	*0.0	n/a	n/a	n/a	n/a	n/a	n/a
South Reno (32–031–0020)	0.0	0.0	*0.0	*0.0	n/a	n/a	n/a	n/a	n/a	n/a

[a] Design values marked with an asterisk are invalid. The 2016 design value for Galletti and the 2018 and 2019 design values for Plumb-Kit and South Reno are invalid due to incomplete data following the shutdown of the monitoring sites.

[b] The Reno3 monitoring site (AQS ID: 32–031–0016) was relocated to Reno4 in 2020 and the data have been combined into a single data record.

Source: Truckee Meadows Second PM_{10} Maintenance Plan, Table 9, and EPA AQS PM_{10} Design Value Report, AMP 480, for 2016 through 2025 (accessed July 20, 2026).

TABLE 2—ESTIMATED EXCEEDANCES DURING THE FIRST 10-YEAR MAINTENANCE PERIOD

Monitor (AQS ID)	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Galletti (32–031–0022)	1	0	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Toll (32–031–0025)	0	1	0	0	0	0	3	9	4	0	0	0
Sparks (32–031–1005)	0	0	0	0	0	0	3	5	1	0	0	0
Reno4 (32–031–0031)	0	0	0	0	0	0	1	7	3	0	0	0
Plumb-Kit (32–031–0030)	0	0	0	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
South Reno (32–031–0020)	0	0	0	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Source: Truckee Meadows Second PM_{10} Maintenance Plan, Table 10, and EPA AQS PM_{10} Design Value Report, AMP 480, for 2016 through 2025 (accessed July 20, 2026).

Between 2016 and 2025, exceedances occurred during three years—2020, 2021, and 2022—which led to violations of the PM_{10} NAAQS. Because the PM_{10} design value is based on a 3-year average, exceedances from the prior two years are factored into the design value for the current year, resulting in design values that violated the PM_{10} NAAQS in 2023 and 2024, even though no exceedances occurred in those years.

CAA section 175A(d) requires that maintenance plans contain contingency provisions as deemed necessary by the EPA that assure the air agency will promptly correct violations of the standard that occur after an area is redesignated.[18] During the first 10-year maintenance period, for violations that occur outside the design value period on which the second maintenance plan is based, air agencies typically evaluate exceedances to determine the cause and to determine any necessary steps, including rulemaking, they should take to correct the violation. If violations are caused by events that are not reasonably controllable or preventable, *e.g.,* wildfires, air agencies are not required to adopt maintenance plan contingency measures.

NNPH analyzed the exceedances that contributed to violations of the PM_{10} standard during the first maintenance period to ascertain the cause and what

[14] CAA section 175A(d).

[15] 80 FR 76232 (December 8, 2015).

[16] Prior to August of 2023, Northern Nevada Public Health was known as Washoe County Health District. For simplicity, we use the current name when referring to actions that occurred both before and after the agency adopted the new name.

[17] The EPA approved the discontinuation of the Galletti monitor in 2015 and the Plum-Kit and South Reno monitors in 2017. Correspondence documenting NNPH requests and EPA approval of modifications to the monitoring network is included in Appendix K of the Truckee Meadows Second PM_{10} Maintenance Plan.

[18] The requirements for contingency provisions are discussed in greater detail in section IV.E of this document.

(if any) actions they should take to address the causes, and concluded that wildfire events led to the exceedances.[19] The EPA has reviewed the information included in the Truckee Meadows Second PM_{10} Maintenance Plan regarding the exceedances that occurred during the first maintenance period, and we agree that this information does not call into question the EPA's proposed approval of this Plan. We also note that NNPH's analysis and the EPA's evaluation are consistent with the contingency provisions of the maintenance plan that we are proposing to approve in this rulemaking to evaluate data that may have been influenced by certain events in determining whether contingency provisions should be triggered.

III. Procedural Requirements for Adoption and Submittal of State Implementation Plan Revisions

The Nevada Division of Environmental Protection (NDEP) is the State agency with overall responsibility for the Nevada SIP and is the designated agency for submitting SIPs and SIP revisions to the EPA for approval. NNPH is empowered under State law to develop air quality plans within Washoe County. After it adopts an air quality plan for Washoe County, NNPH submits the plan to NDEP for adoption as part of the Nevada SIP and then for submittal to the EPA for approval.

On September 12, 2024, NDEP submitted a second PM_{10} 10-year maintenance plan for the Truckee Meadows 24-hour PM_{10} attainment area to meet the requirement for the subsequent maintenance plan under CAA section 175A(b).[20] On January 22, 2026, NNPH adopted revisions to that plan and on March 12, 2026, NDEP submitted the revised version of the second PM_{10} 10-year maintenance plan, which superseded the initial September 2024 submittal.[21] In this action, we are proposing to approve NDEP's March 12, 2026 submittal of its second PM_{10} 10-year maintenance plan (referred to herein as the ''Truckee Meadows Second PM_{10} Maintenance Plan'' or ''Plan'') as a revision to the Nevada SIP. The Plan is intended to provide for continued maintenance of the 1987 $p.m._{10}$ NAAQS for the 10-year period following the end of the first 10-year period, *i.e.,* from 2026 through 2035.

CAA sections 110(a)(1) and (2) and CAA section 110(l) require States to provide reasonable notice and public hearing prior to adoption of SIP revisions. On November 26, 2025, NNPH posted a media release to the NNPH website announcing the proposed revision to the previously submitted second PM_{10} Maintenance Plan, informing the public of a public comment period ending December 26, 2025, and the option to request a public hearing that would take place on January 22, 2026. NNPH also notified via email all subscribers to its mailing list of the public comment period.[22] No comments were submitted and a public hearing was not requested.[23] Consequently, the adoption of the plan was listed as a consent item on the NNPH District Board of Health (DBOH) agenda for its January 22, 2026 meeting.[24] At that meeting, no comments were offered by the public, and the NNPH DBOH adopted the Truckee Meadows Second PM_{10} Maintenance Plan.[25] Following adoption, NNPH forwarded the plan to NDEP, the Governor of Nevada's designee for SIP matters. NDEP then submitted the plan as a revision to the Nevada SIP to the EPA for approval on March 12, 2026.

Based on the documentation included in the Plan, we find that the Truckee Meadows Second PM_{10} Maintenance Plan submittal satisfies the procedural requirements of CAA section 110(l).

IV. Evaluation of the Truckee Meadows Second PM_{10} Maintenance Plan

CAA section 175A provides the general framework for a maintenance plan. We interpret this section of the Act to require, in general, the following core elements: attainment inventory, maintenance demonstration, monitoring network, verification of continued attainment, and contingency plan.[26] Under CAA section 175A, a maintenance plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the EPA approves a redesignation to attainment. Eight years after redesignation, the State must submit a revised maintenance plan that demonstrates continued attainment for the subsequent ten-year period following the initial ten-year maintenance period. To address the possibility of future NAAQS violations, the maintenance plan must contain such contingency provisions that the EPA deems necessary to promptly correct any violation of the NAAQS that occurs after redesignation of the area.

The primary guidance on maintenance plans and redesignation requests is a September 4, 1992 memorandum from John Calcagni, titled ''Procedures for Processing Requests to Redesignate Areas to Attainment'' (''Calcagni Memo''). The Calcagni Memo outlines the key elements of a maintenance plan, which include verification of continued attainment, monitoring network requirements, attainment emissions inventory, maintenance demonstration, and a contingency plan. We evaluate maintenance plans based on the satisfactory fulfillment of these and all relevant procedural requirements of the CAA.

Based on our review and evaluation of the Plan, as detailed below, we are proposing to approve the Truckee Meadows Second PM_{10} Maintenance Plan submittal because we believe that it meets the requirements of CAA section 175A.

[19] Appendices G through J of the Truckee Meadows Second PM_{10} Maintenance Plan include analyses of the exceedances on July 26, 2021, August 6 through August 7, 2021, August 17, 2021, August 20 through August 26, 2021, September 11, 2021, and September 14 through September 16, 2022.

[20] Letter dated September 13, 2024, from Jennifer Carr, Administrator, NDEP, to Matthew Lakin, Director, Air and Radiation Division, EPA Region 9. Note that the Plan and transmittal letter were submitted electronically to EPA on September 12, 2024.

[21] The Plan was revised to remove the commitment to undertake a triennial home heating survey, which was used to verify continued attainment of the NAAQS and to establish the maintenance emissions limit for the first maintenance plan. (''Redesignation Request and Maintenance Plan for the Truckee Meadows 24-Hour PM_{10} Nonattainment Area,'' August 28, 2014, pages 26 and 31.) NNPH determined that the survey was no longer necessary due to improvements in the EPA's methodology to account for residential wood combustion emissions. *See* the media release announcing the public comment period, Attachment 1 to the transmittal letter dated March 12, 2026, from Jennifer Carr, Administrator, NDEP, to Michele Angelich, Air and Radiation Division Acting Director, EPA Region 9.

[22] A copy of the announcement NNPH transmitted to the subscribers of its mailing list is included in the docket for this proposed rulemaking.

[23] Plan, page 27.

[24] Attachment 2 of the March 12, 2026 submittal (''DBOH agenda for the January 22, 2026 adoption'').

[25] Attachment 6 of the March 12, 2026 submittal (''Certificate of Adoption''). Minutes from the January 22, 2026 DBOH meeting are included as Attachment 5 of the submittal (''Approved minutes from the January 22, 2026 adoption'').

[26] Memorandum dated September 4, 1992, from John Calcagni, Director, EPA Air Quality Management Division, to Regional Office Air Division Directors, Subject: Procedures for Processing Requests to Redesignate Areas to Attainment (''Calcagni Memo''), pages 8 through 13.

A. Emissions Inventory

A maintenance plan for the PM_{10} NAAQS should include an inventory of emissions of PM_{10} in the area that identifies a level of emissions sufficient to attain the PM_{10} NAAQS.[27] This inventory should be consistent with the EPA's most recent guidance on emissions inventories for nonattainment areas available at the time and represent emissions during the time period associated with the monitoring data showing attainment, in this case, 2017 through 2019. The inventory should also be comprehensive, including emissions from stationary sources, area sources, nonroad mobile sources, and on-road mobile sources, and be based on actual emissions during the appropriate season or episode, if applicable.[28] The specific PM_{10} emissions inventory requirements are set forth in the Air Emissions Reporting Requirements rule (AERR).[29] The EPA has provided additional guidance for developing PM_{10} emissions inventories in ''PM_{10} Emissions Inventory Requirements,'' [30] and ''Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze,'' (May 2017).

The Truckee Meadows Second PM_{10} Maintenance Plan provides an attainment emissions inventory of actual emissions from all sources of direct PM_{10} within the Truckee Meadows area, based on the 2017 National Emissions Inventory (NEI),[31] adjusted using seasonal adjustment factors. Updated methodologies and emissions factors were applied to the residential wood combustion and unpaved roads categories to ensure accuracy.[32] Table 3 of this document summarizes the 2017 attainment inventory provided in the Truckee Meadows Second PM_{10} Maintenance Plan.

TABLE 3—TRUCKEE MEADOWS 2017 SEASONAL EMISSIONS INVENTORY FOR DIRECT PM_{10}

[Pounds (lbs)/day]

Category	Subcategory	Estimated actual emissions	Maintenance plan baseline [a]
Point	All	43	43
Nonpoint	Stationary Source Fuel Combustion, including Residential Wood Combustion.	3,486	3,486
	Industrial Processes	2,174	2,174
	Other Solvent Utilization	3	3
	Misc. Non-Point Sources, Excluding Wildfires	2,641	2,641
	Wildfires	26	21
Non-Road Mobile		743	743
On-Road Mobile		954	954
Total [b]		10,070	10,065

[a] Represents maintenance conditions.
[b] Totals may not add up due to rounding.
Source: Truckee Meadows Maintenance Plan, Appendix B, Table B–1.

In addition to showing the estimated actual emissions in 2017, Table 3 of this document shows the baseline emissions inventory used to demonstrate maintenance through 2036. The only difference between the 2017 actual emissions and the maintenance plan baseline emissions is in the wildfire source category. Table 3 of the Truckee Meadows Second PM_{10} Maintenance Plan lists wildfire emissions inventories from NEI years from 1999 through 2020. The Truckee Meadows area experienced unusually high smoke impacts from wildfires in 2011, 2014, and 2020. For the purposes of developing a baseline attainment inventory for demonstrating ongoing attainment, NNPH replaced the actual PM_{10} emissions from wildfires in 2017 (26 lbs/day) with the average of wildfire emissions from previous typical years (1999, 2002, 2005, and 2008) (21 lbs/day). The difference between 26 lbs/day and 21 lbs/day represents 0.06 percent of the non-point source emissions inventory. NNPH notes that future year planning should not be driven by wildfire emissions, and that PM_{10} exceedances and violations caused by natural events (*e.g.,* wildfires) will be treated as exceptional events.[33] We find this adjustment to be reasonable.

Information regarding the development of the emissions inventories, such as the methodology NNPH uses to develop growth factors for future-year inventories for stationary and mobile sources, is included in appendices A through F of the Plan.

The Plan does not provide emissions inventories for precursors to PM_{10} and instead addresses direct PM_{10} only. NNPH notes that precursor emissions were ''determined to be negligible in the First 10-Year Maintenance Plan, in reference to the 2011 emissions inventory'' on which the plan was based.[34] In its approval of the first maintenance plan, the EPA concluded that the absence of PM_{10} precursors from the attainment inventory was acceptable.[35]

In support of continuing this approach, NNPH asserts that there have not been any substantial changes in the emissions inventory or new major sources of volatile organic compounds (VOCs), nitrogen oxides (NO_X), and sulfur oxides (SO_X) within the maintenance area since 2011 and notes that the control strategy for maintaining compliance with the NAAQS relies on

[27] Calcagni Memo, pages 8 through 9.
[28] CAA section 172(c)(3).
[29] 40 CFR part 51, subpart A.
[30] EPA–454/R–94–033, September 1994.
[31] Because the most recent NEI year (2020) available during plan development was affected by disruptions caused by the COVID–19 pandemic and is therefore not representative of normal conditions, NNPH determined it should not be used and instead relied on the 2017 emissions inventory. Truckee Meadows Second PM_{10} Maintenance Plan, page 6.
[32] Truckee Meadows Second PM_{10} Maintenance Plan, appendices C and E.
[33] *Id.,* page 9.
[34] *Id.,* pages 6 through 7.
[35] In its proposed approval of the first maintenance plan, the EPA concluded that the absence of PM_{10} precursors from the attainment inventory was acceptable. This determination was based on a 1998 technical study conducted by the Desert Research Institute and current inventory and monitoring data. 80 FR 58640, 58649 (September 30, 2015).

control of direct PM_{10}.[36] The NNPH also states that sources of precursor emissions are not correlated with reductions in PM_{10} emissions and ambient concentrations of PM_{10}.[37]

The EPA believes that the selection of 2017 as the attainment year inventory is appropriate given that it represents emissions from an attainment year and it is the most recent emissions inventory representative of normal conditions available at the time of preparation of the maintenance plan. Moreover, preparation of a seasonal (winter) inventory in this instance is appropriate given that winter is typically the season when the highest ambient PM_{10} concentrations are monitored in the Truckee Meadows. We find that NNPH's 2017 emissions inventory for direct PM_{10} is based on reasonable assumptions and methodologies, as described in the Truckee Meadows Second PM_{10} Maintenance Plan and 2017 Periodic Emissions Inventory,[38] and that the inventory is comprehensive, current, and accurate. We therefore propose to approve the inventory of actual emissions in 2017 as meeting the requirements of CAA section 172(c)(3) and find the 2017 inventory, as adjusted for wildfire emissions, acceptable for use in demonstrating maintenance of the PM_{10} standard in the future.

B. Maintenance Demonstration

CAA section 175A(a) requires that the maintenance plan provide for maintenance of the NAAQS for at least 10 years after redesignation. A State may generally demonstrate maintenance of the NAAQS by either showing that future emissions of a pollutant or its precursors will not exceed the level of the attainment inventory, or by conducting modeling that shows that the future mix of sources and emissions rates will not cause a violation of the NAAQS.[39]

The Truckee Meadows Second PM_{10} Maintenance Plan demonstrates that the Truckee Meadows area will maintain the PM_{10} NAAQS by comparing the adjusted 2017 attainment inventory (also referred to as the maintenance plan baseline) against the projected emissions for 2025, 2030, and 2040.[40] NNPH demonstrates continued maintenance of the PM_{10} NAAQS by showing that future emissions of PM_{10} will not exceed the level of the 2017 maintenance year baseline. Using the adjusted 2017 emissions inventory as a baseline and appropriate growth and control factors described in Appendix A, ''Growth Factors for Emissions Projections'', and Table A–1 of the Truckee Meadows Second PM_{10} Maintenance Plan, NNPH projected emissions inventories for 2020, 2025, 2030, and 2040. Source specific growth factors were developed based on various demographic, climate, and other data projections. Control factors were developed based on historic data and reasonable assumptions.

Despite expected growth in the area, the Plan's projected future PM_{10} emissions in the Truckee Meadows area are below the 2017 maintenance inventory of 10,064 lbs/day.[41] The downward trend in total expected emissions is due to federally enforceable PM_{10} control programs targeting mobile sources and residential wood combustion. Table 4 of this document illustrates that while there are some increases in point source and on-road mobile source emissions, declining emissions from non-road mobile and nonpoint source categories drive a decrease in overall PM_{10} emissions through 2040. As discussed in section IV.D of this document, NNPH has chosen to include ''safety margins'' in the motor vehicle emissions budgets for 2025 (857 lbs/day), 2030 (904 lbs/day), and 2040 (1,173 lbs/day).[42] We find that the overall emissions projections, including the safety margins, continue to demonstrate maintenance because they do not exceed the emissions in 2017. Therefore, the safety margins are consistent with maintenance through 2036.

TABLE 4—TRUCKEE MEADOWS PM_{10} MAINTENANCE AREA EMISSIONS PROJECTIONS

[Lbs per typical PM_{10} Season Day]

Category	2017 [a] Maintenance plan baseline	2025	2030	2040
Point Sources	43	41	57	69
Nonpoint Sources	8,324	8,202	8,140	7,824
Non-Road Mobile	743	321	299	274
On-Road Mobile	954	643	665	706
Total [b]	10,064	9,207	9,160	8,891
Motor Vehicle Emissions Budget Safety Margin	.....	857	904	1,173
	10,064	10,064	10,064	10,064

Source: Truckee Meadows Maintenance Plan, Table 5 and Table 7.
[a] Represents maintenance conditions.
[b] Totals may not add up due to rounding.

CAA section 175A(b) requires that eight years after redesignation, the State must submit to EPA an additional revision of the SIP for maintaining the NAAQS for an additional 10 years after the expiration of the first 10-year maintenance plan, in this case, until 2036. The projected emissions inventories for 2025, 2030, and 2040 sufficiently demonstrate that the Truckee Meadows area will continue to maintain the PM_{10} standard throughout the second 10-year maintenance period. The EPA therefore concludes that the Truckee Meadows Second PM_{10} Maintenance Plan demonstrates maintenance of the standard through 2036.

[36] Truckee Meadows Second PM_{10} Maintenance Plan, pages 6 through 7.

[37] *Id.,* page 7.

[38] NNPH's 2017 Periodic Emissions Inventory, submitted to the EPA for purposes of meeting the AERR requirements, provides significant detail regarding the assumptions and methodologies used to develop the 2017 p.m.$_{10}$ emissions inventory used in the Truckee Meadows Second 10-Year Maintenance Plan. The 2017 Periodic Emissions Inventory also includes emissions inventories for VOCs, NO_X, SO_X, and ammonia. The AERR requires State, local, and Tribal air agencies to collect and submit emission data for criteria pollutants into the EPA's Emissions Inventory System.

[39] Calcagni Memo, pages 9 through 11.

[40] Table B–1 of Appendix B of the Truckee Meadows Second PM_{10} Maintenance Plan provides PM_{10} emissions for the 2017 maintenance year baseline and the projected inventories for 2025, 2030, and 2040.

[41] *Id.*

[42] *Id.,* page 13.

C. PM_{10} Air Quality Monitoring Network

After an area has been redesignated, the State should continue to operate an appropriate air quality monitoring network, in accordance with 40 CFR part 58, to verify the attainment status of the area.[43] NNPH monitors ambient PM_{10} concentrations through a network of three State and local air monitors (SLAMS) in the Truckee Meadows area. The network is reviewed annually under 40 CFR 58.20(d) to ensure it continues to meet the applicable monitoring objectives. The currently active network monitors are listed in Table 5 of this document.[44] The EPA approved NNPH's air quality network plan for 2025 on December 5, 2025.[45] The approved plan and the EPA approval letter are included in the docket for this proposed action.

TABLE 5—TRUCKEE MEADOWS PM_{10} MONITORS

Site name	Site ID	Street address
Toll	32–031–0025	684A State Route 341, Reno, NV.
Reno 4	32–031–0031	1260–A Stewart St., Reno, NV.
Sparks	32–031–1005	750 4th St, Sparks, NV.

Source: Annual Network Plan, Northern Nevada Public Health, June 24, 2025.

In the Truckee Meadows Second PM_{10} Maintenance Plan, the NNPH commits to continue to operate and maintain a PM_{10} ambient air quality monitor in the planning area, in accordance with 40 CFR part 58, to verify attainment of the PM_{10} NAAQS within the Truckee Meadows area. Data collected by the monitoring network are also used to implement the contingency measures trigger calculation, discussed in section IV.E. of this proposed action. We propose that the Second PM_{10} Maintenance Plan contains adequate provisions for continued ambient PM_{10} monitoring to verify continued attainment through the full maintenance period.

D. Verification of Continued Attainment

Once an area has been redesignated, the State should continue to operate an appropriate air quality monitoring network, in accordance with 40 CFR part 58, to verify the continued attainment status of the area.[46] As discussed in section IV.C of this document, NNPH monitors ambient concentrations of PM_{10} in the Truckee Meadows planning area at three separate monitoring stations. NNPH indicates its intention to continue operation of the air quality monitoring network in accordance with 40 CFR part 58 to verify the attainment status of the area. The NNPH notes that the monitoring network will be reviewed annually to ensure the network meets all relevant monitoring requirements defined in 40 CFR part 58.[47]

In addition to continued air monitoring, NNPH describes its tracking of actual emissions through periodic emissions inventories and commits to continuing to comply with the rules governing these emissions reporting requirements. Finally, NNPH describes various control strategies and enforcement actions that will ensure continued verification of attainment and maintenance of the PM_{10} NAAQS.[48] We are proposing to determine that these efforts are sufficient to verify continued attainment through the maintenance period.

E. Contingency Provisions

CAA section 175A(d) requires that maintenance plans include contingency provisions, as the EPA deems necessary, to promptly correct any violations of the NAAQS that occur after the redesignation of the area. Such provisions must include a requirement that the State will implement all measures with respect to the control of the relevant air pollutants that were contained in the SIP for the area before redesignation of the area as an attainment area.

Under CAA section 175A(d), contingency measures identified in the contingency plan do not have to be fully adopted at the time of redesignation. However, the contingency plan is an enforceable part of the SIP and should ensure that the contingency measures are adopted expeditiously once they are triggered by a specified event. The maintenance plan should clearly identify the measures to be adopted, a schedule and procedure for adoption and implementation, and a specific timeline for action by the State. In addition, the State should identify the specific indicators or triggers that will be used to determine when the contingency measures need to be implemented.

The NNPH has adopted a contingency plan to address possible future PM_{10} air quality problems in the Truckee Meadows area. As noted by NNPH, contingency measures are to be triggered to promptly correct any violation of the standard that occurs during the maintenance period. The contingency plan for the Truckee Meadows area will be triggered when the number of exceedances recorded at a monitor, averaged over three consecutive years, is greater than 1.05.[49] The contingency plan also includes a screening process that allows NNPH, subject to EPA review and agreement, to exclude certain exceedances from the contingency measure trigger calculation (CMTC) if the agencies agree that the information developed by the NNPH, through its AQMD, is sufficient to support exclusion.

The purpose of the screening process is to differentiate between exceedances that are not within the NNPH's control (*i.e.,* exceedances that occur despite the implementation of reasonable measures), and exceedances that are within the NNPH's or State's control and therefore should be included in the trigger calculation. Should the EPA agree with NNPH's exclusion of an exceedance from the CMTC using this process, it would not constitute the EPA's concurrence that the exceedance was caused by an exceptional event. The exceedance would therefore continue to be included in design value calculations for the planning area, unless the State, following opportunity for public comment, submits a request for the EPA to concur on the exceedance as an exceptional event pursuant to 40 CFR 50.14, and the EPA reviews the submittal and formally concurs.

[43] Calcagni Memo, page 11.

[44] Section I.C of this document contains a discussion of monitoring results during the first 10-year maintenance period.

[45] Letter from Dena Vallano, Manager, Monitoring and Analysis Section, EPA Regin 9, to Francisco Vega, Director, Air Quality Management Division, NNPH, dated December 5, 2025.

[46] Calcagni Memo, page 11.

[47] Annual Network Plan, Northern Nevada Public Health, June 24, 2025.

[48] Truckee Meadows Second PM_{10} Maintenance Plan, pages 20 through 21.

[49] *Id.,* page 21.

Under the contingency trigger screening process described in the Plan, the NNPH will analyze any exceedance(s) that leads to a violation of the NAAQS on a quarterly basis. Using the screening criteria set forth in the plan, NNPH will evaluate exceedances to determine if any exceedances qualify for exclusion from the CMTC.[50] If the NNPH believes an exceedance should be excluded, it will submit an exclusion request to the EPA within 90 days of the end of the calendar quarter.

If the EPA reviews and agrees with the exclusion request, NNPH can exclude that exceedance from the CMTC. If the EPA rejects the request and NNPH disagrees with the EPA's determination, it can submit an exceptional events demonstration. Due to the need to promptly address violations, NNPH will proceed with the contingency process while the exceptional event process is under way. NNPH will make recommendations, including a timeline for adoption and implementation of measures, to the DBOH within 45 days of reaching the trigger level, with the exceedance in question included in the CMTC.[51] Contingency measures should be adopted by the DBOH and implemented as expediently as possible, prior to the next PM_{10} season.[52]

The Truckee Meadows Second PM_{10} Maintenance Plan includes a list of the source categories that typically contribute significantly to PM_{10} season emissions along with potential contingency measures applicable to each category.[53] The list of categories includes paved and unpaved roads, dust control, residential wood combustion, and mobile sources of diesel emissions.

Based on our review of the Truckee Meadows Second PM_{10} Maintenance Plan, we propose to find that the contingency provisions of the Plan clearly identify potential contingency measures, contain a triggering mechanism to determine when contingency measures are needed, contain a description of the process of recommending and implementing contingency measures, and contain specific and appropriate timelines for action. We also propose to find that the contingency trigger screening process, including the associated EPA review, is reasonably designed to distinguish between exceedances that were not within the NNPH or State control, and exceedances that were within the NNPH or State control and for which new or tightened control measures might be effective. Thus, we propose to conclude that the contingency plan in the Plan is adequate to ensure correction of any violation of the PM_{10} NAAQS that occurs after redesignation, as required by CAA section 175A(d).

F. Motor Vehicle Emissions Budgets for Transportation Conformity

CAA section 176(c) requires Federal actions in nonattainment and maintenance areas to conform to the SIP's goals of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of the standards. Conformity to the SIP's goals means that such actions will not: (1) cause or contribute to violations of a NAAQS, (2) worsen the severity of an existing violation, or (3) delay timely attainment of any NAAQS or any interim milestone.

Actions involving Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funding or approval are subject to the EPA's transportation conformity rule, codified at 40 CFR part 93, subpart A. Under this rule, metropolitan planning organizations in nonattainment and maintenance areas coordinate with State and local air quality and transportation agencies, the EPA, FHWA, and FTA to demonstrate that an area's regional transportation plans and transportation improvement programs conform to the applicable SIP. This demonstration is typically accomplished by showing that estimated emissions from existing and planned highway and transit systems are less than or equal to the motor vehicle emissions budgets (''budgets'') contained in submitted or approved control strategy plans or maintenance plans.

Control strategy SIPs and maintenance plans typically establish budgets for criteria pollutants and precursors to address pollution from on-road vehicles such as cars and trucks.[54] Budgets are generally established for specific years for the relevant pollutants or precursors. PM_{10} maintenance plan submittals must identify budgets for transportation-related PM_{10} emissions in the last year of the maintenance period.[55] Budgets may also be specified for additional years during the maintenance period.

For budgets in a maintenance plan to be approvable, they must meet, at a minimum, the EPA's adequacy criteria.[56] To meet these requirements, the budgets must be consistent, when considered with emissions from all other sources, with maintenance of the NAAQS and reflect all of the motor vehicle control measures relied upon for the maintenance demonstration.

The EPA also determines the adequacy of budgets in certain submitted SIPs. The adequacy process is separate from the approval process. The EPA's process for determining adequacy of a budget consists of three basic steps: (1) providing public notification of a SIP submission; (2) providing the public the opportunity to comment on the budgets during a public comment period; and (3) making a finding of adequacy or inadequacy. The process for determining the adequacy of a submitted budget is codified at 40 CFR 93.118(f). The EPA can notify the public by either posting an announcement that the EPA has received SIP budgets on the EPA's adequacy website[57] or via a **Federal Register** notice of proposed rulemaking when the EPA reviews the adequacy of a maintenance plan budget simultaneously with its review and action on the SIP submittal itself.[58]

The Truckee Meadows Second PM_{10} Maintenance Plan provides budgets, which include PM_{10} emissions estimates for transportation-related emissions and a safety margin, for direct PM_{10} for 2025, 2030, and 2040.[59] Transportation-related emissions include emissions from on-road vehicles, road construction, and re-entrained paved and unpaved road dust.[60] The difference between the transportation-related emissions estimates in the projected emissions inventory and the budgets is defined as a safety margin.[61]

[50] The Plan (pages 22 through 24) includes criteria for high wind dust events and wildfire events that would be used to determine if an exceedance should be excluded from the contingency plan trigger calculation.

[51] *Id.,* page 22.

[52] *Id.,* page 24.

[53] *Id.,* Table 11.

[54] Transportation-related emissions of VOC or NO_X must also be specified in PM_{10} areas if the EPA or the State find that transportation-related emissions of one or both of these precursors within the nonattainment area are a significant contributor to the PM_{10} nonattainment problem and has so notified the metropolitan planning organization and the U.S. Department of Transportation, or the applicable SIP revision or SIP revision submittal establishes an approved or adequate budget for such emissions as part of the reasonable further progress, attainment, or maintenance strategy. 40 CFR 93.102(b)(2)(iii).

[55] *See* 40 CFR 93.118(b)(2).

[56] 40 CFR 93.118(e)(4).

[57] 40 CFR 93.118(f)(1).

[58] 40 CFR 93.118(f)(2).

[59] Truckee Meadows PM_{10} Maintenance Plan, page 12. The previously EPA-approved budgets for 2025 and 2030 are being replaced by revised budgets that reflect updates to emissions models, emissions methodologies, and planning assumptions. *Id.,* page 13.

[60] *Id.,* Table 7.

[61] 40 CFR 93.101. A safety margin is the amount by which the total projected emissions from all sources of a given pollutant are less than the total emissions that would satisfy the applicable requirement for reasonable further progress, attainment, or maintenance.

The transportation-related emissions and safety margins represent a level of emissions consistent with attainment of the PM_{10} NAAQS.[62] The applicable PM_{10} budgets for the Truckee Meadows area are presented in Table 6 of this document.

TABLE 6—PROPOSED PM_{10} MOTOR VEHICLE EMISSIONS BUDGETS FOR TRUCKEE MEADOWS

[Lbs/day]

Budget year	Transportation-related emissions	Safety margin	PM_{10} budgets
2025	3,405	857	4,262
2030	3,457	904	4,361
2040	3,436	1,173	4,609

Source: Truckee Meadows Second PM_{10} Maintenance Plan, Table 7.

While transportation conformity is typically not required after the completion of the 20-year maintenance period, which ends in 2036, NNPH has chosen to provide a budget for 2040. If approved, conformity will continue to apply in the Truckee Meadows area through 2040.[63]

NNPH consulted with Federal, State, and local agencies during the development of the budgets.[64] NNPH used the EPA's Motor Vehicle Emissions Simulator (MOVES2014b) to develop on-road and non-road mobile source emissions estimates for the 2017 emissions inventory.[65] On-road mobile source emissions were modeled for 2025, 2030, and 2040 using MOVES3,[66] incorporating the most recent planning assumptions for the transportation network.

The EPA evaluated the budgets against our adequacy criteria in 40 CFR 93.118(e)(4) and (5) as part of our review of the budget's approvability. While adequacy and approval are two separate actions, reviewing the budgets in terms of the adequacy criteria informs the EPA's decision to propose to approve the budgets. We have completed our detailed review of the Truckee Meadows Second PM_{10} Maintenance Plan and are proposing herein to approve the Plan including the demonstration of maintenance of the PM_{10} NAAQS in the area through the year 2036. We have also reviewed the budgets in the Plan and found that they are consistent with the maintenance demonstration for which we are proposing approval, are clearly identified and precisely quantified, are based on control measures that have already been adopted and implemented, and meet all other applicable statutory and regulatory requirements, including the adequacy criteria in 40 CFR 93.118(e)(4) and (5).[67] For these reasons, the EPA proposes to approve the 2025, 2030, and 2040 budgets in the Truckee Meadows Second PM_{10} Maintenance Plan.

In addition, in this document the EPA is announcing the beginning of the adequacy process for these budgets. Under the transportation conformity regulation, the EPA can begin this process with our proposed action on the second maintenance plan.[68] The public has 30 days to comment on the adequacy of the budgets, per the transportation conformity rule at 40 CFR 93.118(f)(2)(i) and (ii). Any comments on the adequacy of the budgets should be submitted to the docket for this proposed rulemaking.

If the EPA issues a final rulemaking action to approve the budgets, they will be effective on the date of the publication date of the EPA's final rulemaking in the **Federal Register**.[69] The approved budgets must be used by the Regional Transportation Commission of Washoe County in future transportation conformity determinations for Truckee Meadows for the PM_{10} NAAQS.

V. Proposed Action and Request for Public Comment

Under CAA section 110(k)(3), and for the reasons set forth in this document, the EPA is proposing to approve the Truckee Meadows Second PM_{10} Maintenance Plan submitted by NDEP on March 12, 2026, as a revision to the Nevada SIP. We are proposing to approve the maintenance demonstration and contingency provisions as meeting all applicable requirements for maintenance plans and related contingency provisions in CAA section 175A, and the budgets for 2025, 2030, and 2040 for transportation conformity purposes as we find they meet all applicable criteria for such budgets including the adequacy criteria under 40 CFR 93.118(e).

We are soliciting comments on these proposed actions. We will accept comments from the public for 30 days following publication of this proposal in the **Federal Register** and will consider any relevant comments before taking final action.

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under

[62] Truckee Meadows Second PM_{10} Maintenance Plan, Table 7.

[63] *See* 73 FR 4420, 4434–4435 (Jan. 24, 2008) and EPA's ''Transportation Conformity Guidance for Areas Reaching the End of the Maintenance Period.'' If a maintenance plan establishes a budget for a year that is more than 20 years beyond the effective date of the EPA's approval of the area's redesignation request and maintenance plan, conformity continues to apply until that budget year, ending on the month and day of that maintenance plan's effective date.

[64] The Air Quality Interagency Consultation Group, which meets quarterly, includes representatives from the EPA, the FHWA, the Nevada Department of Transportation, and Regional Transportation Commission of Washoe County, Nevada.

[65] Truckee Meadows Second PM_{10} Maintenance Plan. pages 6 through 7. NNPH began development of this plan before the MOVES3 emissions model was made available by the EPA on January 7, 2021 (86 FR 1106). Therefore, at the time of base year on-road inventory development, MOVES2014b was the latest emissions model available, per 40 CFR 93.111.

[66] Truckee Meadows Second PM_{10} Maintenance Plan. pages 6 through 7.

[67] The EPA's adequacy checklist can be found within the docket for this proposed rulemaking.

[68] *See* 40 CFR 93.118(f)(2).

[69] 40 CFR 93.118(f)(2)(iii).

Executive Order 12866 (58 FR 51735, October 4, 1993);

- Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L.104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it proposes to approve 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.

The Reno-Sparks Indian Colony, a federally recognized Tribe, has reservation lands located within the boundaries of the Truckee Meadows PM_{10} maintenance area. This proposal, if finalized, will not change the designation or classification of the maintenance area, including areas of Indian country within the maintenance area. Additionally, it will neither impose substantial direct compliance costs on federally recognized Tribal governments, nor preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). The EPA will notify the Tribe about this proposal.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Particulate Matter, Sulfur Dioxide, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: September 18, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

[FR Doc. 2026–20102 Filed 9–30–26; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2026–3763; FRL–13378–01–R10]

Air Plan Approval; OR; Lane County Title 36 Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve into the Oregon State Implementation Plan revisions to the rules applicable in Lane County Oregon. The revisions establish procedures related to excess emissions, clarify terminology and enforceability, and update Local regulations to more closely align with State rules. The EPA is proposing to approve these revisions as meeting the requirements of the Clean Air Act.

DATES: Comments must be received on or before November 2, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2026–3763 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, 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 FURTHER INFORMATION CONTACT: Randall Ruddick, EPA Region 10, 1200 Sixth Avenue (Suite 155), Seattle, WA 98101, phone: (206) 553–1999; or email: *ruddick.randall@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to the EPA.

Table of Contents

I. Background
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I. Background

State Implementation Plan

The Clean Air Act (CAA) requires the EPA to establish National Ambient Air Quality Standards (NAAQS) for carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide.[1] Each State has a State Implementation Plan (SIP) designed to meet the NAAQS through various air pollution regulations, control measures and strategies. A SIP contains elements such as emission limitations, pollution control technology requirements, permitting programs, and enforcement mechanisms, among other elements. Each State revises its SIP over time to respond to new Federal requirements and to address changing air quality conditions.

States submit SIP revisions to the EPA for review and approval.[2] The EPA takes action on SIP revisions through notice and comment rulemaking to approve or disapprove, as appropriate, and incorporates approved state air quality regulations by reference into the SIP, codified in the Code of Federal Regulations (CFR). As part of the SIP, state regulations are enforceable by the EPA and by citizens in Federal district court.[3]

The Oregon Department of Environmental Quality (ODEQ) implements and enforces the Oregon SIP through rules set out in Chapter 340 of the Oregon Administrative Rules (OAR), Divisions 200 to 268. These rules apply in all areas of the State, except where the Oregon Environmental Quality Commission (EQC) has designated Lane Regional Air Protection Agency (LRAPA) to administer rules within its area of jurisdiction.[4]

State Submissions

On March 27, 2018,[5] and June 26, 2024, Oregon submitted revisions to the Oregon SIP, including revisions to LRAPA's rules and regulations. The EPA approved most of the March 27, 2018, and June 26, 2024, submissions in 2018 and 2026, respectively, but

[1] See Clean Air Act section 109, 42 U.S.C. 7409.

[2] See Clean Air Act section 110, 42 U.S.C. 7410.

[3] See Clean Air Act section 304, 42 U.S.C. 7604.

[4] Oregon Revised Statute 468A.135; LRAPA Rules & Regulations section 12–001(5).

[5] The 2018 submission is available under Docket ID No. EPA–R10–OAR–2018–0238 at *https://www.regulations.gov.*

deferred action on LRAPA's title 36 rules.[6] We will focus on those LRAPA title 36 rules in this action.

Title 36 contains generally applicable provisions and definitions related to emissions of air contaminants in excess (''excess emissions'') of applicable standards or permit conditions in Lane County. LRAPA updated title 36 to align with corresponding State requirements. The updated version of title 36 that was submitted June 26, 2024, State effective May 25, 2024, entirely supersedes the version of Title 36 submitted on March 27, 2018. On April 29, 2026, LRAPA submitted a letter to the EPA withdrawing the last sentence of title 36–001 and the entirety of –001(2)(d) to further align their rules with recent changes to corresponding state rules.[7] Therefore, we are not proposing action on the withdrawn portions. The current Oregon SIP does not include LRAPA's title 36 rules. Thus, EPA evaluated whether addition of title 36 into the Oregon SIP is consistent with CAA section 110. For the reasons discussed in section II of this document, EPA is proposing to approve the addition of title 36 as submitted on June 26, 2024, into the Oregon SIP.

II. Evaluation of Title 36

Excess Emissions

Title 36 establishes procedures related to excess emissions, including recordkeeping and reporting obligations applicable to owners and operators of certain sources. Collectively, the requirements of title 36 aid LRAPA's ability to limit excess emissions and make informed enforcement decisions.

The following sections of this document summarize substantive requirements of LRAPA's title 36 provisions we are proposing to approve into the Oregon SIP and evaluate those changes with respect to Clean Air Act requirements for SIP provisions.

Undesignated Introduction to Title 36

Title 36 starts with an undesignated introductory sentence stating: ''Following the reporting and recordkeeping prescribed herein or [receiving] approval of procedures for startup, shutdown or maintenance will not absolve sources from enforcement action for conditions resulting in excess emissions.'' We are proposing to approve this sentence because it makes clear that title 36 does not foreclose enforcement action for excess emissions.

Section 36–001 General Policy and Discussion

Section 36–001 includes a general policy statement establishing the purposes of title 36. The first part of section 36–001 echoes the undesignated introductory sentence to title 36, stating the excess emissions of applicable standards are unauthorized and subject to enforcement action. In addition, according to section 36–001, the purposes of title 36 are to: (1) require any source which emits air contaminants in excess (excess emissions) of any applicable air quality rule or permit condition to report the event; (2) require the source to submit information regarding conditions leading to excess emissions; and (3) identify criteria LRAPA will consider when determining whether to take enforcement action for the excess emissions. Section 36–001 does not impose nor relax any emissions limits. Section 36–001 also makes clear that sources not emitting excess emissions are not subject to the recordkeeping and reporting requirements in title 36.[8]

We are proposing to approve the addition of section 36–001 because it serves to clarify the purpose of the broader section for ease of compliance and understanding and is consistent with CAA section 110 requirements.

Section 36–005 Definitions

LRAPA's section 36–005 defines ''Large Source'' and ''Small Source'' for the purposes of title 36 and references title 12 for additional definitions. We last approved title 12 definitions into the Oregon SIP on January 29, 2026 (91 FR 3821).

We are proposing to approve the addition of section 36–005 because it serves to bring this portion of LRAPA's rules up to date, is consistent with definitions already approved into the Oregon SIP, and is consistent CAA section 110 requirements.

Section 36–010 Planned Startup and Shutdown

LRAPA's section 36–010 requires that certain sources must obtain prior LRAPA authorization of startup and shutdown procedures. Section 36–010 applies to sources where startup and shutdown of a production process or system may result in excess emissions and the source is (1) a major source, (2) is located in a non-attainment or maintenance area for the regulated pollutant in LRAPA's jurisdiction, or (3) LRAPA otherwise requires the source to apply for approval of startup and shutdown procedures. Section 36–010 establishes a process for LRAPA to determine if planned startup and shutdown procedures are consistent with good pollution control practices, minimize emissions during such periods to the extent practicable, and that no adverse health impact on the public will occur. Notably, subsection 36–010(3) clarifies that, even if LRAPA grants approval of planned startup or shutdown procedures, sources are still subject to enforcement action for excess emissions that may occur.

Section 36–010 also prohibits planned startups or shutdowns that may result in excess emissions during any period in which an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency has been declared, or during an announced yellow or red woodstove advisory period within areas designated by LRAPA as $PM_{2.5}$ or PM_{10} nonattainment areas. Alerts, Warnings, Emergencies, and woodstove advisories are regulated by LRAPA under title 51 and title 16, respectively.[9] Limiting emissions during such periods decreases the risk of violating the NAAQS.

We are proposing to approve the addition of section 36–010 because it is consistent with CAA section 110. Section 36–010 does not relax any applicable emission limit in Oregon's SIP. Rather, section 36–010 enables LRAPA to minimize excess emissions from startup and shutdown through approval of source-specific procedures.

Section 36–015 Scheduled Maintenance

LRAPA's section 36–015 establishes essentially the same process, purpose, and limitations for scheduled maintenance as section 36–010 does for planned startup and shutdown events. We are proposing to approve the addition of section 36–010 because it serves to bring this portion of LRAPA's rules up to date and is consistent with CAA section 110 requirements. As with section 36–010, section 36–015 enables LRAPA to minimize excess emissions from scheduled maintenance through approval of a source-specific maintenance plan.

[6] The 2018 and 2024 SIP submissions also included provisions applicable in ODEQ's jurisdiction. See 83 FR 50274, October 05, 2018, and 91 FR 3821, January 29, 2026, respectively. We deferred action on some of the ODEQ provisions and plan to address those in a separate action.

[7] LRAPA's letter indicates they are conducting rulemaking to remove the withdrawn language from their rules. The letter may be found in the docket for this action.

[8] Section 36–001(2)(d) states an additional purpose related to title V sources, but LRAPA is not requesting approval of this provision into Oregon's SIP. See April 29, 2026, Letter from LRAPA included in the Docket.

[9] We last approved title 51 on January 29, 2026 (91 FR 3821), and title 16 on August 24, 1994 (59 FR 43483).

Section 36–020 All Other Excess Emissions

LRAPA's section 36–020 establishes procedures and requirements associated with excess emissions that are not addressed in sections 36–010 or 36–015. The procedures are similar to those found in sections 36–010 or 36–015, such as requiring sources to reduce emissions to the greatest extent practicable or cease operation of the equipment or facility until such time as the condition causing the excess emissions has been corrected or brought under control. In addition, it requires a source to cease operations within eight hours of the beginning of excess emissions event unless doing so would cause damage to equipment, injury to employees or result in greater emissions than continuing to operate. It also establishes a process for sources to request LRAPA approval to continue operating. Sources that request to continue operations must submit a plan and timeline for returning to compliance with the applicable emission limitations.

If LRAPA disapproves a request to continue operations, the source must cease operations within one hour of receiving the disapproval. If approved, LRAPA still retains authority to require the cessation of operations.

We are proposing to approve the addition of section 36–020 because it is consistent with CAA section 110 requirements. LRAPA's implementation of section 36–020 will help minimize excess emissions to the greatest extent possible without risking equipment damage or harm to onsite staff. Again, we reiterate that title 36 stipulates that following the requirements therein, receiving approval from LRAPA of procedures for startup, shutdown or maintenance, or receiving approval from LRAPA to continue operations does not absolve sources from enforcement action for excess emissions.[10]

Section 36–025 Reporting and Recordkeeping Requirements

LRAPA's section 36–025 establishes requirements to submit excess emissions reports to LRAPA for each calendar day of the excess emissions event. Such reports are to be submitted within 15 days of the event or sooner if specified by LRAPA. The reports are to include details regarding date, time, equipment involved, activity associated with the event, mitigating or corrective actions taken, the magnitude of the excess emissions, and final resolution of the cause of the excess emissions. All owners or operators subject to section 36–025 are also required to keep an excess emissions log including all pertinent information and be kept for at least five calendar years. Log entries for the reporting period must also be included in annual reporting required by permit or sooner if LRAPA requires. Sources must also include procedures to minimize emissions as required and specify in writing if the procedures are new, modified, or already approved by LRAPA.

We are proposing to approve the addition of section 36–025 because it aids in practical enforceability of applicable emissions limits and is consistent with CAA section 110 requirements.

Section 36–030 Enforcement Action Criteria

LRAPA's section 36–030 specifies certain criteria LRAPA will take into account when exercising its enforcement discretion regarding excess emissions. The list of criteria includes remedial action taken by the source; compliance with requirements in title 36; whether the event violated Federal New Source Performance Standards or National Emission Standards for Hazardous Air Pollutants; and if the event was due to negligent operation, intentional, or the result of an emergency.

We are proposing to approve the addition of section 36–025 because it is consistent with CAA section 110 requirements. The section does not relax any applicable emission limits. The section merely clarifies the criteria LRAPA uses to determine when an enforcement action by LRAPA is appropriate.

LRAPA's title 36 provisions operate to provide a process that governs only the source, LRAPA personnel, and the exercise of LRAPA's enforcement discretion. Title 36 does not affect whether the excess emissions constitute violations nor preclude enforcement by LRAPA, the EPA, or others for violations.[11] Nothing in title 36 precludes LRAPA from taking an enforcement action or considering additional factors not listed in section 36–030. As EPA stated in declining to issue a SIP call to Oregon for nearly identical language in its SIP, ''There is no language in title 36 suggesting that [LRAPA's] determination to forgo enforcement against a source would in any way preclude the EPA or the public from demonstrating that violations occurred and taking enforcement action.'' [12] The inclusion of the criteria in section 36–030 in the SIP has no effect on EPA or citizen enforcement and the criteria are irrelevant to any decision by the Agency to pursue an enforcement action. Furthermore, as stated previously, title 36 stipulates that following the requirements therein, including receiving approval from LRAPA of procedures for startup, shutdown or maintenance, or receiving approval from LRAPA to continue operations does not absolve sources from enforcement action for excess emissions. Therefore, it does not inappropriately preclude the EPA or citizen enforcement authority afforded under CAA sections 113 and 304.

III. Proposed Action

The EPA proposes to find that the LRAPA title 36 rules are consistent with CAA section 110.

We propose to approve revisions to the Oregon SIP applicable in LRAPA's jurisdiction submitted on June 26, 2024, as described in section II. of this document. Specifically, we are revising the Oregon SIP at 40 CFR 52.1970(c), table 4 by adding the following entries, State effective May 25, 2024:

- LRAPA Title 36 Excess Emissions, undesignated introductory sentence (clarifies enforceability);
- LRAPA section 36–001 General Policy and Discussion (establishes purpose and applicability);
- LRAPA section 36–005 Definitions (defines large and small sources for purposes of title 36);
- LRAPA section 36–010 Planned Startup and Shutdown (establishes certain procedures during planned startups and shutdowns);
- LRAPA section 36–015 Scheduled Maintenance (establishes certain procedures during scheduled maintenance);
- LRAPA section 36–020 All Other Excess Emissions (establishes certain procedures for excess emissions not covered under sections 36–010 or 36–015);
- LRAPA section 36–025 Reporting and Recordkeeping Requirements (establishes certain excess emissions reporting requirements); and
- LRAPA section 36–030 Enforcement Action Criteria (establishes

[10] Excess emissions are violations in general and specifically defined as such in LRAPA regulations under section 12–005(75) which we approved into the Oregon SIP on January 29, 2026 (91 FR 3821).

[11] Excess emissions are violations in general and specifically defined as such in LRAPA regulations under section 12–005(75) which we approved into the Oregon SIP on January 29, 2026 (91 FR 3821).

[12] State Implementation Plans: Response to Petition for Rulemaking; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction, 78 FR 12,460, 12537 (February 22, 2013).

certain criteria for LRAPA enforcement actions).

IV. Incorporation by Reference

In this document, we are proposing to include in a final rule, regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the provisions described in section III. of this document. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: September 18, 2026.

Emma Pokon,

Regional Administrator, Region 10.

[FR Doc. 2026–20101 Filed 9–30–26; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 11 and 12

[Docket No. USCG–2025–0392]

RIN 1625–AC48

Clarification of Certain Mariner Training Requirements

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes removing six requirements related to endorsements for the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978, as amended, and the Seafarer's Training, Certification, and Watchkeeping Code. Changes would affect Masters and Officers in Charge of a Navigational Watch of less than 500 GT in near-coastal waters; Officers in Charge of an Engineering Watch, Designated Duty Engineers, and Electro-technical Ratings of 750 kW/1,000 HP or more. This proposed action includes technical revisions to remove duplicative or outdated language from the regulatory text, reduces regulatory burdens, and promotes equivalent compliance standards with international requirements.

DATES: Comments and related material must be received by the Coast Guard on or before December 30, 2026.

ADDRESSES: You may submit comments identified by docket number USCG–2025–0392 using *www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. This notice of proposed rulemaking with its plain language proposed rule summary of 100 words or less will be available in this same docket.

Collection of information. Submit comments on the collection of information discussed in Section VI., Regulatory Analyses, of this preamble both to the Coast Guard's online docket and to the Office of Information and Regulatory Affairs (OIRA) in the White House Office of Management and Budget (OMB), using their website *www.reginfo.gov/public/do/PRAMain.* Comments sent to OIRA on the collection of information must reach OMB on or before the comment due date listed on their website.

FOR FURTHER INFORMATION CONTACT: For information about this document, call or email Ms. Megan Johns Henry, Office of Merchant Mariner Credentialing, Coast Guard; telephone 571–610–3303, email *Megan.C.Johns@uscg.mil.*

SUPPLEMENTARY INFORMATION:

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I. Public Participation and Request for Comments

The Coast Guard views public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through *www.regulations.gov.* To do so, go to *www.regulations.gov,* type USCG–2025–0392 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions. We review all comments received.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following the instructions on the Frequently Asked Questions web page, available at *www.regulations.gov/faq.* That page also explains how to subscribe for email alerts that will notify you when comments are posted or if a final rule is published.

Personal information. We accept anonymous comments. Comments we post to *www.regulations.gov* will include any personal information you have provided. For more information about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

II. Abbreviations

2013 final rule Implementation of the Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, and Changes to National Endorsements final rule
BLS Bureau of Labor Statistics
BRM Bridge resource management
BTS Bureau of Transportation Statistics
CFR Code of Federal Regulations
CSM Computer Systems and Maintenance
DDE Designated Duty Engineer
DHS Department of Homeland Security
DOT Department of Transportation
ECDIS Electronic Chart Display and Information System
ECI Employment Cost Index
ETR Electro-technical Rating
ETSO Engineering Terminology and Shipboard Operations
FR Federal Register
GDP Gross Domestic Product
GS General Schedule
GSA General Services Administration
GT Gross Tonnage
HVPS High Voltage Power Systems
HP Horsepower
IMO International Maritime Organization
kW Kilowatt
LMS Leadership and managerial skills
LTW Leadership and teamworking
M&IE Meals and incidental expense rates
MMC Merchant Mariner Credential
MMLD Merchant Mariner Licensing Documentation
MPH Miles per hour
NMC National Maritime Center
NPRM Notice of Proposed Rulemaking
OMB Office of Management and Budget
OICEW Officer in Charge of an Engineering Watch
OICNW Officer in Charge of a Navigational Watch
QA Qualified Assessor
RA Regulatory analysis
RFA Regulatory Flexibility Act
§ Section
SOC Code Standard Occupational Classification Code
STCW Code Seafarer's Training Certification and Watchkeeping Code
STCW Convention International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as Amended
SME Subject Matter Expert
U.S.C. United States Code

III. Executive Summary

A. Purpose

The purpose of the proposed rule is to remove six requirements related to Merchant Mariner Credential (MMC) endorsements for the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978, as Amended (STCW Convention) and the Seafarer's Training, Certification, and Watchkeeping Code (STCW Code). Changes would affect Masters and Officers in Charge of a Navigational Watch (OICNW) of vessels less than 500 Gross Tonnage (GT) in near-coastal waters; Officers in Charge of an Engineering Watch (OICEW), Designated Duty Engineers (DDE), and Electro-technical Ratings (ETRs) on vessels with propulsion machinery of 750 Kilowatt (kW)/1,000 Horsepower (HP) or more. The proposal would also remove a duplicate provision and transitional provisions that expired on January 1, 2017. This proposed action would reduce regulatory burdens and promote equivalent compliance standards with international requirements.

B. Legal Authority

The legal basis of this proposed rule is 46 U.S.C. 2103, which grants the Secretary of the Department of Homeland Security (DHS) the authority to issue regulations to carry out the provisions of 46 U.S.C. Subtitle II, Vessels and Seamen. More specifically, 46 U.S.C. 7101 authorizes the Secretary of DHS to prescribe the requirements of licensed individuals, and 46 U.S.C. 7301 and 7313 establish the requirements for rating endorsements in the engine department. The Secretary of DHS has delegated these statutory authorities to the Coast Guard through DHS Delegation No. 00170.1(II)(92)(e) and (f), which authorizes the Coast Guard to determine and establish the experience and professional qualifications required for the issuance of credentials.

C. Summary of Major Provisions

The Coast Guard proposes to remove the following six requirements related to STCW endorsements in 46 CFR parts 11 and 12.

- Leadership and managerial skills (LMS) training to qualify as a Master of vessels of less than 500 GT limited to near-coastal waters or to renew that endorsement (46 CFR 11.317(a)(3)(v) and (b)(1)).
- Bridge resource management (BRM) training to qualify as an OICNW on vessels of less than 500 GT limited to near-coastal waters (46 CFR 11.321(a)(3)(iv)).
- Demonstration of meeting the standard of competence [1] in leadership and teamworking (LTW) skills to qualify as OICNW on vessels of less than 500 GT limited to near-coastal waters or to renew that endorsement (46 CFR 11.321(b)(1)).
- Engineering Terminology and Shipboard Operations (ETSO) training to qualify as OICEW in a manned engineroom or DDE in a periodically unmanned engineroom on vessels powered by main propulsion machinery of 750 kW/1,000 HP propulsion power or more (46 CFR 11.329(a)(4)(v)).
- Computer Systems and Maintenance (CSM) training to qualify as an ETR on vessels powered by main

[1] ''Standard of competence'' is defined in 46 CFR 10.107(b) as the level of proficiency to be achieved for the proper performance of duties onboard vessels according to the national and international criteria. Title 46 CFR 11.301 describes the accepted methods mariners may utilize for meeting the standard of competence required by the STCW Code. For LTW skills, the standard may be demonstrated through the successful completion of assessments, approved or accepted by the Coast Guard, and signed by a qualified assessor (QA) through completion of a Coast Guard approved or accepted training course.

propulsion machinery of 750 kW/1,000 HP or more (46 CFR 12.611(a)(4)(i)).

- High Voltage Power Systems (HVPS) training to qualify as an ETR on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more (46 CFR 12.611(a)(4)(ii)).

The Coast Guard is also proposing some technical revisions to § 11.317 to remove duplicative or outdated language. Specifically, we propose to correct an administrative error in which the Radar Observer requirement was inadvertently listed twice in 46 CFR 11.317(a)(3) to remove language that references the one-time renewal of the endorsement after January 1, 2017, from § 11.317(b).

The Coast Guard identified these six requirements for removal as part of the review-and-repeal effort required by Executive Order 14219 (Ensuring Lawful Governance and Implementing the President's ''Department of Government Efficiency'' Deregulatory Initiative (90 FR 10583, Feb. 25, 2025)) and Executive Order 14192 (Unleashing Prosperity Through Deregulation (90 FR 9065, Feb. 06,2025)). In accordance with these Executive orders, the Coast Guard re-evaluated the necessity of LMS, BRM, ETSO, CSM, and HVPS training for specific endorsements and the requirement to meet the standard of competence in LTW skills.

For the LMS and BRM training requirements, and the requirement to meet the standard of competence in LTW skills, we have determined that these training requirements exceed the requirements of the STCW Convention and STCW Code for an officer operating at the operational level on vessels less than 500 GT limited to near-coastal waters and do not improve safety on board because these vessels have a limited number of personnel on the bridge. Generally, these vessels have only one credentialed mariner serving as a watchstander, and this deck officer fulfills the role of OICNW as well as helmsman and lookout. Considering that the bridge team consists of one person, the LMS and BRM training requirements and meeting the standard of competence in LTW skills are unnecessary for safe shipboard operations. In addition, these requirements go beyond the skillset necessary for deck officers on vessels of less than 500 GT limited to near-coastal waters. The need for LMS and BRM training and meeting the standard of competence in LTW skills remains valid for deck officers credentialed for service on larger vessels (500 GT or more), or on ocean routes, who lead bridge watch teams consisting of multiple personnel.

Regarding the ETSO training requirement to qualify for an STCW endorsement as OICEW in a manned engineroom or as DDE in a periodically unmanned engineroom, we have determined that this training requirement exceeds the requirement of the STCW Convention and STCW Code for an officer operating at the operational level on vessels with propulsion power of 750 kW/1,000 HP or more. Engineering officers are expected to have acquired this foundational knowledge through their broader engineering training and experience, and their competency in these subjects is further assessed through examination and onboard service. Therefore, requiring a separate approved course is unnecessary and imposes an undue burden on mariners without corresponding safety benefits.

With regard to the requirement for CSM training to qualify for an STCW endorsement as ETR on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more, an ETR would not be authorized to work on computer equipment without being under the direct supervision of a credentialed officer who would be responsible for directing the appropriate computer work to be completed and would be the primary person completing the work with an ETR supporting them. Therefore, in addition to exceeding the requirements of the STCW Convention and STCW Code, we have determined this training requirement goes beyond the skillset necessary and the level of responsibility associated with an ETR endorsement and thus is unnecessary and overly burdensome.

Similarly, with regard to the requirement for HVPS training to qualify for an STCW endorsement as ETR on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more, an ETR would not be authorized to work on HVPS without being under the direct supervision of a credentialed officer who would be responsible for directing the appropriate HVPS to be completed and would be the primary person completing the work with an ETR supporting them. Therefore, in addition to exceeding the requirements of the STCW Convention and STCW Code, we have determined this training requirement goes beyond the skillset necessary and the level of responsibility associated with an ETR endorsement and thus is unnecessary and overly burdensome.

D. Cost-Savings

As a deregulatory action, this proposed rule would not impose any new costs on mariners or the Federal Government. The removal of LMS training, BRM training, ETSO training, CSM training, HVPS training, and the requirement to meet the standard of competence in LTW skills would reduce the burden on affected mariners, as they would no longer need to complete these trainings or provide evidence of meeting the standard of competence in LTW skills to obtain or retain their respective STCW endorsements.

The benefits of this proposed rule would be realized as cost savings for mariners and the Federal Government. Removing the LMS training requirement would lead to an annualized cost savings for deck officers of $991,977; removing the BRM training requirement would lead to an annualized cost savings for mariners of $98,545; and removing the ETSO training requirement would lead to an annualized cost savings for mariners of $4,920,634. These cost savings would include tuition, the opportunity cost of time spent attending training, the travel costs associated with training, and the opportunity cost associated with compiling the documentation required as part of an application for an MMC. With regards to the removal of CSM and HVPS training, 46 CFR part 15 currently has no vessel manning [2] requirement for an ETR on any vessel. Because there are no manning requirements for ETR, it is not possible to determine or estimate the population of mariners who would be taking CSM and HVPS training to meet the requirements for this endorsement, and we did not estimate costs and subsequent cost savings associated with this regulatory provision.

Removing the requirement to meet the standard of competence in LTW skills and the opportunity cost associated with compiling documentation required as part of an MMC application would lead to an annualized cost savings for mariners of $83,094. The removal of the LMS, BRM, and ETSO training requirements, and the removal of the requirement to meet the standard of competence in LTW skills, would lead to an annualized cost savings for the Federal Government of $1,947, since evaluating training certificates and evidence of completed assessments of competence as part of an MMC application would no longer be necessary.

We estimate the total cost savings of the proposed rule to mariners and the Federal Government to be

[2] ''The manning of a vessel'' is the complement of officers and ratings considered by the Coast Guard to be necessary for safe operation, as described in 46 U.S.C. 8101(a).

approximately $42,817,136 ($6,967,231 for removing LMS training requirements + $692,139 for removing BRM training requirements + $583,617 for removing demonstration of the standard of competence in LTW skills requirement + $34,560,474 for removing ETSO training requirements + $13,675 for removing Federal Government costs) over a 10-year period of analysis (discounted at 7 percent). Furthermore, we estimate the annualized total cost savings to be approximately $6,096,197 ($991,977 for LMS + $98,545 for BRM + $83,094 for LTW skills + $4,920,634 for ETSO + $1,947 for removing Federal Government costs) discounted at 7 percent. Using a perpetual period of analysis, we estimate the total annualized cost savings of this proposed rule to be $3,833,921 in 2024 dollars, using a 7 percent discounted rate.

We estimate that an average of 825 mariners (172 masters for LMS, 25 mariners for BRM, 168 mariners for LTW skills, and 460 mariners for ETSO) would benefit each year from this proposed rule. The cost savings for mariners would come from avoided expenses, as neither group would need to complete the LMS, BRM, or ETSO training, nor demonstrate meeting the standard of competence in LTW skills required for their respective STCW endorsements. While the rule also removes the CSM and HVPS training requirements for ETRs, no associated cost savings can be estimated because there are currently no vessel manning requirements for ETRs, which makes it impossible to determine the population of mariners who would be affected by this change. In Section VI., Regulatory Analyses, in this preamble, we present the cost savings analysis associated with this proposed rule.

IV. Background

The Coast Guard established a program for the training and certification of personnel serving on U.S. vessels that is governed by domestic law in 46 U.S.C. and in 46 CFR parts 11 and 12. Through these domestic statutes and regulations, the United States implements the provisions of the STCW Convention and the STCW Code.

The International Maritime Organization (IMO) establishes the minimum training and certification requirements for seafarers and maritime personnel through the STCW Convention and STCW Code. In 2007, the IMO began a comprehensive review of the STCW Convention and STCW Code that resulted in the 2010 STCW amendments. These amendments were implemented by the Coast Guard through the 2013 final rule titled, ''Implementation of the Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, and Changes to National Endorsements'' (78 FR 77796, Dec. 24, 2013) (hereafter ''the 2013 final rule''). This rule included the requirements for—

(1) LMS training to qualify as Master of vessels of less than 500 GT limited to near-coastal waters or to renew that endorsement after January 1, 2017;

(2) BRM training to qualify as OICNW on vessels of less than 500 GT limited to near-coastal waters;

(3) Demonstration of meeting the standard of competence in LTW skills to qualify as OICNW on vessels of less than 500 GT limited to near-coastal waters or to renew that endorsement after January 1, 2017;

(4) ETSO training to qualify as OICEW in a manned engineroom or a DDE in a periodically unmanned engineroom on vessels powered by main propulsion machinery of 750 kW/1,000 HP propulsion power or more;

(5) CSM training to qualify as an ETR on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more; and

(6) HVPS training to qualify as an ETR on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more.

Although not required by domestic statute or the minimum international standards contained in the STCW Convention or the STCW Code for these endorsements, the Coast Guard included these requirements in the 2013 final rule as a means to ensure safe vessel operations. After further review and for the reasons discussed below, the Coast Guard has determined that these six requirements are unnecessary for the safe operation of applicable vessels.

V. Discussion of Proposed Rule

With this rulemaking, the Coast Guard is promoting the goals of Executive Orders 14219 and 14192 by determining that LMS, BRM, ETSO, CSM, and HVPS training requirements, and the requirement to meet the standard of competence in LTW skills, are unnecessary for the endorsements identified in this proposal. In conducting a retrospective review of 46 CFR parts 11 and 12, we have determined these requirements should be removed to reduce the regulatory burden on mariners. These proposed changes would also reduce the financial burden on mariners and the Federal Government by removing overly burdensome regulatory requirements.

We provide a section-by-section description of our proposed changes in the following paragraphs.

46 CFR Part 11—Authority

The Coast Guard is revising the authority citation to remove ''14 U.S.C. 503.'' Section 503 provides general administrative authority concerning the establishment and administration of the Coast Guard. Because 46 U.S.C. chapters 21, 71, 75, 77, and 89 provide the specific statutory authorities for the regulations in this part, citation to 14 U.S.C. 503 is unnecessary.

The Coast Guard is also proposing to remove ''46 U.S.C. 8903, 8904, and 8906'' and replacing it with ''46 U.S.C. chapter 89.'' Part 11 governs the credentialing of mariners serving on vessels subject to multiple provisions within chapter 89, including freight vessels, small passenger vessels, and vessels subject to statutory exceptions. The existing authority citation references only selected sections of chapter 89 and does not fully reflect the scope of statutory provisions underlying the regulations.

Section 11.317—Requirements To Qualify for an STCW Endorsement as Master of Vessels of Less Than 500 GT Limited to Near-Coastal Waters (Management Level)

The Coast Guard proposes to remove the requirement in § 11.317(a)(3)(v) to provide evidence of having satisfactorily completed LMS training to qualify for an STCW endorsement as Master of vessels of less than 500 GT limited to near-coastal waters. The purpose of LMS training is to improve the control of ship operations through the effective management of resources and handling of personnel. We propose removing the LMS training requirement for Master of vessels less than 500 GT limited to near-coastal waters because these vessels typically operate with a single credentialed mariner who fulfills multiple roles, making team-based training unnecessary; and LMS training is not required by domestic statute or the minimum international standards in the STCW Convention or the STCW Code for these particular mariners.

Additionally, the Coast Guard proposes to correct a typographical error in which § 11.317(a)(3)(iv) and (a)(3)(vii) both require ''Radar Observer, if serving on a vessel with this equipment.'' The language currently at (a)(3)(iv) would be deleted, while the second instance of the requirement currently at (a)(3)(vii) would be redesignated as (a)(3)(v).

These proposed changes include redesignating § 11.317(a)(3)(iv) through

(a)(3)(viii) as § 11.317(a)(3)(iv) through (a)(3)(vi), respectively.

We also propose making several changes to existing § 11.317(b). We are proposing to remove language that references renewal of the endorsement after January 1, 2017, which was a one-time requirement implemented to ensure mariners with existing STCW endorsements meet the same standards as new mariners. We propose this change because the January 1, 2017, deadline has passed and is, therefore, no longer relevant. We also propose removing § 11.317(b)(1), which requires evidence of having successfully completed LMS training to be eligible for a renewal of an STCW endorsement as Master of vessels of less than 500 GT limited to near-coastal waters. If a mariner held an STCW endorsement and has not renewed it since January 1, 2017, they would not need to complete LMS training to reinstate the endorsement, if a final rule is published.

Additionally, as previously discussed, LMS training focuses on improving communication between shipboard officers and crew. Due to the limited manning on this size of vessel, we do not believe that this training is necessary for safe shipboard operations. LMS training is also not required by domestic statute or the minimum international standards in the STCW Convention or the STCW Code for these endorsements.

Finally, we would revise existing § 11.317(b) to incorporate existing § 11.317(b)(2), since we are proposing to remove § 11.317(b)(1). Existing § 11.317(b)(2) requires that each candidate seeking to renew their STCW endorsement as Master of vessels of less than 500 GT limited to near-coastal waters must provide evidence of successful completion of an approved training in Electronic Chart Display and Information System (ECDIS), if serving on a vessel with this equipment. The training requirement for ECDIS (if serving on a vessel with the equipment) would not change.

Section 11.321—Requirements To Qualify for an STCW Endorsement as Officer in Charge of a Navigational Watch (OICNW) of Vessels of Less Than 500 GT Limited to Near-Coastal Waters (Operational Level)

We propose to remove the requirement in § 11.321(a)(3)(iv) to provide evidence of having satisfactorily completed BRM training to qualify for an STCW endorsement as an OICNW of vessels less than 500 GT limited to near-coastal waters. The purpose of BRM training is to improve the interaction between watchstanders to ensure that they properly utilize data outputs from shipboard equipment and other personnel while conducting watchstanding duties. We propose removing the BRM training for OICNW of vessels of less than 500 GT limited to near-coastal waters, as these vessels generally only have one credentialed mariner serving as a watchstander, and this deck officer fulfills the role of OICNW as well as helmsman and lookout. Therefore, BRM training is not necessary for safe shipboard operations and is not required by domestic statute or the minimum international standards in the STCW Convention or the STCW Code for these endorsements. We also propose to redesignate § 11.321(a)(3)(v) through (a)(3)(vii) as § 11.321(a)(3)(iv) through (a)(3)(vi), respectively.

Additionally, we propose to remove the requirement in existing § 11.321(b)(1) to demonstrate meeting the standard of competence in LTW skills to be eligible for renewal of an STCW endorsement as OICNW of vessels less than 500 GT limited to near-coastal waters, and from § 11.321(b) the transitional provision specifying this after January 1, 2017. As previously discussed, the purpose of LTW skills training is to improve the ability of a watchstander to effectively lead other personnel while conducting watchstanding duties. Due to the limited manning on this size of vessel, we do not believe that this training is necessary for safe shipboard operations. We propose the removal of January 1, 2017, from § 11.321(b) because the January 1, 2017, deadline has passed and is no longer relevant.

We would also revise existing § 11.321(b) to incorporate existing paragraph (b)(2). Existing § 11.321(b)(2) requires that each candidate seeking to renew their STCW endorsement as Master of vessels of less than 500 GT limited to near-coastal waters must provide evidence of successful completion of an approved training in ECDIS, if serving on a vessel with this equipment. The training requirement for ECDIS (if serving on a vessel with the equipment) would not change.

Section 11.329—Requirements To Qualify for an STCW Endorsement as OICEW in a Manned Engineroom or DDE in a Periodically Unmanned Engineroom on Vessels Powered by Main Propulsion Machinery of 750 kW/1,000 HP Propulsion Power or More (Operational Level)

We propose to remove the requirement in § 11.329(a)(4)(v) to provide evidence of having satisfactory completion of ETSO training to qualify for an STCW endorsement as OICEW or as DDE at the operational level. This training was originally intended to ensure mariners possess a foundational understanding of engineering terms and routine shipboard engineering functions. However, mariners qualifying for an STCW endorsement as OICEW in a manned engineroom or DDE in a periodically unmanned engineroom on vessels powered by main propulsion machinery of 750 kW/1,000 HP propulsion power or more, already have at least 1,080 days of engine service in the engineroom. Such sufficient shipboard experience, along with completion of practical assessments and written examinations, make the course redundant, not necessary to ensure the safety of operations, and imposes an undue training burden on mariners. Additionally, this training is not required by domestic statute or by the minimum international standards contained in the STCW Convention or the STCW Code for officers serving at the operational level. We also propose to redesignate § 11.329(a)(4)(vi) through (a)(4)(xi) as § 11.329(a)(4)(v) through (a)(4)(x), respectively.

Section 12.611—Requirements To Qualify for an STCW Endorsement as Electro-Technical Rating on Vessels Powered by Main Propulsion Machinery of 750 kW/1,000 HP or More

The Coast Guard is also proposing to revise § 12.611(a) as follows. We would remove § 12.611(4), including § 12.611(a)(4)(i), requiring the completion of CSM training, § 12.611(a)(4)(ii), requiring the completion of an approved course in high-voltage power systems to qualify for an STCW endorsement as an ETR on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more. The purpose of CSM training is to provide knowledge of computer equipment for the purpose of performing equipment maintenance; however, an ETR is not authorized to work on computer equipment without being under the direct supervision of a credentialed officer. The officer would be responsible for making determinations about the appropriate computer work to be completed and would be the primary person completing the work with an ETR supporting them. Similarly, the purpose of training in HVPS training is to provide knowledge of the systems; an ETR is not authorized to work on HVPS without being under the direct supervision of a credentialed officer. The officer would be the primary person completing the work with an ETR supporting them. Therefore, these training requirements go beyond the

skillset necessary, and the level of responsibility associated with an ETR endorsement; thus, the training is unnecessary and overly burdensome.

For these same reasons, the Coast Guard would make a conforming edit to § 12.611(b) to remove the text referencing § 12.611(a)(4).

VI. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. A summary of our analyses based on these statutes or Executive orders follows.

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13610 also promotes the goals of Executive Order 13563 as it aims to modernize the regulatory systems and to reduce unjustified regulatory burdens and costs on the public. Executive Order 14192 (Unleashing Prosperity Through Deregulation) directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that ''any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.''

The Office of Management and Budget (OMB) has not designated this proposed rule as a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it.

This proposed rule, if finalized as proposed, is expected to be an Executive Order 14192 deregulatory action.

A regulatory analysis (RA) follows. We use the most recent data available. In many instances, we present values in year 2025 dollars. However, to meet the requirements of Executive Order 14192, when estimating the annualized net cost savings using perpetual discounting, we deflate year 2025 dollars to year 2024 dollars.

The Coast Guard proposes to remove six requirements from its regulations related to the STCW Convention and STCW Code endorsements: LMS, BRM, ETSO, CSM, and HVPS training for specific endorsements, and the requirement to meet the standard of competence in LTW skills.[3]

We assume that the cost of attending the required training (such as tuition, travel, lodging, meals and opportunity cost of time) and obtaining an MMC (such as attaching the appropriate documentation) falls on the individual obtaining the credential, making the training requirement economically burdensome to individuals. We acknowledge that in some circumstances companies offer tuition subsidies as an incentive to mariners, and therefore, some of the cost savings would be shared between mariners and employers of mariners. However, we have no data on the amount or frequency of these subsidies and cannot estimate a division of cost savings between the parties, but we believe the subsidies are rare. Therefore, when we refer to the costs to ''mariners,'' we are referring to ''mariners and employers of mariners'' who bear the cost of these trainings. We request comments from the public regarding the extent to which private sector employers incur costs from these training requirements.

Using historical data on STCW endorsements issued from 2022 to 2024 from the Coast Guard's Merchant Mariner Licensing Documentation (MMLD) database,[4] we estimate that an average of 825 mariners[5] would benefit each year from this proposed rule.[6] The reason we used data from the 2022–2024 timeframe here, as well as in many other parts of this Regulatory Analysis, is to avoid the distortions in the data caused by the COVID crisis that immediately preceded these years. The cost savings to those mariners would be avoided costs because they would not be required to complete the LMS, BRM, ETSO, CSM, or HVPS training, or be required to meet the standard of competence in LTW skills to qualify for their respective STCW endorsements. The cost savings to mariners includes avoided costs for tuition, travel and related expenses; and the opportunity cost of time to attend training or complete assessments and attach proof of training or assessment to an application for an MMC. Currently, 46 CFR part 15 has no manning requirement for the ETR on any vessel, and, therefore, no substantive data on the population is available, and the Coast Guard cannot estimate cost savings for the CSM or HVPS training in this analysis. However, if data becomes available prior to the publication of the final rule, the Coast Guard will revise the regulatory analysis appropriately. We request comments from the public about the ETR population.

Training providers that offer these trainings may lose revenue from these courses due to reduced demand. However, as shown in B. Small Entities, we believe that this revenue loss will be minimal.

Table 1 provides a summary of the affected population and the cost savings components of this proposed rule. The Coast Guard estimates the total 10-year cost savings of this proposed rule to be about $42,817,136 ($6,967,231 for removing LMS training requirements + $692,139 for removing BRM training requirements + $583,617 for removing the requirement to meet the standard of competence in LTW skills + $34,560,474 for removing ETSO training requirements + $13,675 for reducing administrative costs for the Federal Government), discounted at 7 percent. Furthermore, we estimate the annualized total cost savings to be about $6,096,197 ($991,977 for LMS + $98,545 for BRM + $83,094 for LTW skills + $4,920,634 for ETSO + $1,947 for reducing administrative costs of verifying training and assessments for the Federal Government), discounted at 7 percent. Using a perpetual period of analysis, we estimate the total annualized cost savings of this proposed rule to be $3,833,921 million in 2024 dollars, using a 7 percent discounted rate.

[3] See Section IV., Background, of this preamble for a discussion of these changes.

[4] The MMLD is utilized to issue MMCs.

[5] 172 deck officers for LMS, 25 mariners for BRM, 168 mariners for LTW (84 mariners taking the assessment and 84 mariners evaluating them), and 460 mariners for ETSO.

[6] The Coast Guard is not able to assess the affected population due to lack of substantive data to determine how many mariners would be taking an approved CSM to meet the requirements for an ETR endorsement.

[7] The average is based on the three years 2022, 2023, and 2024.

[8] The Coast Guard has 3 years of Merchant Mariner Licensing Documentation (MMLD) data from 2022 to 2024; (515 divided by 3 equals 171.66), 172 (rounded). We obtained the population of Masters who operate vessels of less than 500 GT limited to near-coastal waters from the National Maritime Center (NMC).

[9] The Coast Guard has 3 years of MMLD data from 2022 to 2024; (74 divided by 3 equals 24.67), 25 (rounded). We obtained the population of OINCWs, who operate vessels of less than 500 GT limited to near-coastal waters from the NMC.

[10] The Coast Guard has 3 years of MMLD data from 2022 to 2024; (251 divided by 3 equals 83.67), 84 (rounded). We obtained the population of OINCWs, who operate vessels of less than 500 GT limited to near-coastal waters from the NMC. We then estimated that for every such OICNW, there is one Qualified Assessor (QA) who evaluated them.

[11] The Coast Guard has 3 years of MMLD data from 2022 to 2024; (1,379 divided by 3 equals 459.67), 460 (rounded). We obtained the population of OINEWs in a manned engineroom, on vessels powered by main propulsion machinery of 750 kW/1,000 HP propulsion power or more from the NMC.

TABLE 1—PROPOSED CFR CHANGES AND ESTIMATED COST SAVINGS OF THE PROPOSED RULE

Change	Description	Affected population	Costs	Cost savings
Eliminate 46 CFR 11.317(a)(3)(iv).	Remove the duplicate language requiring "Radar Observer, if serving on a vessel with this equipment." The duplicate requirement, currently at (a)(3)(vii) will remain and will be redesignated as (a)(3)(v).	.....	No cost to mariners or the Federal Government.	No impact; editorial.
Eliminate 46 CFR 11.317(a)(3)(v) & 11.317(b)(1).	Remove LMS training requirements for deck officers seeking an original or renewal STCW endorsement as Master of vessels of less than 500 GT limited to near-coastal waters.	515 total deck officers, based on a 3-year data period,[7] would no longer be required to take LMS training. Annual average of 172 deck officers would benefit from the proposed rule[8].	No cost to deck officers or the Federal Government.	$991,977 annualized and $6,967,231 for 10-year cost savings for deck officers (7% discount rate). $452 annualized and $3,175 for 10-year cost savings for the Federal Government (7% discount rate).
Eliminate 46 CFR 11.321(a)(3)(iv).	Remove BRM training requirement for mariners seeking an original STCW endorsement as OICNW of vessels of less than 500 GT limited to near-coastal waters.	74 total mariners, based on a 3-year data period, would no longer be required to take BRM training. Annual average of 25 mariners would benefit from the proposed rule[9].	No cost to mariners or the Federal Government.	$98,545 annualized and $692,139 for 10-year cost savings for mariners (cost savings) (7% discount rate) $66 annualized and $464 for 10-year cost savings for the Federal Government (7% discount rate).
Eliminate 46 CFR 11.321(b)(1) ..	Remove the requirement to meet the standard of competence in LTW skills for mariners seeking an original or renewal STCW endorsement as OICNW of vessels of less than 500 GT limited to near-coastal waters.	251 mariners based on a 3-year data period would no longer be required to meet the standard of competence in LTW skills. This would also reduce the burden on the Qualified Assessors (QAs) who currently assess these mariners. Annual average of 84 mariners would benefit from proposed rule[10].	No cost to mariners or the Federal Government.	$83,094 annualized and $583,617 for 10-year cost savings for mariners (cost savings) (7% discount rate). $1,208 annualized and $8,484 for 10-year cost savings for the Federal Government (7% discount rate).
Eliminate 46 CFR 11.329(a)(4)(v).	Remove the ETSO training requirement for mariners seeking an original STCW endorsement as OICEW in a manned engineroom on vessels powered by main propulsion machinery of 750 kW/1,000 HP propulsion power or more.	1,379 mariners based on a 3-year data period would no longer be required to take ETSO training. Annual average of 460 mariners would benefit from the proposed rule[11].	No cost to mariners or the Federal Government.	$4,920,634 annualized and $34,560,474 for 10-year cost savings for mariners (cost savings) (7% discount rate). $221 annualized and $1,552 for 10-year cost savings for the Federal Government (7% discount rate).
Eliminate 46 CFR 12.611(a)(4) ..	Remove training requirements for mariners seeking an original STCW endorsement as ETR on vessels powered by main propulsion machinery of 750kW/1,000 HP or more.	The Coast Guard is not able to assess the affected population due to lack of substantive data to determine how many mariners would be taking approved CSM or HVPS training to meet the requirements for an ETR endorsement.	No cost to mariners or the Federal Government.	Not able to assess cost savings or burden hour reduction because currently there are no vessel manning requirements for an ETR endorsement.

Affected Population

This proposed rule would affect mariners seeking the following training or assessment to qualify for STCW endorsements:

- LMS training to be endorsed as Master of vessels of less than 500 GT limited to near-coastal waters;
- BRM training to be endorsed as OICNW on vessels of less than 500 GT limited to near-coastal waters;
- LTW skills assessment to be endorsed as OICNW on vessels of less than 500 GT limited to near-coastal waters;
- ETSO training to be endorsed as OICEW in a manned engineroom on vessels powered by main propulsion machinery of 750 kW/1,000 HP propulsion power or more; and
- CSM training to be endorsed as ETR on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more; and
- HVPS training to be endorsed as ETR on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more.

Per Section IV., Background, and table 1 of this proposed rule, there are no vessel manning requirements for ETRs and there was no available data when we performed this analysis to forecast the number of mariners who may seek ETR endorsements. Therefore, we cannot estimate cost savings or the burden-hour reduction for the CSM or HVPS training. However, if data becomes available prior to the publication of the final rule, the Coast Guard will revise the regulatory analysis appropriately. We request comments from the public about the ETR population.

The MMLD database is utilized to issue MMCs at the National Maritime Center (NMC). Table 2 presents the STCW endorsement data used to calculate the affected population of mariners who would be required to complete LMS, BRM, and ETSO training and to meet the standard of competence in LTW skills in the absence of this rule. The data presented in the table comes from MMLD.

TABLE 2—ESTIMATED ANNUAL NUMBER OF MARINERS APPLYING FOR STCW ENDORSEMENTS THAT REQUIRE LMS, BRM AND ETSO TRAINING

Year	Master of vessels of less than 500 GT limited to near-coastal waters, original endorsement (currently required to take LMS training)	OICNW of vessels of less than 500 GT limited to near-coastal waters, original endorsement (currently required to take BRM training)	OICNW of vessels of less than 500 GT limited to near-coastal waters, renewal endorsement (currently required to meet the standard of competence in LTW skills)	OICEW in a manned engineroom, original endorsement (currently required to take ETSO training)	Total
2022	293	34	82	456	865
2023	151	17	64	462	694
2024	71	23	105	461	660
Total	515	74	251	1,379	2,219
Average	172	25	84	460	741

To estimate the population of mariners who currently need to take LMS training and would be affected by this proposed rule, we estimate the number of Masters of vessels of less than 500 GT limited to near-coastal waters to whom the NMC issued an original (not renewal) endorsement each year.[12] We added together historical populations from calendar year 2022 to calendar year 2024 to obtain the aggregate number for these years, 515, and then divided this number by the total number of years of available credentialing data, or 3 years, to obtain the average size of the affected population per year, or about 172 [13] (515 ÷ 3). This is reflected in the column of table 2 titled ''Master of vessels of less than 500 GT limited to near-coastal waters, original endorsement (currently required to take LMS training).''

To estimate the population of mariners who currently need to take BRM training and would be affected by this proposed rule, we estimate the number of OICNWs of vessels of less than 500 GT limited to near-coastal waters to whom the NMC issued an original (not renewal) endorsement each year. These mariners currently need to take BRM training but would not need to under the proposed rule. As before, we divide the total number of credentials issued between 2022 and 2024, to obtain the number, 74, by the total number of years of available credentialing data, or 3 years, to obtain the average number of mariners per year, or about 25 (74 ÷ 3).[14] This is reflected in the column of table 2 titled ''OICNW of vessels of less than 500 GT limited to near-coastal waters, original endorsement (currently required to take BRM training).''

To estimate the population of mariners who currently need to meet the standard of competence in LTW skills and would be affected by this proposed rule, we estimate the number of OICNW of vessels of less than 500 GT limited to near-coastal waters to whom the NMC issued a renewal endorsement each year. These mariners currently need to meet the standard of competency for LTW skills but would not need to be under the proposed rule. As before, we divide the total number of credentials renewed between 2022 and 2024, to obtain the number, 251, by the total number of years of available credentialing data, which is 3 years, to obtain the average number of mariners per year, or about 84 (251 ÷ 3).[15] This is reflected in the column of table 2 titled ''OICNW of vessels of less than 500 GT limited to near-coastal waters, renewal endorsement (currently required to meet the standard of competence in LTW skills).''

To estimate the population of mariners who currently need to take ETSO training and would be affected by this proposed rule, we estimate the number of OICEW in a manned engineroom to whom the NMC issued an original (not renewal) endorsement each year. These mariners currently need to take ETSO training but would not need to under the proposed rule. As before, we divide the total number of credentials issued between 2022 and 2024, to obtain the number, 1,379, by the total number of years of available credentialing data, which is 3 years, to obtain the average number of mariners per year, or about 460 (1,379 ÷ 3).[16] This is reflected in the column of table 2 titled ''OICEW in a manned engineroom, original endorsement (currently required to take ETSO training).''

As stated previously, per Section IV., Background, and table 1 of this proposed rule, there are no vessel manning requirements for ETRs and there was no available data when we performed this analysis to estimate the number of mariners who may seek ETR endorsements. Therefore, there is no estimate for the affected population of mariners seeking this endorsement; hence, we cannot estimate cost savings or the burden-hour reduction for the CSM or HVPS training. However, if data becomes available prior to the publication of the final rule, the Coast Guard will revise the regulatory analysis appropriately. We request comments from the public about the ETR population.

Costs

The regulatory changes in this proposed rule would not impose any new or additional costs to mariners or the Federal Government. The Coast Guard estimates that the cost of attending the required training (such as tuition, travel, lodging, meals and opportunity cost of lost income) and obtaining an MMC (such as attaching the appropriate documentation) is borne by the individual obtaining the credential, making the training requirement economically burdensome to individuals. By removing the six requirements for these STCW endorsements, there would be a reduced impact on the mariners and on the Federal Government (in terms of the review process).

Cost Savings

The cost savings to mariners are the costs avoided by not attending the LMS, BRM, ETSO, CSM, and HVPS training or meeting the standard of competence in LTW skills. The cost savings to mariners are the total of the avoided costs for

[12] These mariners currently need to take LMS training but would not need to under the proposed rule.

[13] This number is rounded to the closest whole number.

[14] Rounded to closest whole number.

[15] Rounded to closest whole number.

[16] Rounded to closest whole number.

tuition, travel and related expenses, lost time to attend training or to complete assessments, and the time to attach the relevant documentation to an application for an MMC. The cost savings to the Federal Government include the time to verify that the training or skill assessments were completed.

Benefits

The primary monetized benefit of this proposed rule is the cost savings mariners would realize from not having to complete either the LMS, BRM, or ETSO training or having to meet the standard of competence in LTW skills. Non-quantifiable benefits could be realized by mariners who would not have to sacrifice their personal time and money completing training and assessments for certain STCW endorsements.

Baseline

We based our cost estimates used in this RA for LMS, BRM, and ETSO training and LTW skills assessments on information we obtained from the websites of Coast Guard-approved training providers.[17] Costs associated with deck officer wage, travel and lodging are derived from the Bureau of Labor Statistics (BLS), the U.S. Department of Transportation (DOT)-Bureau of Transportation Statistics (BTS), and the General Services Administration (GSA). Additionally, round-trip airport transfer data is derived from a 2006 Coast Guard interim rule, ''Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Licenses and Certificates of Registry.'' [18]

To obtain the cost calculations associated with this proposed rule, the Coast Guard estimated the annual costs to mariners to fulfill the six requirements listed in Section IV., Background. After establishing the costs to mariners, we calculated the costs saved by not having to fulfill these requirements. To find the annual costs associated with LMS, BRM, and ETSO trainings, we estimated the current costs to mariners including the tuition, the opportunity cost of the time to take the training, the time to travel to the training, the mileage, the lodging costs, when applicable, and the cost of purchasing meals and incidentals. To obtain the annual costs associated with meeting the standard of competence in LTW skills, we estimated the opportunity costs of time associated with mariners completing the assessments required to demonstrate meeting the standards of competence. We also accounted for the time a mariner would spend preparing the documentation of completing these requirements as part of an MMC application, and in the following sections, we discuss these costs.

To assess the cost savings, the Coast Guard evaluated the components of the current baseline costs for mariners and the Federal Government. These costs are as follows:

- Tuition costs
- Opportunity costs of time
- Opportunity costs of travel time
- Fuel costs
- Meal and lodging costs
- Compiling documentation (for mariners) and verifying relevant documentation (*e.g.* verifying the training certificate for LMS) (for Coast Guard personnel)

We discuss each of the above-mentioned costs in greater detail below.

Tuition Cost for LMS, BRM, and ETSO Training and Opportunity Cost for Meeting the Standard of Competence in LTW Skills

To estimate the tuition cost, the Coast Guard used data from the NMC, which includes information on 15 training providers offering Coast Guard-approved LMS training, 9 training providers offering Coast Guard-approved BRM training, and 2 training providers offering Coast Guard-approved ETSO training. There are 8 training providers offering both LMS and BRM training and list the course tuition and duration online. The cost of LMS training ranges from $650 to $1,925 in terms of 2025 dollars, and the cost of BRM training ranges from $600 to $3,765 in 2025 dollars, which can be found in table 3 and table 4, respectively. We then calculated an average tuition cost for both LMS and BRM training from the training provider cost data in these tables to get $1,118for LMS training and $1,287 for BRM training in 2025 dollars.

TABLE 3—LMS TRAINING: TUITION, COMPLETION TIME, AND WEBPAGE INFORMATION

Course provider	Tuition ($2025)	Time (in hours)	Hyperlink
Chesapeake Marine Training Institute	$950	32	*www.chesapeakemarineinst.com/cmti-course/leadership-and-managerial-skills/.*
Delgado Community College	650	35	*www.dcc.edu/documents/workforce-development/maritime/2qe2025.pdf.*
Eat on the Wild Side-Crawford Nautical Training.	1,000	40	*crawfordnautical.org/store/p/leadership.*
Maine Maritime Academy—Continuing Education.	1,200	40	*mainemaritime.edu/cpmd/courses/stcw-gap-courses/.*
Mariner Skills, LLC	750	35	*marinerskills.com/leadership-and-managerial-skills.php.*
Maritime Institute	1,200	35	*maritimeinstitute.com/course/leadership-and-managerial-skills/.*
Maritime Institute of Technology & Graduate Studies.	1,765	35	*www.mitags.org/course/leadership-and-managerial-skills/.*
Maritime Professional Training	1,199	40	*www.mptusa.com/course-details/human-element-leadership-management-helm-course-616.*
Northeast Maritime Institute	1,075	40	*nmi.edu/leadership-and-managerial-skills/.*
Quality Maritime Training, LLC	1,045	40	*qualitymaritimetraining.com/courses/.*
RCM Maritime, LLC	1,049	36	*www.rcmmaritime.com/course/leadership-and-managerial-skills/.*
RelyOn Nutec	657	32	*shop.relyon.com/Course/CourseDetails?courseTypeId=71570&countryId=12.*

[17] We searched the websites of all training providers. For the purpose of this analysis, we included only training courses with information on course tuition and course duration easily accessible online. We used the list of approved course providers as of May 15, 2025. Out of 22 training providers offering Coast Guard-approved LMS training, 15 (68 percent rounded) list both tuition cost and course duration. Out of 11 training providers offering Coast Guard-approved LMS training, 9 (82 percent rounded) list both tuition cost and course duration. Out of 2 training providers offering Coast Guard-approved ETSO training, 1 (50 percent) listed both tuition cost and course duration.

[18] We adjusted for inflation the estimates obtained from this published final rule on January 13, 2006 (71 FR 2154).

TABLE 3—LMS TRAINING: TUITION, COMPLETION TIME, AND WEBPAGE INFORMATION—Continued

Course provider	Tuition ($2025)	Time (in hours)	Hyperlink
San Jacinto College Maritime Technology & Training Center.	1,000	32	*www.sanjac.edu/sites/default/files/inline-files/maritime-commercial-class-schedule.pdf.*
STAR Center	1,925	40	*www.star-center.com/schedule.html.*
State University New York Maritime College—Department of Professional Education & Training.	1,300	35	*https://www.sunymaritime.edu/about/visiting-maritime/community-programs/professional-education-training/leadership-and-0.*
Average	1,144	36	

Note: Totals may not sum due to independent rounding (to nearest whole number). All websites last accessed on June 4, 2026. To estimate the completion time in hours for courses that only had the completion time in hours, we used the standard 8-hour business day to reflect the length of a workday. The time (in hours) for the LMS course at Delgado Community College comes from *www.dcc.edu/workforce-development/maritime/courses.aspx.* The time (in hours) for the LMS course at Eat on the Wild Side-Crawford Nautical Training comes from *https://crawfordnautical.org/credentialing.* The time (in hours) for the LMS course at the Maritime Institute comes from *www.maritimeinstitute.com/wp-content/uploads/2025/04/2025-COURSE-SCHEDULE-4-22-2025_tc.pdf.*

TABLE 4—BRM TRAINING: TUITION, COMPLETION TIME, AND WEBPAGE INFORMATION

Course provider	Tuition (2025 $)	Time (in hours)	Hyperlink
Captain School USVI	$1,300	24	*www.captainschoolusvi.com/class-schedule.*
Chesapeake Marine Training Institute	750	32	*www.chesapeakemarineinst.com/cmti-course/bridge-resource-management-brm/.*
Eat on the Wild Side—Crawford Nautical Training.	600	21	*crawfordnautical.org/courses/p/bridge-resource-management.*
Maritime Institute	850	32	*maritimeinstitute.com/course/bridge-resource-management/.*
Maritime Institute of Technology & Graduate Studies.	3,765	35	*www.mitags.org/course/bridge-resource-management-35-hour/.*
Maritime Professional Training	1,999	24	*www.mptusa.com/course-details/bridge-resource-management-with-simulator-tasks-course-151S.*
Northeast Maritime Institute	825	24	*nmi.edu/bridge-resource-management/.*
Quality Maritime Training, LLC	695	24	*qualitymaritimetraining.com/courses/.*
San Jacinto College Maritime Technology & Training Center.	800	24	*www.sanjac.edu/sites/default/files/inline-files/maritime-commercial-class-schedule.pdf.*
Average	1,287	27	

Note: Totals may not sum due to independent rounding (to the nearest whole number). All websites last accessed on June 4, 2026. To estimate the completion time in hours for courses that only had the completion time in hours, we used the standard 8-hour business day to reflect the length of a workday.

While there is not publicly available information on the tuition cost for the two Coast Guard-approved training providers offering stand-alone ETSO courses (STAR Center and ECO Training Center, LLC), we estimate the tuition cost of an ETSO course based on other courses that include the ETSO training requirements and the duration of the stand-alone ETSO courses.

Four training providers offer courses that include the ETSO training requirements. Table 5 presents the training provider, course name, course duration, and tuition below, as well as the calculated tuition cost per day.

At the STAR Center, the only training provider that both offers a stand-alone ETSO course and has its course duration publicly available, the ETSO course is 9 days.[19] Using the average tuition cost per day calculated in table 5 below and adjusting for inflation using the previously mentioned GDP deflator multiplier, we estimate that tuition for the ETSO course at the STAR Center is $2,061 (9 days × $229 average tuition cost per day in 2025 dollars).

TABLE 5—COURSES THAT INCLUDE ETSO TRAINING

Course provider	Course name	Tuition (2025 $) (a)	Course duration (days) (b)	Average tuition per day (2025 $) (c) = (a) ÷ (b)
Maritime Institute	Electrical Machinery and Basic Electronics (EMBE)[20].	$4,200	20	$210
Maritime Professional Training	Auxiliary Machinery (MARTPT–862)[21]	3,199	15	213
San Jacinto College Maritime Technology & Training Center.	OICEW-Auxiliary Machinery[22]	3,500	15	233

[19] *www.star-center.com/courses/OICEW.ETSO.pdf* (accessed June 4, 2026).

TABLE 5—COURSES THAT INCLUDE ETSO TRAINING—Continued

Course provider	Course name	Tuition (2025 $) (a)	Course duration (days) (b)	Average tuition per day (2025 $) (c) = (a) ÷ (b)
Training Mariners for Unlimited Engineer License.	Electrical Machinery and Basic Electronics (EMBE)[23].	3,550	13	273
Total		14,449	63	
Average				229

The Coast Guard then estimated the cost of time it takes for mariners to meet the standard of competence in LTW skills which is required to qualify for an STCW endorsement as an OICNW of vessels of less than 500 GT limited to near-coastal waters. The requirement to provide evidence of meeting the standard of competence in LTW skills is demonstrated through either the completion of shipboard assessments of competence as witnessed by a QA[24] or may be completed as part of Coast Guard-approved training. Based on data provided by the NMC,[25] there are 740 QAs approved to conduct LTW skills assessments. These QAs all hold STCW endorsements as deck officers at either management or operational levels. To estimate the time it would take to meet the standard of competence in LTW skills, the NMC provided information on nine training providers that offer Coast Guard-approved LTW training.[26] The Coast Guard used this information to determine the average length of time it takes for a mariner to complete the demonstration of competence in LTW skills, which is approximately 9 hours. Table 6 presents this information.[27]

TABLE 6—LTW SKILLS: COMPLETION TIME AND WEBPAGE INFORMATION

Assessment provider	Time (in hours)	Hyperlink
Chesapeake Marine Training Institute	8	*www.chesapeakemarineinst.com/cmti-course/leadership-and-teamworking-skills/.*
Mariner Skills, LLC	8	*marinerskills.com/leadership-and-teamworking-skills.*
Maritime Institute	8	*maritimeinstitute.com/course/leadership-and-teamworking-skills/.*
Maritime Institute of Technology & Graduate Studies.	7	*www.mitags.org/course/leadership-and-teamworking-skills/.*
Maritime Professional Training	8	*www.mptusa.com/course-details/leadership-and-teamworking-skills-martpt-768-course-216.*
Quality Maritime Training, LLC	8	*qualitymaritimetraining.com/courses/.*
San Jacinto College Maritime Technology & Training Center.	8	*www.sanjac.edu/sites/default/files/inline-files/maritime-commercial-class-schedule.pdf.*
Seafarers Harry Lundeberg School of Seamanship.	14	*www.seafarers.org/wp-content/uploads/2018/12/PHCCatalogue.pdf* (page 23).
Calhoon MEBA Engineering School	8	*www.mebaschool.org/20-curriculum/courses/general-education-courses/105-leadership-teamworking.*
Average	9	

Note: Totals may not sum due to independent rounding (to the nearest whole number). All websites last accessed on June 4, 2026. To estimate the completion time in hours for courses that only had the completion time in hours, we used the standard 8-hour business day to reflect the length of a workday.

Table 7 presents the tuition cost for mariners taking LMS, BRM and ETSO training. We calculated these costs by multiplying our affected population, provided in Table 2, by the average tuition cost of the LMS, BRM and ETSO training provided in Table 3 and Table 4. We estimate the total undiscounted cost for mariners taking the LMS training to be $192,296 ($1,118 × 172 mariners) annually, the total undiscounted cost for BRM training to be $32,175 ($1,287 × 25 mariners) annually, and the total cost for mariners taking the ETSO training to be $948,060 ($2,061 × 460 mariners) annually.

[20] *www.maritimeinstitute.com/course/electrical-machinery-and-basic-electronics/* (accessed June 4, 2026).

[21] *www.mptusa.com/course-details/auxiliary-machinery-course-271* (accessed June 4, 2026).

[22] *noncredit.sanjac.edu/search/publicCourseSearchDetails.do?method=load&courseId=42193&selectedProgramAreaId=19569&selectedProgramStreamId=19629#courseSectionDetails_6302357* (accessed June 4, 2026).

[23] *tmfuel.coursestorm.com/course/electrical-machinery-and-basic-electronics11* (accessed June 4, 2026).

[24] 46 CFR 10.107 defines a ''Qualified Assessor or QA'' as a person who is qualified to evaluate, for STCW endorsements, whether an applicant has demonstrated the necessary level of competence in the task for which the assessment is being made. This person must be individually approved by the Coast Guard.

[25] The data is current as of May 27, 2025.

[26] We only consider courses with course duration readily available online, representing at least 60 percent of all courses as explained in the analysis.

[27] The Coast Guard did not incorporate the tuition cost of LTW skills training because we estimate all mariners use QAs to witness the demonstration of the standard of competence in LTW skills as it does not require travel and tuition and can be completed at a mariner's workplace (onboard a vessel).

TABLE 7—TUITION COSTS (UNDISCOUNTED) FOR LMS, BRM, AND ETSO TRAINING

Course	Tuition cost (2025 dollars) (a)	Number of mariners (b)	Total cost (c) = (a) × (b)
LMS	$1,118	172	$192,296
BRM	1,287	25	32,175
ETSO	2,061	460	948,060

Opportunity Cost of Time

The Coast Guard then estimated the cost of time required for mariners to complete the LMS, BRM and ETSO training and to meet the standard of competence in LTW skills. When analyzing a day of Coast Guard-approved training, we used the standard 8-hour business day to reflect the length of a workday. The duration of LMS training ranges from 32 to 40 hours with an average time being 36 hours as shown in table 3. The duration of BRM training ranges from 21 to 35 hours with an average time of 27 hours as shown in table 4. The duration of the ETSO training is 70 hours.[28]

The Coast Guard obtained wage rate information for mariners from the BLS, specifically the 2025 Occupational Employment and Wage Statistics.[29] For deck officers required to complete LMS training we used the mean hourly wage rate for Standard Occupational Classification Code (SOC Code) ''Captains, Mates, and Pilots of Water Vessels (53–5021),'' for mariners required to complete BRM training and to meet the standard of competence in LTW skills we used SOC Code ''Sailors and Marine Oilers (53–5011),'' and for mariners required to complete ETSO training, we used SOC Code ''Ship Engineers (53–5031).'' The BLS reports the mean hourly wage rate for a Captain, Mate, or Pilot to be $49.87 per hour, which we used to estimate the wage rate of deck officers seeking an STCW endorsement as Master of vessels of less than 500 GT limited to near-coastal waters.[30] Similarly, the BLS reports the mean hourly wage rate for a sailor or marine oiler to be $27.32, which we used for mariners seeking an STCW endorsement as an OICNW on vessels of less than 500 GT limited to near-coastal waters.[31] Similarly, the BLS reports the mean hourly wage rate for a Ship Engineer to be $53.75, which we use for mariners seeking an STCW endorsement as an OICEW.[32] To account for employee benefits, we used a load factor of 1.42.[33] We then estimated the loaded mean hourly wage rate for a deck officer completing LMS training to be about $70.82 ($49.87 wage rate × 1.42 load factor). Similarly, we estimated the loaded mean hourly wage rate for a mariner completing BRM training and meeting the standard of competence in LTW skills to be about $38.79 ($27.32 wage rate × 1.42 load factor). Similarly, we estimated the loaded mean hourly wage rate for a mariner completing ETSO training to be about $76.33 ($53.75 wage rate × 1.42 load factor).

We multiplied the loaded mean hourly wage rate by the number of hours to complete the training to find the current opportunity cost for a deck officer to take the LMS training, which is about $2,550 ($70.82 wage rate × 36 hours). Figures rounded to the nearest dollar. The opportunity cost for a mariner to take the BRM course is about $1,047 ($38.79 wage rate × 27 hours). The opportunity cost for a mariner to take the ETSO course is about $5,343 ($76.33 wage rate × 70 hours).

The Coast Guard estimated the cost of time it takes for mariners to meet the standard of competence in LTW skills necessary to qualify for an STCW endorsement[34] as OICNW of vessels of less than 500 GT limited to near-coastal waters. The requirement to provide evidence of meeting the standard of competence in LTW skills is demonstrated through either the completion of shipboard assessments of competence as witnessed by a QA,[35] or may be completed as part of Coast Guard-approved training. Based on data provided by the NMC, there are 740 QAs approved to conduct LTW skills assessments. To estimate the time, it would take to demonstrate meeting the standard of competence in LTW skills, the Coast Guard used information on nine Coast Guard approved LTW training courses to determine the average length of time it takes a mariner to complete the demonstration of meeting the standard of competence in LTW skills, which is approximately 9 hours.[36]

The Coast Guard also accounts for the time of the QA to witness the demonstration of meeting the standard of competence in LTW skills. Because individual mariners bear the financial burden of meeting professional requirements to qualify for an MMC endorsement, and considering the number of QAs is substantially larger than the estimated annual population of OICNWs seeking the endorsement for the first time (740 compared to 84), the Coast Guard estimates mariners seeking this endorsement would utilize a QA to witness the demonstration of LTW skills assessments versus taking approved training to meet this requirement. This

[28] This course length comes from the ETSO course at the STAR Center (*www.star-center.com/courses/OICEW.ETSO.pdf;* (accessed June 5, 2026). This is the only school for which we were able to find data. We request public comment on any additional data the public may have.

[29] *https://www.bls.gov/oes/2025/may/oes_stru.htm* (accessed August 17, 2026).

[30] To find the mean hourly wage for a Captain, Mate or Pilot refer to the table in the following link: *https://data.bls.gov/oesprofile/?major_group=530000&occupation=535011&measure=01&areas=INDUSTRY,STATE,MSA* (accessed August 17, 2026).

[31] To find the mean hourly wage for a sailor or marine oiler refer to the table in the following link: *https://data.bls.gov/oesprofile/?major_group=530000&occupation=535011&measure=01&areas=INDUSTRY,STATE,MSA* (accessed August 17, 2026).

[32] To find the mean hourly wage for a ship engineer refer to the table in the following link: *https://data.bls.gov/oesprofile/?major_group=530000&occupation=535031&measure=01&areas=INDUSTRY,STATE,MSA.*

[33] A loaded mean hourly wage rate is what a company pays per hour to employ a person, not the hourly wage an employee receives. The loaded mean hourly wage rate includes the cost of non-wage benefits (health insurance, vacation, etc.). The Coast Guard estimated the load factor by using Table 4 of the BLS news release titled ''EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—MARCH 2025'' and available at *https://www.bls.gov/news.release/archives/ecec_06132025.pdf.* The Coast Guard used the ''Total compensation'' and ''Wages and salaries'' values for the ''Transportation and material moving occupations,'' which are $35.22 and $23.87, respectively. The Coast Guard divided $45.38 by $31.89 and obtained a load factor of 1.42, rounded. The Coast Guard last accessed this BLS' website on August 17, 2026.

[34] This requirement is necessary for mariners seeking to qualify or renew the OICNW endorsement after January 2017.

[35] 46 CFR 10.107 defines a ''Qualified Assessor or QA'' means a person who is qualified to evaluate, for STCW endorsements, whether an applicant has demonstrated the necessary level of competence in the task for which the assessment is being made. This person must be individually approved by the Coast Guard.

[36] For information on LTW skills training information, refer to table 6 in this preamble.

is because an assessment with a QA occurs onboard a vessel and so the mariner does not incur any travel costs. The Coast Guard has no additional data concerning the number of mariners who complete the assessments of competence utilizing a QA as opposed to completing approved training. For this reason, we request information and comments from the public and interested stakeholders regarding this assumption.

The population of mariners required to meet the standard of competence in LTW skills is identical to the number of mariners completing BRM training and receiving the STCW endorsement as an OICNW on vessels less than 500 GT limited to near-coastal waters in 46 CFR 11.321. We used the same loaded mean hourly wage rate of $38.79 for mariners meeting the standard of competence in LTW skills as we did for mariners completing BRM training. For each demonstration of the standard of competence in LTW skills utilizing a QA, there would be two mariners involved: (1) The mariner demonstrating LTW skills assessments; and (2) A QA witnessing the demonstration of LTW skills assessments. Therefore, the opportunity cost of time would be for 168 mariners to complete a demonstration of LTW skills assessments (84 mariners demonstrating LTW skills assessments and 84 QAs witnessing the demonstration of LTW skills assessments). We estimate the opportunity cost of time for a mariner to demonstrate LTW skills assessments to be about $349 ($38.79 × 9 hours) and the opportunity cost of time for a QA to witness the demonstration of LTW skills assessments to be about $637 ($70.82 × 9 hours).[37] [38] Table 8 presents the total opportunity cost of time for all mariners affected by this proposed rule, taking the LMS, BRM, and ETSO training and meeting the standard of competence in LTW skills.

TABLE 8—OPPORTUNITY COST (UNDISCOUNTED) FOR AFFECTED MARINERS TO COMPLETE LMS TRAINING, BRM TRAINING, ETSO TRAINING, AND MEETING THE STANDARD OF COMPETENCE IN LTW SKILLS

[2025$]

Training/assessment	Opportunity cost of training/ assessment (a)	Number of mariners (b)	Total cost (c) = (a) × (b)
LMS Training	$2,550	172	$438,600
BRM Training	1,047	25	26,175
ETSO Training	5,343	460	2,457,780
LTW Skills Assessment Mariners	349	84	29,316
LTW Skills Assessment QAs	637	84	53,508

Note: Data for column (a) calculated in preceding paragraph. Data for column (b) comes from the ''Average'' row in table 2. While table 2 does not explicitly estimate the number of QAs needed to verify that mariners have met the standard of competence for LTW skills, we assume that there is one QA for each mariner needing to demonstrate the standard of competence in LTW skills.

Methodology for Finding Travel Distributions

To estimate the cost of travel and the opportunity cost of travel time, we assume varying modes of travel for mariners getting to and from approved training based on the distribution of travel modes, derived in table 16 of CG–MMC Policy Letter 01–21: Guidelines for Qualifying for STCW Endorsements for Basic and Advanced IGF Code Operations cost analysis.[39] We reflect the same percentages in this NPRM as in the policy letter by assuming that 20 percent would drive to the training center and return the same day, 46 percent would drive and lodge, and 34 percent would fly and lodge.[40] The percentages used in CG–MMC Policy Letter 01–21 derived from the distance required to travel to the nearest training provider for each mariner based on the ZIP Code associated with their credential and the ZIP Codes associated with the training provider locations. The policy letter utilized a random sample of 100 mariners with STCW endorsements involving the International Code of Safety for Ships Using Gases or Other Low Flashpoint Fuels (IGF Code) travelling to training centers offering relevant IGF Code training courses. In that analysis, we determined that 20 mariners would commute to the nearest training provider (or live less than 85.4 miles from a training provider), 46 would drive to the nearest training provider and lodge overnight (or live between 85.4 miles and 583.5 miles from a training provider), and 34 would fly to the nearest training provider and lodge overnight (or live greater than 583.5 miles from a training provider).

We have determined to use the percentages as they appear in CG–MMC Policy Letter 01–21. We acknowledge that this creates uncertainty surrounding our cost estimates related to travel for this specific population of mariners. The Coast Guard requests public comment on our decision to use these predetermined rates of travel for this cost analysis.

We use the same methodology from CG–MMC Policy Letter 01–21 to estimate the thresholds and opportunity costs for travel among the affected population. Using updated data, the Coast Guard estimates that mariners who live or reside less than 93.9 miles from a training provider would commute to the closest site without lodging or utilizing overnight accommodations. We base this assumption on a report titled, ''Commuting in America (2): The National Report on Commuting Patterns and Trends,'' from the American Association of State Highway and Transportation Officials, which posits that Americans, on average, are willing to spend up to a maximum of 90 minutes commuting to work each way.[41]

[37] Qualified Assessors are deck officers; therefore, they would have the same loaded wage rate as SOC Code ''Captains, Mates, and Pilots of Water Vessels (53–5021):'' $67.61 per hour.

[38] Rounded to closest whole number.

[39] *https://www.regulations.gov/document/USCG-2020-0181-0002.* Similar methodology was also used in the Implementation of Training Requirements for Personnel Serving on U.S.-Flagged Passenger Ships That Carry More Than 12 Passengers on International Voyages proposed rule, published on June 21, 2024, (89 FR 52324), available at: *https://www.regulations.gov/document/USCG-2022-0649-0001.*

[40] *Id.*

[41] The American Association of State Highway and Transportation Officials conducted the report in 2013 and used Census Bureau data in the report. Please see Figure 11–13 on page 16 to obtain the travel distribution time to work in minutes. Readers can access the report at *https://transportation.org/*

Continued

This report, which used data from the American Community Survey, illustrates that approximately 97.5 percent of American commuters spent 90 minutes (1.5 hours) or less commuting to work.[42] To convert 90 minutes into a distance, we calculate an average driving speed using data from the Department of Transportation (DOT's) National Highway Traffic Safety Administration's report, ''National Traffic Speeds Survey III: 2015.'' [43] From this report, we take the mean speed from the three road classes across the five time periods provided. We obtain an average speed of 62.6 mph. We then multiply the average speed of these three road classes by 1.5 hours (90 minutes) to obtain our commuting distance threshold of 93.9 miles (62.6 mph × 1.5 hours).

The next threshold we estimated is the distance at which a mariner would choose to drive to the training provider and lodge for the duration of the training before returning to their place of residence. To determine this distance, we establish a range by calculating the minimum and maximum distances for this threshold. The minimum distance at which mariners would drive and lodge during training must be equal to the threshold established by those mariners commuting: 93.9 miles (188 miles round trip).

The National Household Travel Survey estimates that 94.3 percent of Americans travel by personal vehicle when making round trips of less than 500 miles.[44] We use this distance of 500 miles as the lower bound of our maximum distance threshold. To estimate the upper bound of our maximum distance threshold, we reference data from the Office of Airline Information report, ''Average Length of Haul, Domestic Freight and Passenger Modes (Miles),'' which calculated the average domestic passenger flight length of 938 miles (1,876 miles round trip) in 2024.[45] We use this average domestic passenger flight statistic because it reflects a distance at which the average American prefers flying over other modes of transportation when traveling from one location to another.

Additionally, to validate the value of an 1,876 miles round trip, we reference the National Household Travel Survey data. A round-trip distance of 1,876 miles is close to the 2,000 plus miles round-trip distance category used by the National Household Travel Survey. For trips of over 2,000 miles round trip, 22.2 percent of Americans would travel by car and 74.8 percent would travel by flying. We then average our lower and upper bounds for the maximum distance threshold to obtain an average maximum distance of 1,188 miles [(500 miles + 1,876 miles) ÷ 2], or 594 miles one-way.

Therefore, the Coast Guard determines that, beyond 594 miles between a mariner's place of residence and the training provider they attended, mariners would choose to fly and lodge instead of drive and lodge. Table 9 displays the distance thresholds for all three choices of transportation.

TABLE 9—MODES OF TRAVEL AND TRAVEL DISTANCE THRESHOLDS

Travel choice	Travel distance (one-way) threshold for a mariner to reach their nearest training provider denoted by x
Commute	x <93.9 miles.
Drive and Lodge.	93.9 miles ≤x ≤594 miles.
Fly and Lodge	x >594 miles.

The Coast Guard did not apply any of the cost estimates detailed in the following methodology (opportunity cost of travel time, monetary cost of travel, and meals and incidental expense rates (M&IE) and lodging costs) to mariners meeting the standard of competence in LTW skills because mariners can achieve this at their place of work (onboard a vessel) and no travel outside of work would be required.

We then used the percentages from table 9 to estimate how many mariners from our affected population (172 for LMS + 25 for BRM + 460 for ETSO) would choose to commute, drive and lodge, or fly and lodge to their closest training provider by multiplying the percentages above by the affected population. For mariners taking LMS training: 34 (172 × 0.20) would commute, 80 (172× 0.46) [46] would drive and lodge, and 58 (172 × 0.34) would fly and lodge. For mariners taking BRM training: 4 (25 × 0.20) [47] would commute, 12 (25 × 0.46) would drive and lodge, and 9 (25 × 0.34).[48] For mariners taking ETSO training: 92 (460 × 0.20) would commute, 212 (460 × 0.46) would drive and lodge, and 156 (460 × 0.34) would fly and lodge.[49] Table 10 shows these numbers.

traveltrends/commuting-in-america/brief-13-11-commuting-departure-time-and-trip-time/. Last accessed August 18, 2026.

[42] The American Community Survey is an ongoing survey by the U.S. Census Bureau. It regularly gathers information pertaining to demographics and housing characteristics of U.S. households. More information on this survey can be found at: *https://www.census.gov/programs-surveys/acs/about.html* (last visited August 18, 2026).

For information on ''mega-commuting'' refer to footnote 29 or this brochure from the ACS: *https://www.census.gov/content/dam/Census/library/working-papers/2013/demo/SEHSD-WP2013-03.pdf* (last visited August 18, 2026).

[43] In order to convert this to distance, we take the mean total of table 12's Speed by Road Type and Time of Day estimates from 2015 to get at average road speed of 62.6 miles per hour. This information can be found in table 12 using the ''Download Document'' link for Publication No. DOT HS 812 485 (March 2018) at this website: *https://rosap.ntl.bts.gov/view/dot/35961* (last visited August 18, 2026).

[44] The BTS conducted the National Household Travel Survey in 2001, and it was last updated in May of 2017. Please see table 4, ''Percent of Long-Distance Trips by Mode and Roundtrip Distance'' to obtain the travel distance distribution of trips by miles and travel mode. Readers can access the table at: *https://rosap.ntl.bts.gov/view/dot/5475.* The table was accessed on August 18, 2026.

[45] The Office of Airline Information at the BTS collects air freight and domestic passenger summary data. This office divides revenue passenger miles by revenue passenger enplanements to calculate the average length of passenger trips. To find the average length of a domestic flight, please see table 1–38, ''Average Length of Haul, Domestic Freight and Passenger Modes (Miles)'' and refer to cell AM:13. Readers can access the table at: *https://www.bts.gov/content/average-length-haul-domestic-freight-and-passenger-modes-miles.* The table was accessed on August 18, 2026.

[46] 80 is rounded up. 172 multiplied by 0.46 equals 79.12 which ordinarily rounds to 79. However, 34 plus 79 plus 58 equals 171, which is less than the annual average of 172 mariners taking LMS training. To rectify this, we decided to round up for one of the transportation modes. Because mariners are most likely to drive and lodge, we rounded up that transportation mode to 80.

[47] 4 is rounded down. 25 multiplied by 0.20 equals 5.00 which ordinarily rounds to 5. However, 5 plus 12 plus 9 equals 26, which is more than the annual average of 25 mariners taking BRM training. To rectify this, we decided to round down for one of the transportation modes. Because mariners are least likely to commute, we rounded down that transportation mode to 4.

[48] All numbers rounded to nearest whole figure.

[49] All numbers rounded to nearest whole figure.

TABLE 10—TRAVEL DISTRIBUTION BY MODE FOR AFFECTED POPULATION

Transportation	Commute	Drive and lodge	Fly and lodge	Total
Percentage	20%	46%	34%	100%
Number of Deck Officers taking LMS Training	34	[50] 80	58	172
Number of Mariners taking BRM Training	[51] 4	12	9	25
Number of Mariners taking ETSO Training	92	212	156	460

After establishing the travel distributions, we examined the costs associated with each mode of travel. Four inputs comprise these costs: the opportunity cost of travel time, the direct costs of travel, M&IE, and lodging costs (if applicable). Each of these is discussed below.

Opportunity Cost of Travel Time

A mariner incurs an opportunity cost during the time spent traveling to the closest LMS, BRM, or ETSO training provider. To calculate these opportunity costs, we utilized the commuting distances and times calculated in CG–MMC Policy Letter 01–21. The policy letter calculated that the average commuter faces a 61.2-mile round trip, and those driving and lodging face approximately a 498.8-mile round trip.[52]

Next, we calculated the opportunity cost of travel. To calculate these costs, we took the recommended hourly values of travel time savings from the DOT, $25.40 for intercity business travel driving and $63.20 for intercity business travel flying.[53] First, we adjusted the value to 2025 dollars using the Employment Cost Index (ECI). We then multiplied it by the average time required to travel to and from the closest training provider. The ECI in 2015 was 124.3 ([123.6 + 123.8 + 124.6 + 125.1] ÷ 4, rounded), and the ECI in 2025 was 172.0 ([169.9 + 171.4 + 172.9 + 173.6] ÷ 4, rounded), giving a multiplier of 1.4 (172.0 ÷ 124.3, rounded).[54] For mariners commuting (and not lodging), it would take an average round-trip time of approximately 1.0 hours to commute to a training provider, the average round-trip distance divided by the average mean speed (61.2 miles round trip ÷ 62.6 mph, rounded). Similarly, we performed this calculation for those mariners driving and lodging to get an average round-trip time of about 8.0 hours (498.8 miles round trip ÷ 62.6 mph). However, mariners driving (and lodging) would be traveling only half of the round-trip distance, or 4.0[55] hours twice (8.0 ÷ 2), the day of arrival and the day of departure (each). The Coast Guard assumes that it would take mariners the equivalent of an entire workday (8 hours) to fly to a training provider and an entire workday to fly back to their place of residence.[56]

For each travel mode, we multiplied the loaded mean hourly wage rate by the average commuting time, the days traveling, and the number of mariners traveling to arrive at the total opportunity costs of travel for our affected population. Table 11 presents the opportunity cost of travel per deck officers by travel type for LMS training. We estimate the total undiscounted opportunity cost of travel time for 172 deck officers taking LMS training to be about $81,352 annually. Unless presented otherwise, numbers in tables 11, 12, and 13 are rounded to the nearest whole number. To get the opportunity cost of travel time, we multiplied the hourly values of travel times savings ($63.20 or $25.40) by the ECI multiplier (1.4) to get $88 ($63.20 × 1.4) or $36 ($25.40 × 1.4).

TABLE 11—TOTAL OPPORTUNITY COSTS (UNDISCOUNTED) OF TRAVEL TIME BY TRAVEL TYPE FOR DECK OFFICERS GOING TO LMS TRAINING

[$2025]

Mode of Travel	Commuting time per day (hours) (a)	Days traveling (b)	Opportunity cost of travel time (2025 dollars) (c)	Number of deck officers (d)	Total opportunity cost (e) = (a) × (b) × (c) × (d)
Flying to Training Provider	8.0	2	$88	34	$47,872
Driving to Training Provider and Lodging	4.0	2	36	80	23,040
Commuting to Training Provider	1.0	5	36	58	10,440
Total	.....	.....	.....	172	81,352

[50] 80 is rounded up which ordinarily rounds to 79. However, 34 plus 79 plus 58 equals 171, which is less than the annual average of 172 mariners taking LMS training. To rectify this, we decided to round up for one of the transportation modes. We decided that because mariners are most likely to drive and lodge, we should round up that transportation mode to 80.

[51] 4 is rounded down which ordinarily rounds to 5. However, 5 plus 12 plus 9 equals 26, which is more than the annual average of 25 mariners taking BRM training. To rectify this, we decided to round down for one of the transportation modes. We decided that because mariners are least likely to commute, we should round down that transportation mode to 4.

[52] The calculations for average trip distances were obtained from page 31 of the CG–MMC Policy Letter 01–21: Guidelines for Qualifying for STCW Endorsements for Basic and Advanced IGF Code Operations cost analysis. See *https://www.regulations.gov/document/USCG-2020-0181-0002* (last visited August 18, 2026).

[53] Table 3 (page 17) of White, Vinn. September 27, 2016. ''Revised Departmental Guidance on Valuation of Travel Time in Economic Analysis.'' *www.transportation.gov/sites/dot.gov/files/docs/2016%20Revised%20Value%20of%20Travel%20Time%20Guidance.pdf* (accessed June 4, 2026).

[54] At *www.bls.gov/web/eci/eci-historical-dataset.xlsx* (accessed August 19, 2026). We used the value for Estimate with the following filters: Ownership: Civilian works; Characteristic: All workers; Industry: All industries; Occupation: All occupations; Geographic Area: United States (National); Estimate Type: Total compensation; Periodicity: Current dollar index numbers; Year: 2015 and 2025.

[55] Rounded to the nearest tenth.

[56] This again follows the assumption of the CG–MMC Policy Letter 01–21: Guidelines for Qualifying for STCW Endorsements for Basic and Advanced IGF Code Operations cost analysis. See *https://www.regulations.gov/document/USCG-2020-0181-0002* (last visited August 18, 2026).

Table 12 presents the opportunity cost of travel per mariner by BRM training. We estimate the total undiscounted opportunity cost of travel time for 25 mariners taking BRM training to be about $10,384 annually.

TABLE 12—TOTAL OPPORTUNITY COSTS (UNDISCOUNTED) OF TRAVEL TIME BY TRAVEL TYPE FOR MARINERS GOING TO BRM TRAINING

Mode of Travel	Commuting time per day (hours) (a)	Days traveling (b)	Opportunity cost of travel time (2025 dollars) (c)	Number of mariners (d)	Total opportunity cost (e) = (a) × (b) × (c) × (d)
Flying to Training Provider	8.0	2	$88	4	$5,632
Driving to Training Provider and Lodging	4.0	2	36	12	3,456
Commuting to Training Provider	1.0	4	36	9	1,296
Total				25	10,384

Table 13 presents the opportunity cost of travel per mariner by ETSO training. We estimate the total undiscounted opportunity cost of travel time for 460 mariners taking ETSO training to be about $241,136 annually.

TABLE 13—TOTAL OPPORTUNITY COSTS (UNDISCOUNTED) OF TRAVEL TIME BY TRAVEL TYPE FOR MARINERS GOING TO ETSO TRAINING

Mode of travel	Commuting time per day (hours) (a)	Days traveling (b)	Opportunity cost of travel time (2025 dollars) (c)	Number of mariners (d)	Total opportunity cost (e) = (a) × (b) × (c) × (d)
Flying to Training Provider	8.0	2	$88	92	$129,536
Driving to Training Provider and Lodging	4.0	2	36	212	61,056
Commuting to Training Provider	1.0	9	36	156	50,544
Total				460	241,136

Direct Cost of Travel

We assume that mariners who commute or drive and lodge use their own personal vehicles. To account for the direct costs of driving, such as gasoline, insurance, and wear and tear, we used the reimbursement rates from the GSA.[57] The GSA approximates the privately-owned vehicle mileage reimbursement rate to be $0.70 per mile in 2025 dollars.[58] To calculate the direct costs of travel for those mariners commuting and not lodging, we multiplied this reimbursement rate by the number of days a mariner commutes (5 days for LMS, 4 days for BRM, and 9 days for ETSO)[59] and by the average round-trip distance for commuting, 61.2 miles. We used this same method when calculating the costs for those mariners driving and lodging with the difference being they spend the equivalent of two days when completing their round-trip distance of 498.8 miles. Therefore, a deck officer commuting to LMS training would incur direct costs of travel of $214 ($0.70 reimbursement rate × 61.6 miles × 5 days), a mariner commuting to BRM training would incur a direct cost of travel of $171 ($0.70 reimbursement rate × 61.6 miles × 4 days), and a mariner commuting to ETSO training would incur a direct cost of travel of $386 ($0.70 reimbursement rate × 61.6 miles × 9 days).[60] For a mariner traveling by personal vehicle and then lodging for the duration of the training (driving on the first day and returning on the last day of the training), the direct cost of travel would be about $349 (498.8 miles × $0.70 reimbursement rate). Lastly, for a mariner flying and lodging, we used the average cost of a round-trip flight in 2025 as an approximation for the direct cost of travel associated with traveling by air. Using this data from the BTS, we estimated the average unadjusted round-trip airfare to be $387.[61]

In addition to paying for round-trip airfare, mariners flying and lodging would need taxi fare to and from the airport. To calculate the round-trip airport transfer, we used the value of $50,[62] and inflated this value using the 2025 and the 2006 GDP implicit price

[57] The GSA's privately owned vehicle mileage reimbursement rate covers the costs associated with using a personal vehicle for official government travel. This rate encompasses both fixed and variable costs of operating the vehicle. Specifically, it includes expenses like gasoline, oil, tires, maintenance, repairs, insurance, registration, and depreciation. However, it does not include the cost of parking or tolls.

[58] *https://www.gsa.gov/travel/plan-a-trip/transportation-airfare-rates-pov-rates/pov-mileage-reimbursement* (accessed August 19, 2026).

[59] We assume that one day of a course is eight hours. From table 3, the average length of an LMS course is 37 hours. Rounding up, this equates to 5 days (37 hours divided by 8 hours per day). From table 4, the average length of a BRM course is 27 hours. Rounding, this equates to 4 days (27 hours divided by 8 hours per day). Recall, from earlier in this Regulatory Analysis, that the STAR Center offers a 9-day ETSO course.

[60] We multiplied by 5 days a week for deck officers commuting to LMS training because the average training time is 37 hours to complete, which is essentially equivalent to 5 business days. For mariners commuting to BRM training, we multiplied by 4 days a week because the average training time is 27 hours to complete, which is equivalent to 4 business days.

[61] *www.bts.gov/content/annual-us-domestic-average-itinerary-fare-current-and-constant-dollars* (accessed August 19, 2026).

[62] We adjusted for inflation the value of the round-trip airport transfer presented in table 4 in the following link: *https://www.federalregister.gov/d/06-369*.

deflator values of 128.979 and 84.071, respectively.[63] After dividing the values, we obtained a factor of about 1.534. We multiplied this value by $50 to obtain a transfer cost of about $77 in 2025 dollars.[64] We request comments on this cost.

Table 14 presents the direct costs of travel associated with deck officers completing LMS training. We estimate the total undiscounted direct costs of travel for 172 deck officers taking LMS training to be about $56,108 annually.

TABLE 14—ANNUAL DIRECT COSTS OF TRAVEL (UNDISCOUNTED) FOR DECK OFFICERS COMPLETING LMS TRAINING

[$2025]

Mode of travel	Mileage/airfare cost (a)	Cost to take a taxi to and from airport (b)	Number of deck officers (c)	Total cost (d) = [(a) + (b)] × (c)
Flying and lodging	$387	$77	34	$15,776
Driving and lodging	349	0	80	27,920
Commuting	214	0	58	12,412
Total			172	56,108

Table 15 presents the direct costs of travel associated with mariners completing BRM training. We estimate the total undiscounted direct costs of travel for 25 mariners taking BRM training to be about $7,583 annually.

TABLE 15—ANNUAL DIRECT COSTS OF TRAVEL (UNDISCOUNTED) FOR MARINERS COMPLETING BRM TRAINING

[$2025]

Mode of travel	Mileage/airfare cost (a)	Cost to take a taxi to and from airport (b)	Number of mariners (c)	Total cost (d) = [(a) + (b)] × (c)
Flying and lodging	$387	$77	4	$1,856
Driving and lodging	349	0	12	4,188
Commuting	171	0	9	1,539
Total			25	7,583

Table 16 presents the directs costs of travel for mariners completing the ETSO training. We estimate the total undiscounted direct costs of travel for 460 mariners taking ETSO training to be about $176,892 annually.

TABLE 16—ANNUAL DIRECT COSTS OF TRAVEL (UNDISCOUNTED) FOR MARINERS COMPLETING ETSO TRAINING

Mode of travel	Mileage/airfare cost (a)	Cost to take a taxi to and from airport (b)	Number of mariners (c)	Total cost (d) = [(a) + (b)] × (c)
Flying and lodging	$387	$77	92	$42,688
Driving and lodging	349	0	212	73,988
Commuting	386	0	156	60,216
Total			460	176,892

Meal and Incidental Expense (M&IE) Rates and Lodging Costs

Mariners incur M&IE during training and travel days and mariners not commuting incur lodging expenses during training days. To calculate the average M&IE for our affected population, the Coast Guard calculated an average of these expenses based on GSA travel per diem rates for calendar year 2025 for the areas the course providers are located in.[65] For example,

[63] *https://fred.stlouisfed.org/series/A191RD3A086NBEA,* (accessed August 19, 2026).

[64] This methodology parallels that found in 85 FR 31677 at page 31684.

[65] To obtain information on the GSA per diem or M&IE, the reader should access the following website: *www.gsa.gov/travel/plan-book/per-diem-rates* (accessed August 19, 2026). We entered each training center's ZIP Code into the search function for the 2024 and 2025 Fiscal Year to find the respective M&IE and lodging rates; we did this for our deck officer population. Because GSA tabulates per diem for the 48 contiguous states, we needed to find the per diem rates for the US Virgin Islands. We used the following website for this information: *www.travel.dod.mil/Travel-Transportation-Rates/Per-Diem/Per-Diem-Rate-Lookup/* (accessed August 19, 2026). The reader should search for ''Virgin Islands (U.S.)'' in the tab denoted as ''Foreign & Non-Foreign OCONUS.''

we found the M&IE cost for mariners in ZIP code 23072, where the Chesapeake Marine Training Institute is located, to be $68 on average during calendar year 2025 (see table 17). Averaging over all course provider ZIP codes, we obtain an average cost for M&IE of about $83 for LMS courses, $86 for BRM courses, and $86 for ETSO courses during training days. For travel days, we multiplied this value by 0.75 based on GSA guidance to obtain an M&IE cost of about $62 ($83 × 0.75) for LMS courses, about $65 ($86 × 0.75) for BRM courses, and about $65 ($86 × 0.75) for ETSO courses. [66] During the first and last day of travel, GSA calculates that Federal employees are only eligible for 75 percent of the total M&IE rate for their temporary duty travel location.[67] We used this reimbursement rate as an approximation for what mariners would spend on their first and last travel day; however, for mariners commuting, we applied this rate for the duration of their training.

We multiplied the weighted M&IE value during training days by 5 (number of days) for deck officers receiving LMS training to get $415 (5 × $86). We multiplied the same M&IE value by 4 (number of days) for mariners receiving BRM training to get $344 (4 × $86). We multiplied the M&IE value by 11 (9 training days + 2-day weekend) for mariners receiving ETSO training to obtain $946 (11 × $86). Then, we multiplied the M&IE value during travel days by 2 (number of days traveling) to obtain a value of about $124 for deck officers driving and lodging to LMS training (2 × $62), $130 for the mariners driving and lodging to BRM training (2 × $65), and $130 for the mariners driving and lodging to ETSO training (2 × $65). See table 17.

TABLE 17—VALUES FOR M&IE AND LODGING

Training provider	ZIP code	Average daily lodging rate over the span of a year (2025 dollars)	Average M&IE	M&IE during travel days	Average daily lodging rate including tax	LMS course offered?	BRM course offered?	ETSO course offered?
Captain School USVI	00802	$354	$150	$113	$404	No	Yes	No.
Northeast Maritime Institute	02719	126	80	60	144	Yes	Yes	No.
Maine Maritime Academy–Continuing Education	04420	194	92	69	222	Yes	No	No.
State University New York Maritime College–Department of Professional Education & Training	10465	277	92	69	316	Yes	No	No.
Maritime Institute of Technology & Graduate Studies	21090	143	80	60	163	Yes	Yes	No.
Chesapeake Marine Training Institute	23072	110	68	51	126	Yes	Yes	No.
Maritime Institute	23513	110	68	51	126	Yes	Yes	No.
RCM Maritime, LLC	29420	246	92	69	281	Yes	No	No.
Quality Maritime Training, LLC	32250	110	68	51	126	Yes	Yes	No.
STAR Center	33004	177	86	65	202	Yes	No	Yes.
Maritime Professional Training	33316	177	86	65	202	Yes	Yes	No.
Delgado Community College	70119	158	80	60	180	Yes	No	No.
San Jacinto College Maritime Technology & Training Center	77571	128	80	60	146	Yes	Yes	No.
Maritime Institute	92110	205	86	65	234	Yes	Yes	No.
Maritime Institute	98020	120	86	65	137	Yes	No	No.
Eat on the Wild Side–Crawford Nautical Training	98107	208	92	69	238	Yes	Yes	No.
Maritime Institute of Technology & Graduate Studies	98134	208	92	69	238	Yes	No	No.
Average if LMS course offered	.....	169	83	62	193	.....	.....	.....
Average if BRM course offered	.....	167	86	65	191	.....	.....	.....
Average if ETSO course offered	.....	177	86	65	202	.....	.....	.....

Note: The reimbursement rates for lodging from the GSA do not include taxes (see *www.gsa.gov/travel/plan-a-trip/per-diem-rates/faqs#11,* (accessed August 20, 2026). To calculate the ''Average Daily Lodging Rate Including Tax'' column, we take the ''Average Daily Lodging Rate over the span of a Year (2025)'' and multiplying it by 14.19 percent (the average total lodging tax rate in the 150 largest US cities[68]) and then adding that value to the ''Average Daily Lodging Rate over the span of a Year (2025)'' column. For example, in the first row we multiplied $354 by 0.1419 and added it to $354 to get $404 ($354 × 0.1419) + $354).[69] We repeated this process for the remaining rows. The average of these totals is approximately $193 for training providers offering LMS courses and $191 for training providers offering BRM courses. This number is the average for our average daily lodging rate for our affected population. Similarly, we did the same multiplication with the ''Average M&IE Rate'' and the ''M&IE during Travel Days'' columns to get an average rate of $83 and $62, respectively, for training providers offering LMS courses.

Similarly, we applied this M&IE rate during travel days to each day of training for mariners commuting to obtain a total of $310 ($62 × 5 days) for deck officers completing LMS training, $260 ($65 × 4 days) for mariners completing BRM training, and $585 ($65 × 9 days) for mariners completing ETSO training.[70] We applied this cost to mariners commuting because every day a mariner is in training is also considered a travel day.

We applied the same weighting method when calculating the average lodging costs for mariners taking LMS, BRM, and ETSO training. The costs for the average daily lodging rate include the daily lodging per diem rate, the state sales tax rate, and the lodging sales tax rate. The GSA provides the daily per diem rate for lodging costs. A 14.34 percent lodging tax was added to the lodging per diem.[71] After applying the tax, we estimated the average lodging rate to be $193 per deck officer attending LMS training per day, $191 per mariner attending BRM training per

[66] Rounded to closest whole number.

[67] *www.gsa.gov/travel/plan-a-trip/per-diem-rates/faqs#15,* (accessed June 4, 2026).

[68] Hazinski, Thomas A. and Michael Ferguson. September 23, 2024. 2024 HVS Lodging Tax Report—USA. *www.hvs.com/article/10015-2024-hvs-lodging-tax-report-usa* (accessed August 20, 2026).

[69] Rounded to closest whole number.

[70] Some mariners commute to ETSO training, and some drive and lodge or fly to ETSO training, as shown in table 9. ETSO training is nine days. For commuters, they would only have to commute on days of training, *i.e.,* nine days. For mariners who drive and lodge or fly, they would incur M&IE and lodging expenses on the weekend as well, *i.e.,* their M&IE and lodging rates are based on 11 days.

[71] Average total lodging tax rate in the 150 largest US cities *from* Hazinski, Thomas A. and Henry Detmer. October 29, 2025. 2025 HVS Lodging Tax Report—USA. *https://www.hvs.com/article/10299-2025-lodging-tax-report-usa* (accessed August 24, 2026).

day, and $202 per mariner attending ETSO training per day, based on the average daily lodging rate in the ZIP codes of the training providers. Using the same example as above, we found the lodging rate for ZIP Code 23072 to be $126 ($110 × 1.1434 which includes the 14.34 percent total tax rate for lodging). Averaging over all course provider ZIP codes, we obtained a total average cost for lodging of about $193 for deck officers attending LMS training, $191 for mariners attending BRM training, and $202 for mariners attending ETSO training. For LMS, BRM, and ETSO training, we estimate the lodging costs to be about $965 ($193 × 5 days) and $764 ($191 × 4 days), and $2,222 ($202 × 11 days), respectively. Table 18 details the total undiscounted costs for M&IE and lodging expenses for deck officers taking LMS training, table 19 details the total undiscounted costs for M&IE and lodging expenses for mariners taking BRM training, and table 20 details the total undiscounted costs for M&IE and lodging for mariners taking the ETSO training. We estimate the total undiscounted M&IE and lodging costs for 172 deck officers taking LMS training to be about $222,610 annually.

TABLE 18—M&IE AND LODGING COSTS (UNDISCOUNTED) FOR DECK OFFICERS COMPLETING LMS TRAINING

[$2025]

Mode of Travel	M&IE at travel location (a)	Lodging costs (b)	M&IE on travel days (c)	Number of deck officers (d)	Total cost (e) = [(a) + (b) + (c)] × (d)
Flying and lodging	$415	$965	$415	34	$61,030
Driving and lodging	415	965	415	80	143,600
Commuting	0	0	[72] 310	58	17,980
Total	.....	.....	.....	172	222,610

We estimate the total undiscounted M&IE and lodging costs for 25 mariners taking BRM training to be about $22,148 annually.

TABLE 19—M&IE AND LODGING COSTS (UNDISCOUNTED) FOR MARINERS COMPLETING BRM TRAINING

[$2025]

Mode of Travel	M&IE at travel location (a)	Lodging costs (b)	M&IE on travel days (c)	Number of deck mariners (d)	Total cost (e) = [(a) + (b) + (c)] × (d)
Flying and lodging	$344	$764	$130	4	$4,952
Driving and lodging	344	764	130	12	14,856
Commuting	0	0	[73] 260	9	2,340
Total	.....	.....	.....	25	22,148

We estimate the total undiscounted M&IE and lodging costs for 460 mariners taking the ETSO training to be about $1,093,852 annually.

TABLE 20—M&IE AND LODGING COSTS (UNDISCOUNTED) FOR MARINERS COMPLETING ETSO TRAINING

Mode of travel	M&IE at travel location (a)	Lodging costs (b)	M&IE on travel days (c)	Number of mariners (d)	Total cost (e) = [(a) + (b) + (c)] × (d)
Flying and lodging	$946	$2,222	$130	92	$303,416
Driving and lodging	946	2,222	130	212	699,176
Commuting	0	0	[74] 585	156	91,260
Total	.....	.....	.....	460	1,093,852

[72] This value includes M&IE of 75% for mariners who commute to a training center every day.

[73] This value includes M&IE of 75% for mariners who commute to a training center every day.

[74] This value includes M&IE of 75% for mariners who commute to a training center every day.

Cost To Compile Documentation for an MMC Application

In addition to the costs associated with travel, mariners must provide supporting documentation to form CG–719B, Application for MMC, to verify training or skill assessments. Therefore, mariners incur an opportunity cost of time when compiling the necessary documentation. According to a subject matter expert (SME) at the NMC who processes these applications, it takes a mariner an average of 5 minutes (approximately 0.083 hours) to compile training certificates or documentation of meeting the standard of competence to submit to the NMC for evaluation.

Based on our affected population, we estimate there would be 172 deck officers who would compile LMS training certificates, 25 mariners who would compile BRM training certificates, 84 mariners who would compile evidence of meeting the standard of competence in LTW skills, and 460 mariners who would compile ETSO training certificates on an annual basis. Using the loaded hourly wage rate data for those deck officers completing LMS training, $70.82, those mariners completing BRM training, $38.79, and those mariners completing ETSO training, $76.33, we estimate the total cost to mariners to submit LMS, BRM, and ETSO training certificates and evidence of meeting the standard of competence in LTW skills. We estimate the total cost to mariners to be approximately $4,275 annually [($70.82 × 0.083 × 172) + ($38.79 × 0.083 × 25) + ($38.79 × 0.083 × 84) + ($76.33 × 0.083 × 460)]. Table 21 presents these costs.

TABLE 21—ANNUAL COSTS TO COMPILE DOCUMENTATION FOR AN MMC

Population	Loaded mean hourly wage rate (a)	Time per submission (hours) (b)	Population (c)	Total cost (d) = (a) × (b) × (c)
Deck Officers Submitting LMS Training Certificates	$70.82	0.083	172	$1,011
Mariners Submitting BRM Training Certificates	38.79	0.083	25	80
Mariners Submitting Evidence of meeting the Standard of Competence in LTW Skills	38.79	0.083	84	270
Mariners Submitting ETSO Training Certificates	76.33	0.083	460	2,914
Total			741	4,275

Total Cost to Mariners

We estimate the total undiscounted annual costs for deck officers taking LMS training by adding the total costs in tables 7, 8, 11, 14, 18, and 21, for mariners taking BRM training by adding the total costs in tables 7, 8, 12, 15, 19, and 21, for mariners taking ETSO training by adding the total costs in tables 7, 8, 13, 16, 20, and 21, and for mariners demonstrating meeting the standard of competence in LTW skills by adding the total costs in tables 8 and 21. We estimate the total undiscounted annual cost for deck officers who take the LMS training to be $991,977 ($192,296 total cost to take LMS training + $438,600 total opportunity cost to take the training + $81,352 total opportunity costs of travel for deck officers + $56,108 direct costs of travel + $222,610 M&IE and lodging costs + $1,011 opportunity cost to compile MMC application documentation). Similarly, we estimate the total undiscounted annual cost for mariners taking the BRM training to be $98,545 annually ($32,175 total cost to take training + $26,175 total opportunity cost to take the training + $10,384 total opportunity cost of travel for mariners + $7,583 direct costs of travel + $22,148 M&IE costs and lodging costs + $80 training certificate submission costs). Similarly, we estimate the total undiscounted annual cost for mariners taking the ETSO training to be $4,920,634 annually ($948,060 total cost to take training + $2,457,780 total opportunity cost to take the training + $241,136 total opportunity cost of travel for mariners + $176,892 direct costs of travel + $1,093,852 M&IE costs and lodging costs + $2,914 training certificate submission costs). Lastly, we estimate the total undiscounted (opportunity) annual cost for mariners demonstrating meeting the standard of competence in LTW skills to be $83,094 ($82,824 opportunity costs of demonstrating LTW skills + $270 opportunity cost to compile MMC application documentation). Table 22 presents a summary of these total costs.

TABLE 22—TOTAL UNDISCOUNTED ANNUAL COSTS FOR MARINERS TAKING LMS TRAINING, BRM TRAINING, AND MEETING THE STANDARD OF COMPETENCE IN LTW SKILLS

Type of training /assessment	Tuition cost (a)	Opportunity costs training/ assessment (b)	Opportunity cost of travel per mariner by travel type (c)	Direct costs of travel (d)	Meals, incidentals and lodging costs (e)	Opportunity cost MMC application (f)	Total annual costs (g) = (a) + (b) + (c) + (d) + (e) + (f)
LMS Training	$196,768	$438,600	$81,352	$56,108	$222,610	$1,011	$991,977
BRM Training	32,175	26,175	10,384	7,583	22,148	80	98,545
ETSO Training	948,060	2,457,780	241,136	176,892	1,093,852	2,914	4,920,634
LTW Skills		82,824				270	83,094
Totals	1,172,531	3,005,379	332,872	240,583	1,338,610	4,275	6,094,250

Cost to the Federal Government

To estimate the cost to the Federal Government, the Coast Guard examined the evaluation process for MMC applications. According to SMEs at the NMC who review MMC applications, Federal employees with a pay grade of General Schedule (GS)–07 review incoming LMS, BRM, and ETSO training certificates and evidence of meeting the standard of competence in LTW skills. According to the GS published by the Office of Personnel Management for civilian government personnel, the hourly wage rate for a GS–07 employee at Step 5 in the Washington-Baltimore-Arlington locality is $31.04 in 2025 dollars.[75]

The Coast Guard calculated the share of total compensation of Federal Government employees to account for the non-wage benefits to determine the load factor that the Coast Guard applied to the hourly wage rate of employees. In a Congressional Budget Office (CBO) report titled ''Comparing the Compensation of Federal and Private-Sector Employees in 2022,'' the CBO reports total compensation of Federal Government employees to be approximately $75.90, and wages and salaries to be approximately $45.20.[76] From these values, the Coast Guard determined the load factor to be about 1.68[77] ($75.90 ÷ $45.20).

Multiplying by 1.68 to account for benefits and indirect costs paid for by the employer, the loaded hourly wage rate is $52.15 in 2025 dollars ($31.04 hourly wage × 1.68). The Coast Guard does not have sufficient data to assess the cost of review for ETR training certificates.

We then estimated the cost of time it takes NMC personnel to review training certificates and evidence of meeting the standard of competence in LTW skills as part of the evaluation process for an STCW endorsement. According to personnel at the NMC familiar with processing MMC applications, an evaluator takes 2.5 minutes to ensure all required documentation is present in an application; additionally, 5 percent of the time, the application may need further review because of inconsistencies in documentation, which requires 10 minutes. To calculate the initial review cost, the Coast Guard calculated this time in hours (2.5 minutes ÷ 60 minutes/hour) or 0.042 hours. To calculate the cost of further review, we multiplied 5 percent by the number of certificates or assessments being reviewed (172, 25, and 460, respectively) and multiplied these numbers by the time it takes to conduct a further review, or 0.167 hours (10 minutes ÷ 60 minutes/hour). Table 23 presents the total annual undiscounted cost of reviewing an LMS, BRM, or ETSO training certificate or documentation of LTW skills as well as the cost of any further review time that may be required. We estimate the total annual undiscounted cost to the Federal Government to perform the necessary reviews to be approximately $1,947.

TABLE 23—TOTAL UNDISCOUNTED COST FOR COAST GUARD REVIEW OF LMS OR BRM TRAINING CERTIFICATES OR DEMONSTRATION OF LTW SKILLS

[$2025]

Cost category	Time to review (in hours) (a)	Number of certificates being reviewed (b)	Percent of time review is required (c)	Loaded hourly wage rate of evaluator (d)	Total (e) =(a) × (b) × (c) × (d)
Initial review LMS	0.042	172	100	$52.15	$377
Initial review BRM	0.042	25	100	52.15	55
Initial review ETSO	0.042	460	100	52.15	1,008
Initial review LTW Skills	0.042	84	100	52.15	184
Further review LMS	0.167	172	5	52.15	75
Further review BRM	0.167	25	5	52.15	11
Further review ETSO	0.167	460	5	52.15	200
Further review LTW Skills	0.167	84	5	52.15	37
Total					1,947

Summary of Total Cost Savings

The Coast Guard does not anticipate mariners or the Federal Government to incur any costs with this proposed rule. To obtain the total undiscounted cost savings of $6,096,197 for this proposed rule, we added the total undiscounted costs in table 22 ($6,094,250) to the total undiscounted costs in table 23 ($1,947). Since the rule removes these requirements, cost savings are represented as the avoided costs captured in tables 22 and 23. We estimate the total cost savings of this proposed rule to mariners and the Federal Government over a 10-year period of analysis to be about $42,817,136, discounted at 7 percent and the annualized cost savings to be about $6,096,197 using the same discount rate. Table 24 summarizes the aggregate cost savings of this proposed rule, which includes the cost savings to mariners and the Federal Government.

[75] *https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/25Tables/html/DCB.aspx* (accessed August 24, 2026).

[76] Readers can view the report at, *https://www.cbo.gov/system/files/2024-04/59970-Compensation.pdf*. See Table 2–3 and Table 2–1 of the report, respectively. The Coast Guard last accessed this report in August 2026.

[77] Rounded to closest whole number.

TABLE 24—TOTAL ESTIMATED COST SAVINGS OF THE PROPOSED RULE OVER A 10-YEAR PERIOD OF ANALYSIS
[2025$]

Year	Total undiscounted cost savings	Total cost	
		7%	3%
1	$6,096,197	$5,697,380	$5,918,638
2	6,096,197	5,324,655	5,746,250
3	6,096,197	4,976,313	5,578,884
4	6,096,197	4,650,760	5,416,392
5	6,096,197	4,346,504	5,258,633
6	6,096,197	4,062,153	5,105,469
7	6,096,197	3,796,405	4,956,766
8	6,096,197	3,548,042	4,812,394
9	6,096,197	3,315,927	4,672,227
10	6,096,197	3,098,997	4,536,143
Total	60,961,970	42,817,136	52,001,796
Annualized	.....	6,096,197	6,096,197

Analysis of Annualized Cost Savings Using a Perpetual Period of Analysis

Using a perpetual period of analysis, we estimate the total annualized cost savings of this proposed rule to be $3,833,921 in 2024 dollars, using a 7-percent discount rate, with 2026 as the target implementation year.

Alternatives

Although not required by domestic statute or the minimum international standards contained in the STCW Convention or the STCW Code for these endorsements, the Coast Guard included these requirements in the 2013 final rule as a means to ensure safe vessel operations. The Coast Guard reviewed all MMC requirements and determined that the six discussed in this proposed rule were the only ones that could be removed without compromising the safe operation of applicable vessels.

The Coast Guard considered three alternatives beyond the selected proposal. This section examines how the cost of the proposal would change if this alternative were implemented in place of the proposed alternative.

(1) No Action

Using this alternative, the Coast Guard would accept the status quo and not remove either the LMS, BRM, or ETSO training requirements or the requirement to demonstrate meeting the standard of competence in LTW skills as discussed in this proposed rule for certain STCW endorsements. The Coast Guard would also not remove the training requirement discussed in this proposed rule for CSM or HVPS for ETRs. This alternative would not promote an equivalent compliance standard with international requirements and would not reduce the burden or create cost savings for mariners; therefore, we rejected this alternative. Table 26 displays the potential cost savings with the no action alternative as well as that associated with each alternative.

(2) Addressing Only Deck Endorsement Requirements

Under this alternative, the Coast Guard would divide the removal of requirements between deck and engineering endorsements. Specifically, the Coast Guard would:

- Remove the LMS training (46 CFR 11.317(a)(3)(v) and 11.317(b)(1)), BRM training (46 CFR 11.321(a)(3)(iv)), and LTS renewal requirement (46 CFR 11.321(b)(1)) for deck endorsements, including Masters and OICNW on vessels of less than 500 GT limited to near-coastal waters.
- Retain the ETSO training (46 CFR 11.329(a)(4)(v)) for OICEW and the CSM and HVPS training (46 CFR 12.611(a)(4)(i)) for ETR on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more.

This approach would provide targeted regulatory relief for deck officers, reducing their training burden and associated costs, while maintaining certain training standards for engineering officers and ratings. The Coast Guard considered this alternative to ensure that any changes to training requirements would not compromise safety in engineering operations, which may present distinct risks.

However, the Coast Guard rejected this alternative because the retained engineering requirements are not mandated by the STCW Convention or the STCW Code and do not provide a demonstrable safety benefit beyond existing international standards. In addition, maintaining these requirements would not achieve the full regulatory burden reduction or international equivalency sought by the proposed rule. Therefore, this alternative would not fully align with the Coast Guard's objectives for this rulemaking.

(3) Addressing Only Engine Endorsement Requirements

Under this alternative, the Coast Guard would focus on removing requirements for engineering endorsements, while retaining those for deck endorsements. Specifically, the Coast Guard would:

- Remove the ETSO training (46 CFR 11.329(a)(4)(v)) for OICEW and the CSM and HVPS training (46 CFR 12.611(a)(4)(i)) for ETR on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more.
- Retain the LMS training (46 CFR 11.317(a)(3)(v) and 11.317(b)(1)), BRM training (46 CFR 11.321(a)(3)(iv)), and LTW skills requirement (46 CFR 11.321(b)(1)) for deck endorsements, including Masters and OICNW on vessels of less than 500 GT limited to near-coastal waters.

This approach would provide regulatory relief and cost savings for engineering officers and ratings, while maintaining additional training requirements for deck officers and ratings. The Coast Guard considered this alternative to address the distinct operational and safety considerations associated with engineering roles, while continuing to require certain deck-related training believed to contribute to safe vessel operations.

However, the Coast Guard rejected this alternative because the retained deck requirements are not mandated by

the STCW Convention or the STCW Code and do not provide a demonstrable safety benefit beyond existing international standards. Retaining these requirements would not achieve the full regulatory burden reduction or international equivalency sought by the proposed rule. Therefore, this alternative would not fully align with the Coast Guard's objectives for this rulemaking.

(4) Preferred Alternative

Under the preferred alternative, the Coast Guard would remove the following requirements:

- The LMS training described in 46 CFR 11.317(a)(3)(v) and 11.317(b)(1) for an STCW endorsement as Master of vessels of less than 500 GT limited to near-coastal waters;
- The BRM training described in 46 CFR 11.321(a)(3)(iv) for an STCW endorsement as an OICNW on vessels of less than 500 GT limited to near-coastal waters;
- Evidence of meeting the standard of competence in LTW skills to renew an STCW endorsement as OICNW on vessels of less than 500 GT limited to near-coastal waters in 46 CFR 11.321(b)(1);
- The ETSO training described in 46 CFR 11.329(a)(4)(v) for an STCW endorsement as OICEW; and
- The CSM and HVPS training to qualify as an ETR on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more in 46 CFR 12.611(a)(4)(i).

This alternative would reduce the financial burden on mariners and the Federal Government by removing overly burdensome regulatory requirements. The cost savings associated with this alternative are greater than those associated with other alternatives.

TABLE 25—ALTERNATIVES

[2025$]

Alternative	Annualized industry and government cost—savings (7%)	Annualized industry cost—savings (7%)	Impact of the alternative
Alternative 1: No Action	$0	$0	The Coast Guard would continue to require training in LMS, BRM, ETSO, CSM, and HVPS, and demonstration of the standard of competence in LTW skills to qualify for certain STCW endorsements as discussed in the NPRM. The burden to mariners would not be reduced and cost savings would not be realized. This alternative would not promote compliance with international standards.
Alternative 2: Addressing Only Deck Endorsement Requirements.	1,174,355	1,173,616	Remove the current requirements: Training in LMS, BRM, and demonstration of meeting the standard of competence in LTS either through training or assessments from the respective STCW deck endorsements. This alternative would promote compliance with international requirements.
Alternative 3: Addressing Only Engine Endorsement Requirements.	4,921,842	4,920,634	Remove the current requirements: Training in ETSO, CSM, and HVPS from the respective STCW engine endorsements. This alternative would promote compliance with international requirements.
Alternative 4: Proposed Rule	6,096,197	6,094,250	Remove the current requirements: Training in LMS, BRM, ETSO, CSM, and HVPS from the respective STCW endorsements. Demonstration of meeting the standard of competence in LTW skills for the respective STCW endorsement. This alternative would promote compliance with international requirements.

B. Small Entities

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 people.

This proposed rule would not impose any new costs on mariners or companies that employ mariners and would reduce the burden on mariners by removing the requirement to complete LMS, BRM, ETSO, CSM, or HVPS training, or demonstrate evidence of meeting the standard of competence in LTW skills to qualify for certain STCW endorsements. An MMC and the associated endorsements are maintained by the mariner, so mariners would receive cost savings from this proposed rule. The Coast Guard assumes the cost of attending required training and obtaining an MMC is borne by the individual obtaining the credential, making mariners the primary affected population of this proposed rule, which is estimated to be 741 mariners annually. Mariners are individuals and, as such, are not considered small entities under the RFA. We do not have further information that any companies reimburse mariners for these costs, and therefore the mariners would realize the cost savings estimated in this proposed rule.

The proposed rule does not impose any new costs or additional regulatory burdens on training providers or other small entities. Maritime training providers are invited to comment on the economic impact of this proposed rule.

Maritime training providers may qualify as small entities, as many are small businesses or not-for-profit organizations. From our analysis, we found 23 training providers offering Coast Guard-approved courses: 22 offer LMS training, 11 offer BRM training, and 2 offer ETSO training.

Based on publicly available information from the online searches of these companies, we found revenue or employee information on 21 of the 23 companies. Using the Small Business Administration's (SBA) ''Table of Size Standards'' and the North American Industry Classification System (NAICS) codes listed in the table, we identified 12 of the 21 companies to be small entities. We found the other 9 companies to not be small entities. We did not find information on the remaining 2 companies; therefore, we assumed these companies to be small entities for a total of 14 small entities out of 23 companies, or 61 percent.

The removal of these training requirements may result in reduced demand for the affected courses, which could lead to a minor decrease in revenue for some training providers. However, the proposed rule does not impose any new costs or additional regulatory burdens on training providers. Table 26 shows the forgone enrollment revenue for the affected training providers by this rule. LMS, BRM, and ESTO training providers would lose annually, on average, approximately $8,944, $2,574, and $474,030, respectively.

TABLE 26—SUMMARY OF ANNUAL REVENUE IMPACTS PER TRAINING PROVIDER

Training	Number of training providers (a)	Number of mariners applying for STCW (b) *	Average number of mariners per training provider (c) = (b) ÷ (a)	Average tuition per training providers (d) **	Forgone enrollment revenue per training provider (e) = (c) × (d)
LMS	22	172	8	$1,118	$8,944
BRM	11	25	2	1,287	2,574
ETSO	2	460	230	2,061	474,030

* Table 2.
** Table 7.

Based on this analysis, in Table 27, we estimated the impact on revenues for each of the small entities with available revenue information. Two-thirds (67%) of small entities with available revenue information would face a <1% revenue loss; 25% would face between a 1 and 3% revenue loss; and 8% would face a >3% revenue loss.

TABLE 27—DISTRIBUTION OF REVENUE IMPACTS

Percent of revenue impact	Number of small entities with known revenue	Portion of small entities with known revenue (%)
<1%	8	67
1–3%	3	25
>3%	1	8

Based on available information, the Coast Guard does not anticipate that this proposed rule would have a significant economic impact on a substantial number of small entities. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment to the docket at the address listed in the **ADDRESSES** section of this preamble. In your comment, explain why you think it qualifies and how and to what degree this proposed rule would economically affect it.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

D. Collection of Information

This proposed rule would call for a change to an existing collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. As defined in 5 CFR 1320.3(c), ''collection of information'' comprises reporting, recordkeeping, monitoring, posting, labeling, and other similar actions. The title and description of the information collection, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

Title: Application for Merchant Mariner Credentials and Medical Certificates.

OMB Control Number: 1625–0040.

Summary of the Collection of Information: The Coast Guard currently collects information from applicants for an MMC under 46 CFR parts 10, 11, 12, 13, and 16, and requires that each applicant for an MMC or Medical Certificate submit an application to the Coast Guard.

The proposed rule would modify the existing reporting and recordkeeping requirements under 46 CFR 11.317(a)(3)(v) and (b)(1), 11.321(a)(3)(iv) and (b)(1), 11.329(a)(4)(v), and 12.611(a)(4), by eliminating the requirements for MMC applicants to submit certificates of completion for LMS, BRM, ETSO, CSM, and HVPS training, and by removing the requirement to demonstrate evidence of meeting the standard of competence in LTW skills. These requirements were implemented through the 2013 final rule. In the current regulations, mariners seeking an MMC endorsement must submit an application to the Coast Guard using the CG–719B Form.

Need for Information: The collection of information is needed to verify that mariners fulfill requirements related to: (1) LMS training in §§ 11.317(a)(3)(v) and (b)(1); (2) BRM training in § 11.321(a)(3)(iv); (3) demonstration of standard of competence in LTW skills in § 11.321(b)(1); (4) ETSO training in § 11.329(a)(4)(v); (5) CSM training in § 12.611(a)(4)(i), and (6) HVPS training in § 12.611(a)(4)(ii) for the reasons described in Section III., Executive Summary, *C. Summary of Major Provisions.* The Coast Guard, in the proposed rulemaking, is removing the requirements for items (1) thorough (6) listed above. Hence it would eliminate any reporting requirements associated with those items.

Proposed Use of Information: The collection of information is intended to ensure mariners meet the regulatory requirements for issuance of certain STCW endorsements.

Description of the Respondents: The respondents are mariners applying for STCW endorsements as Masters of vessels of less than 500 GT limited to near-coastal waters, or OICNW on vessels of less than 500 GT limited to near-coastal waters, and mariners applying for STCW endorsements as OICEW in a manned engineroom on vessels powered by main propulsion machinery of 750 kW/1,000 HP propulsion power or more, or ETR on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more.

Number of Respondents: According to the Coast Guard MMLD database, currently there is an annual average of approximately 741 mariners that were issued either an original STCW endorsement as Masters of vessels of less than 500 GT limited to near-coastal waters, or an original STCW endorsement as OICNW on vessels of less than 500 GT limited to near-coastal waters, or an original STCW endorsement as OICEW in a manned engineroom on vessels powered by main propulsion machinery of 750 kW/1,000 HP propulsion power or more, over the 3-year period from 2022–2024.

The Coast Guard estimates the number of future applicants for these STCW endorsements that would need to complete LMS, ETSO, or BRM training, or demonstrate evidence of meeting the standard of competence in LTW skills based on this historical average. This proposed rule would not reduce the number of annual respondents because these mariners are still submitting an application but attaching less documentation.

Frequency of Response: The current collection of information requires respondents to submit training certificates showing completion of LMS training, BRM training, ETSO training, and standard of competence assessments when applying for their respective STCW endorsement; the Coast Guard is eliminating the need for respondents to submit these documents when applying for an MMC.

Burden of Response: This would decrease the burden for a mariner by approximately 0.083 hours (5 minutes) per application. Since there are a total of 741 documents that need to be reviewed (172 from LMS + 25 from BRM + 460 from ETSO + 84 for the demonstration of competence in LTW skills), the total reduction in burden on mariners is approximately 62 hours annually (0.083×741).

Estimate of Total Annual Burden: The existing OMB-approved total annual burden is 61,850 hours. This proposed rule would decrease the annual hour burden by approximately 62 hours to a requested amount of about 61,788 hours.

As required by 44 U.S.C. 3507(d), we will submit a copy of this proposed rule to OMB for its review of the collection of information.

We ask for public comment on the proposed collection of information to help us determine, among other things—

- How useful the information is;
- Whether the information can help us perform our functions better;
- How we can improve the quality, usefulness, and clarity of the information;
- Whether the information is readily available elsewhere;
- How accurate our estimate is of the burden of collection;
- How valid our methods are for determining the burden of collection; and
- How we can minimize the burden of collection.

If you submit comments on the collection of information, submit them to both the OMB and to the docket where indicated under **ADDRESSES**.

You need not respond to a collection of information unless it displays a currently valid control number from OMB. Before the Coast Guard could enforce the collection of information requirements in this proposed rule, OMB would need to approve the Coast Guard's request to collect this information.

E. Federalism

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

It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that all of the categories covered in 46 U.S.C. Chapters 33, 37, 71, 73 and 81 (inspection, design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels), as well as the reporting of casualties and any other category in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, are within the field foreclosed from regulation by the States. *See, e.g., United States* v. *Locke,* 529 U.S. 89 (2000) (finding that the states are foreclosed from regulating tanker vessels); *see also Ray* v. *Atlantic Richfield Co.,* 435 U.S. 151, 157 (1978) (state regulation is preempted where ''the scheme of federal regulation may be so pervasive as to make reasonable the inference that Congress left no room for the States to supplement it [or where] the Act of Congress may touch a field in which the federal interest is so dominant that the federal system will be assumed to preclude enforcement of state laws on the same subject.'' (citations omitted)). Because this proposed rule involves the credentialing

of merchant mariners under 46 U.S.C. Chapters 71 and 73, it relates to personnel qualifications for vessels subject to a pervasive scheme of federal regulation and is foreclosed from regulation by the States. Therefore, because the States may not regulate within this category; this proposed rule is consistent with the fundamental federalism principles and preemption requirements in Executive Order 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with federalism implications and preemptive effect, Executive Order 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this proposed rule would have implications for federalism under Executive Order 13132, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

F. Unfunded Mandates Reform Act

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

G. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference With Constitutionally Protected Property Rights).

H. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform) to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this proposed rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This proposed rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

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

K. Energy Effects

We have analyzed this proposed rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (for example, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this NPRM under DHS Instruction Manual 023–01, Rev. 1, associated implementing instructions, and Environmental Planning Commandant Instruction 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). We have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively significantly affect the human environment. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. This proposed rule would be categorically excluded under paragraphs L54 and L56 of Appendix A, table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1 and table 3–1 of the Coast Guard Environmental Planning Implementing Procedures 5090.1. Paragraph L54 pertains to actions that are editorial and procedural; paragraph L56 pertains to regulations concerning the training, qualifying, licensing, and disciplining of maritime personnel. This rule proposes to remove six requirements related to the STCW Convention and STCW Code. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed action.

List of Subjects in 46 CFR Parts 11 and 12

46 CFR Part 11

Penalties, Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Part 12

Penalties, Reporting and recordkeeping requirements, Seamen.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 46 CFR parts 11 and 12 as follows:

PART 11—REQUIREMENTS FOR OFFICER ENDORSEMENTS

■ 1. The authority citation for part 11 is revised to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, and 2110; 46 U.S.C. chapter 71; 46 U.S.C. 7502, 7505, 7701, and 70105; 46 U.S.C. chapter 89; Executive Order 10173; DHS Delegation No. 00170.1, Revision No. 01.4. Section 11.107 is also issued under the authority of 44 U.S.C. 3507.

■ 2. Amend § 11.317 by revising paragraphs (a)(3) and (b) to read as follows:

§ 11.317 Requirements to qualify for an STCW endorsement as Master of vessels of less than 500 GT limited to near-coastal waters (management level).

(a) * * *

(3) Provide evidence of having satisfactorily completed approved training in the following subject areas:

(i) Medical First-aid Provider.

(ii) Basic and Advanced Firefighting in accordance with § 11.303.

(iii) Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats (PSC) or Proficiency in Survival Craft and Rescue Boats other than Lifeboats and Fast Rescue Boats (PSC-Limited).

(iv) ECDIS, if serving on a vessel with this equipment.

(v) Radar Observer, if serving on a vessel with this equipment.

(vi) ARPA, if serving on a vessel with this equipment.

(b) For a renewal of an STCW endorsement as Master of vessels of less than 500 GT limited to near-coastal waters, each candidate must provide evidence of successful completion of approved training in ECDIS, if serving on a vessel with this equipment.

* * * * *

■ 3. Amend § 11.321 by revising paragraphs (a)(3) and (b) to read as follows:

§ 11.321 Requirements to qualify for an STCW endorsement as Officer in Charge of a Navigational Watch of vessels of less than 500 GT limited to near-coastal waters (operational level).

(a) * * *

(3) Provide evidence of having satisfactorily completed approved training in the following subject areas:

(i) Medical First-aid Provider.

(ii) Basic and Advanced Firefighting in accordance with § 11.303.

(iii) Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats (PSC) or Proficiency in Survival Craft and Rescue Boats other than Lifeboats and Fast Rescue Boats (PSC-Limited).

(iv) ECDIS, if serving on a vessel with this equipment.

(v) Radar Observer, if serving on a vessel with this equipment.

(vi) ARPA, if serving on a vessel with this equipment.

(b) For a renewal of an STCW endorsement as OICNW of vessels of less than 500 GT limited to near-coastal waters, each candidate must provide evidence of having satisfactorily completed approved training in ECDIS, if serving on a vessel with this equipment.

* * * * *

§ 11.329 [Amended]

■ 4. Amend § 11.329 by:

■ a. Removing paragraph (a)(4)(v); and

■ b. Redesignating paragraphs (a)(4)(vi) through (xi) as paragraphs (a)(4)(v) through (x).

PART 12—REQUIREMENTS FOR RATING ENDORSEMENTS

■ 5. The authority citation for part 12 continues to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, 7301, 7302, 7503, 7505, 7701, and 70105; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 6. Amend § 12.611 by revising paragraphs (a)(2)(iii), and (a)(3), and (b) to read as follows:

§ 12.611 Requirements to qualify for an STCW endorsement as Electro-technical Rating on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more.

(a) * * *

(2) * * *

(iii) Qualifications meeting the standard of competence specified in Table A–III/7 of the STCW Code (incorporated by reference, see § 12.103 of this part) and approved seagoing service of not less than 3 months; and

(3) Provide evidence of meeting the standard of competence specified in Table A–III/7 of the STCW Code.

(b) An applicant who holds an STCW endorsement as Able Seafarer-Engine and a national rating endorsement as Electrician, Electrician/Refrigerating Engineer, or Junior Engineer will be issued the ETR endorsement upon completion of the requirements in Section A–III/7 of the STCW Code.

* * * * *

Dated: September 28, 2026.

R.C. Compher,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2026–20087 Filed 9–30–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF TRANSPORTATION

49 CFR Part 40

[DOT–OST–2026–3664]

Petition for Rulemaking; Notification of Petition for Rulemaking; Invalid Specimen Determinations

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

ACTION: Notification of petition for rulemaking; request for comments.

SUMMARY: This document announces receipt of a petition for rulemaking received by DOT on February 27, 2026, to initiate a rulemaking to amend 49 CFR part 40. The petitioner's proposed amendments seek to incorporate structured medical verification standards when an employee asserts a plausible medical explanation for abnormal specimen validity findings, including abnormal pH values. Specifically, the petitioner proposes: a defined and finite documentation submission window; required written Medical Review Officer determinations addressing submitted documentation; defined evaluation standards for abnormal urinary chemistry findings; consideration of specialist consultation when diagnosed voiding disorders are asserted; and (5) documented review of medically supported functional voiding disorders prior to verifying refusal determinations based on inability to provide a specimen under direct observation. Through this notification, DOT seeks comment on the petition, as well as any information that could be used in DOT's determination whether to grant the petition.

DATES: DOT will accept comments, data, and information with respect to the Darcy Kern Petition until November 2, 2026.

ADDRESSES: To ensure that you do not duplicate your docket submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building, W58–213, Washington, DC 20590–0001;
- *Hand Delivery:* West Building, W58–213, 1200 New Jersey Ave. SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9826;
- *Instructions:* You must include the agency name and docket number DOT–OST–2026–3664 at the beginning of your comments. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Alison Stockdale, Office of Drug and Alcohol Policy and Compliance, 1200 New Jersey Avenue SE, Washington, DC 20590; 202–366–3784, *ODAPCwebmail@dot.gov.*

SUPPLEMENTARY INFORMATION:

Submission of Comments

DOT invites all interested parties to submit, by the date listed under the **DATES** heading, written comments and information regarding this petition via *www.regulations.gov.* All submissions must include the agency name, ''Department of Transportation'' and docket number, DOT–OST–2026–3664, for this rulemaking. All comments received will be posted without change to *www.regulations.gov,* including any personal information provided. Do not include personal information you would

not want publicly shared, including social security information, home addresses, or any other personal identifying information not to be publicly shared. DOT will not take responsibility for information you share. Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. DOT considers public participation to be a very important part of its process for considering rulemaking petitions.

DOT actively encourages public participation and interaction during the comment period. Interactions with and between members of the public provide a balanced discussion of the issues and help DOT determine how to proceed with a petition.

Signed in Washington, DC, on September 29, 2026.

Douglas Simon,

Director, Office of Drug & Alcohol Policy & Compliance.

Petition for Rulemaking as Submitted by the Petitioner

Executive Summary

This petition respectfully requests that the U.S. Department of Transportation initiate rulemaking to amend 49 CFR part 40, specifically § 40.193 [1] and related provisions governing invalid specimen determinations and directly observed recollection procedures.

The proposed amendments seek to incorporate structured medical verification standards when an employee asserts a plausible medical explanation for abnormal specimen validity findings, including abnormal pH values. Specifically, the petition proposes: (1) a defined and finite documentation submission window; (2) required written Medical Review Officer determinations addressing submitted documentation; (3) defined evaluation standards for abnormal urinary chemistry findings; (4) consideration of specialist consultation when diagnosed voiding disorders are asserted; and (5) documented review of medically supported functional voiding disorders prior to verifying refusal determinations based on inability to provide a specimen under direct observation.

The requested amendments do not weaken anti-adulteration safeguards, eliminate observed testing, or create indefinite delays. Instead, they aim to enhance procedural clarity, consistency, and transparency while preserving enforcement authority and public safety protections.

Statement of the Issue

49 CFR part 40 requires that certain invalid drug test results, including those involving abnormal pH values outside established physiological parameters, result in cancellation of the test and mandatory directly observed recollection.

While this framework appropriately prioritizes specimen integrity and anti-tampering safeguards, the regulation does not require a structured medical verification opportunity when an employee asserts a plausible medical explanation for abnormal specimen validity findings.

Currently, the regulation does not mandate:

A defined documentation submission window when a medical cause is asserted;

Structured evaluation standards for abnormal urinary chemistry potentially associated with diagnosed medical conditions;

Written determination requirements addressing asserted medical explanations prior to escalation;

Integration of documented functional voiding disorders prior to refusal determinations following observed collection.

The absence of defined medical integration standards may result in inconsistent determinations and unnecessary escalation to observed testing.

Scope and Impact

Paruresis (psychogenic urinary retention) and other anxiety-based voiding disorders are medically recognized conditions within psychiatric and urological literature. Published prevalence estimates suggest that a measurable percentage of the general U.S. population experiences clinically significant symptoms.

While only a subset of affected individuals are employed in safety-sensitive transportation roles subject to Part 40 testing requirements, the size of the regulated workforce indicates that even a small percentage represents a meaningful number of potentially impacted employees.

Given the significant professional consequences associated with refusal determinations—including potential commercial driver's license disqualification, Clearinghouse reporting implications, and mandatory return-to-duty processes—clear and standardized medical verification procedures would enhance consistency and transparency without diminishing enforcement safeguards.

Proposed Regulatory Amendments

The petitioner respectfully proposes the following additions to § 40.193:

Proposed § 40.193(f)—Medical Verification Window

When an employee asserts a plausible medical explanation for abnormal specimen validity findings, including abnormal pH values outside established physiological parameters, the Medical Review Officer (MRO) shall provide the employee a defined period not to exceed 72 hours to submit documentation from a licensed medical provider supporting the asserted condition.

The MRO shall issue a written determination addressing the submitted documentation prior to directing a directly observed recollection under § 40.67.

If documentation is not submitted within the defined period, or is determined insufficient to support medical plausibility, observed recollection shall proceed in accordance with existing requirements.

Proposed § 40.193(g)—Specialist Consultation Consideration

When the asserted medical explanation involves a diagnosed urological condition or functional voiding disorder, including psychogenic urinary retention (paruresis), the MRO shall consider consultation with a licensed urologist or licensed mental health professional familiar with such conditions prior to issuing a final determination.

Pre-Refusal Documentation Review

Prior to verifying a refusal to test based on failure to provide a sufficient specimen under direct observation, the MRO shall document consideration of any previously submitted medical documentation indicating a functional voiding disorder that may materially impair the employee's ability to void under observation.

Safety and Program Integrity Justification

The proposed amendments do not eliminate or weaken anti-adulteration safeguards.

[1] Petitioner cites section 40.193 that covers *What happens when an employee does not provide a sufficient amount of specimen for a drug test?* Section 40.159, which covers *What does the MRO do when a drug test result is invalid?,* seems to be the appropriate provision to be considered for amendment.

The documentation window is finite and does not create open-ended delay. Observed recollection remains mandatory if documentation is insufficient. Refusal determinations remain available when appropriate. Laboratory validity thresholds remain unchanged.

These amendments strengthen procedural clarity, increase consistency in medical determinations, and improve confidence in the fairness and integrity of the testing framework while preserving enforcement authority.

Request for Action

The petitioner respectfully requests that the Department initiate rulemaking proceedings to evaluate and adopt the proposed amendments to 49 CFR part 40.

The requested amendments are narrowly tailored to enhance procedural clarity and medical integration while preserving the core safety objectives of the DOT drug testing program. The requested amendments do not weaken anti-adulteration safeguards, eliminate observed testing, or create indefinite delays. Instead, they aim to exchange procedural clarity, consistency, and transparency while preserving enforcement authority and publishing safety protections.

[FR Doc. 2026–20169 Filed 9–30–26; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 10 and 21

[Docket No. FWS–HQ–MB–2026–0133; FXMB12320900000–267–FF9M30000]

RIN 1018–BI13

General Provisions; Revised List of Birds Protected by the Migratory Bird Treaty Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to revise the List of Birds Protected by the Migratory Bird Treaty Act (MBTA) by both adding and removing species and changing names to conform to accepted use by the scientific community. Reasons for the proposed changes to the list include adding species based on new taxonomy and new evidence of natural occurrence in the United States or U.S. territories, removing species no longer known to occur within the United States or U.S. territories, and changing names to reflect currently accepted taxonomy and nomenclature. The net increase of 25 species (32 added and 7 removed) would bring the total number of species protected by the MBTA to 1,131. We also propose to revise the names of species subject to specific migratory bird permit regulations to reflect currently accepted taxonomy and nomenclature. We are taking this proposed action because an accurate and up-to-date list of species protected by the MBTA is essential for public notification, regulatory, and law-enforcement purposes, and to ensure consistency in the use of common and scientific names across Service regulations.

DATES: We will accept comments received or postmarked on or before November 30, 2026. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date.

ADDRESSES: You may submit comments by one of the following methods: (1) *Electronically:* Go to the Federal eRulemaking Portal: *https://www.regulations.gov.* In the Search box, enter FWS–HQ–MB–2026–0133, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rule box to locate this document. You may submit a comment by clicking on ''Comment.''

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–HQ–MB–2026–0133, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *https://www.regulations.gov.* This generally means that we will post any personal information you provide us.

FOR FURTHER INFORMATION CONTACT: Eric L. Kershner, Chief, Division of Bird Conservation, Permits, and Regulations; Migratory Bird Program; U.S. Fish and Wildlife Service; MS:MB; 5275 Leesburg Pike, Falls Church, VA 22041–3803; (571) 565–0109. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. Please see Docket No. FWS–HQ–MB–2026–0133 on *https://www.regulations.gov* for a document that summarizes this proposed rule.

SUPPLEMENTARY INFORMATION:

I. List of Birds Protected by the Migratory Bird Treaty Act (50 CFR 10.13)

Statutory Authority for Maintaining and Revising the List of Birds Protected by the MBTA

The Service (as delegated by the Secretary of the Interior) has the statutory authority and responsibility to implement and enforce the MBTA (16 U.S.C. 703–712), the Fish and Wildlife Improvement Act of 1978 (Pub. L. 95–616; 16 U.S.C. 742l), and the Fish and Wildlife Act of 1956 (16 U.S.C. 742a–742j, not including 742d–1). The MBTA implements conventions (bilateral treaties) between the United States and four neighboring countries for the protection of migratory birds, as follows:

(1) *Canada:* Convention between the United States and Great Britain [on behalf of Canada] for the Protection of Migratory Birds, August 16, 1916, 39 Stat. 1702 (T.S. No. 628), as amended by Protocol between the Government of the United States and the Government of Canada Amending the 1916 Convention between the United Kingdom and the United States of America for the Protection of Migratory Birds, Sen. Treaty Doc. 104–28 (December 14, 1995);

(2) *Mexico:* Convention between the United States and Mexico for the Protection of Migratory Birds and Game Mammals, February 7, 1936, 50 Stat. 1311 (T.S. No. 912), as amended March 10, 1972 (23 U.S.T. 260; T.I.A.S. 7302), and by Protocol with Mexico amending Convention for Protection of Migratory Birds and Game Mammals, Sen. Treaty Doc. 105–26 (May 5, 1997);

(3) *Japan:* Convention between the Government of the United States of America and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction, and Their Environment, March 4, 1972, 25 U.S.T. 3329 (T.I.A.S. No. 7990); and

(4) *Russia:* Convention between the United States of America and the Union of Soviet Socialist Republics Concerning the Conservation of Migratory Birds and Their Environment, November 19, 1976, 29 U.S.T. 4647 (T.I.A.S. No. 9073).

What is the purpose of this proposed rulemaking?

Our purpose is to inform the public of updates to the list of species protected by the MBTA and its implementing regulations. These regulations are found in title 50 of the Code of Federal Regulations (CFR) at parts 10, 20, 21, and 92. We regulate the taking, possession, transportation, sale, purchase, barter, exportation, and importation of birds protected by the MBTA. An accurate and up-to-date list of species protected by the MBTA is essential for notifying the public and other Federal, State, Tribal, and Territorial agencies of which species are subject to regulatory protections.

Why is this amendment of the List of Birds Protected by the MBTA necessary?

The amendments we are proposing are needed to:

(1) Add 13 species based on new distributional records documenting their natural occurrence in the United States or U.S. territories since 2022;

(2) Add 19 species newly recognized because of recent taxonomic changes;

(3) Remove seven species not known to occur within the boundaries of the United States or U.S. territories because of recent taxonomic changes;

(4) Change the common (English) names of 25 species to conform to accepted use;

(5) Change the scientific names of 32 species to conform to accepted use;

(6) Correct the spelling of one species name on the alphabetized list; and

(7) Correct the spelling of one species name on the taxonomic list.

The List of Birds Protected by the MBTA (50 CFR 10.13) was last revised on July 31, 2023 (88 FR 49310). The amendments proposed in this rule are necessitated by three published supplements to the 7th (1998) edition of the American Ornithologists' Union (AOU, now recognized as the American Ornithological Society (AOS)) Checklist of North American Birds (AOS 2023, 2024, 2025, and 2026 (in press)) and the 2016, 2023, 2024, and 2025 publications of the Clements Checklist of Birds of the World (Clements et al. 2016, 2023, 2024, and 2025).

What scientific authorities are used to amend the List of Birds Protected by the MBTA?

Although bird names (common and scientific) are relatively stable, staying current with standardized use is necessary to avoid confusion in communications. In making our determinations, we primarily relied on the AOS's Checklist of North American birds (AOU 1998), as amended annually (AOS 2023, 2024, 2025, and 2026 (in press)), on matters of taxonomy, nomenclature, and the sequence of species and other higher taxonomic categories (Orders, Families, Subfamilies) for species that occur in North America. The AOS Checklist of North American Birds (Checklist), developed by the AOS Committee on Classification and Nomenclature, has been the recognized taxonomic authority for North American birds since publication of the first edition of the Checklist in 1886. The committee compiles the taxonomic foundation for ornithology in North America by evaluating and publishing the latest scientific developments in the systematics, classification, nomenclature, and distribution of North American birds. Thus, the AOS Checklist represents the best scientific information available for developing the North American component of this List of Birds Protected by the MBTA. In keeping with the increasing number of study areas on which taxonomy relies, the committee incorporates expertise in phylogenetics, genomics, vocalizations, morphology, behavior, and geographical distribution, as well as general ornithological knowledge. The AOS Checklist contains all bird species that have occurred in North America from the Arctic through Panama, including the West Indies and the Hawaiian Islands, and includes distributional information for each species, which specifies whether the species is known to occur in the United States. The committee also keeps and updates a list of species known to occur in the United States.

For the species that occur in the U.S. territories outside the geographic area covered by the AOS Checklist, we relied primarily on the Clements Checklist of Birds of the World (Clements Checklist) (Clements et al. 2007), the Clements Checklist 2016, 2023, 2024, and 2025 installment of updates and corrections (Clements et al. 2016, 2023, 2024, and 2025), and other peer-reviewed literature where appropriate. The Clements Checklist is a list of all known bird species in the world and is maintained and updated annually by the Cornell Laboratory of Ornithology (CLO). The CLO relies on different regional ornithological authorities to compile the Clements Checklist, using the AOS for the western hemisphere. Taxonomy and nomenclature are the primary focus of the Clements Checklist. Range descriptions are maintained and updated based on the best available information, but do not include records of vagrancy.

Although we primarily rely on the above sources, when informed taxonomic opinion is inconsistent or controversial, we evaluate available published and unpublished information and come to our own conclusion regarding the validity of taxa and whether to include taxonomic changes. For example, we include the Purple Swamphen, *Porphyrio porphyrio,* as classified by the AOS, even though the Clements Checklist splits this taxon into six species. Distinguishing characteristics within the Purple Swamphen clade are widely studied across its global range, yet scientific evidence remains inconclusive, leaving experts divided on how best to split these taxa. Because this taxonomy is complex and subject to ongoing revision, we chose to follow the AOS treatment of a single species, Purple Swamphen, *Porphyrio porphyrio.* We also evaluate available information for new species documented to occur naturally in the United States or U.S. territories and come to our own conclusion regarding whether to add those species to the List of Birds Protected by the MBTA.

A 2025 publication, *AviList: a unified global bird checklist* (Rheindt et al. 2025), introduced a new global bird checklist, known as AviList, which has a single taxonomy for birds across the world. The scientific authorities cited above, and who are referenced for amending the List of Birds Protected by the MBTA, participated in the development of AviList. While these authorities may one day align with AviList, currently, there are several differences in classification and nomenclature, and we decided to consider developing a process to align with AviList in subsequent updates. Notably, we include updates at the subfamily level, which enables us to track when a family included in one of the bilateral treaties is subsumed into another as a subfamily, ensuring that species within the family, as originally included in the treaty, are appropriately protected under the MBTA.

For this update, we reviewed 13 species that were added to the AOS Checklist based on new natural distribution in the United States or U.S. territories (AOS 2023, 2024, 2025, and 2026(in press)). Based on the available evidence and criteria we use to identify individual species that qualify for protection by the MBTA (see below), we propose to add 12 of the 13 species. We elected not to add one of the 13 species, Eurasian Goshawk, *Accipiter gentilis.* In 2023, AOS split Northern Goshawk,

Accipiter gentilis, into American Goshawk, *Accipiter atricapillus,* which regularly occurs in the United States, and Eurasian Goshawk, *Accipiter gentilis* (AOS 2023). The distribution statement for Eurasian Goshawk includes two extralimital records in the United States from Alaska in 2001 (AOS 2023), the details of which are included in a 2015 Service report (Schwitters 2015). When we reviewed the details of the published records, we found insufficient evidence to conclusively identify the birds as Eurasian Goshawks and therefore do not propose to add this species at this time. We may revisit this decision not to add the Eurasian Goshawk in a subsequent update if there is new evidence of its natural occurrence in the United States.

We reconsidered two species that were previously added to the AOS Checklist based on new natural distribution in the United States or U.S. territories (AOS 2020) and for which we concluded the evidence, at the time, did not support proposing to add those species to the List of Birds Protected by the MBTA (see July 31, 2023 (88 FR 49310)). We once again explored whether to add Graylag Goose, *Anser anser,* based on new information on natural distribution in the United States or U.S. territories and found no new evidence since our last update. Therefore, at this time, we do not propose adding Graylag Goose, *Anser anser,* to the List of Birds Protected by the MBTA. We received new information for documented records of Red-backed Shrike, *Lanius collurio,* in Alaska and concluded that there is sufficient evidence demonstrating that the species naturally occurs in the United States, and thus propose to add Red-backed Shrike, *Lanius collurio,* to the List of Birds Protected by the MBTA.

What criteria are used to identify individual species protected by the MBTA?

A species qualifies for protection under the MBTA by meeting one or more of the following criteria:

(1) It is individually listed in the Annex to the Japan Convention or the Appendix to the Russia Convention.

(2) It occurs in the United States or U.S. territories as the result of natural biological or ecological processes and is currently, or was previously listed as, a member of a family protected by the Canada or Mexico Conventions or their amendments. A naturally occurring species is protected by the MBTA as a member of a protected family, even if the species is ecologically nonmigratory (meaning it does not exhibit seasonal movements—also known as a resident species). For example, the Bushtit (*Psaltriparus minimus*) is a resident, nonmigratory species and is included in 50 CFR 10.13 because it occurs in a family (Aegithalidae) that is protected by the bilateral treaty with Canada and naturally occurs within the United States or U.S. Territories. Any species that is a member of a family protected by the Canada or Mexico Conventions but does not occur in the United States or U.S. territories, or occurs solely as a result of intentional or unintentional human-assisted introduction, does not qualify for the MBTA list, unless:

(a) It was either native to the United States or U.S. territories and extant in 1918; or

(b) It was extirpated after 1918 throughout its range in the United States or U.S. territories, and, after such extirpation, it was reintroduced in the United States or U.S. territories as part of a program carried out by a Federal agency.

(3) Revised taxonomy results in it being newly split from a species that was previously on the list, and the new species occurs in the United States or U.S. territories as the result of natural biological or ecological processes. If a newly recognized native species is considered extinct (following the classification of the AOS or, for species not covered by the AOS, the Clements Checklist or peer-reviewed literature), that species will still be included if either of the following criteria apply:

(a) The species closely resembles extant species included in the list that may be affected by trade or other commercial activities if the species is not included; or

(b) Not including the species may create difficulties implementing the MBTA and its underlying conventions.

(4) New evidence exists for its natural occurrence in the United States or U.S. territories resulting from new or natural distributional changes and the species belongs to a protected family in the Canada and Mexico Conventions. Records must be documented, accepted, and published by the AOS committee. For the U.S. Pacific territories that fall outside the geographic scope of the AOS and for which there is no identified ornithological authority, new evidence of a species' natural occurrence will be based on the Clements Checklist and then published peer-reviewed literature, in that order. Records and the evidence supporting their acceptance by the AOS, Clements Checklist, or peer-reviewed literature are reviewed independently by the Service before we propose adding the species to the list.

In accordance with the Migratory Bird Treaty Reform Act of 2004 (Pub. L. 108–447, December 8, 2004, 118 Stat. 2809, 3071–72), we only include migratory bird species that are native to the United States or U.S. territories, unless a species not currently known to be native is specifically listed in the Japan or Russia Conventions, which provide their own mechanisms for mutually adding or removing species designated for protection by those Conventions. A native migratory bird species is one that occurs as a result of natural biological or ecological processes. The list at 50 CFR 10.13 does not include nonnative species belonging to families protected by the Canada and Mexico Conventions that occur in the United States or U.S. territories solely as a result of intentional or unintentional human-assisted introduction(s). An amended list of the nonnative bird species that have been introduced by humans into the United States or U.S. territories and to which the MBTA does not apply was published in the **Federal Register** on April 16, 2020 (85 FR 21262), with a correction published on May 3, 2021 (86 FR 23422).

What species are not protected by the Migratory Bird Treaty Act?

The MBTA does not apply to:

(1) Nonnative species introduced into the United States or U.S. territories by means of intentional or unintentional human assistance that belong to families or groups covered by the Canada or Mexico Conventions. Note, though, that native species that are introduced into parts of the United States where they are not native are still protected under the MBTA regardless of where they occur in the United States or U.S. territories.

(2) Species native or nonnative to the United States or U.S. territories that either belong to families or groups not referred to in the Canada and Mexico Conventions or are not included by species name in the Russia and Japan Conventions. This includes the families Tinamidae (tinamous), Megapodiidae (megapodes), Cracidae (chachalacas), Odontophoridae (New World quail), Phasianidae (grouse, ptarmigan, and turkeys), Pteroclidae (sandgrouse), Heliornithidae (finfoots), Burhinidae (thick-knees), Glareolidae (pratincoles), Todidae (todies), Psittacidae (parrots), Psittaculidae (Old World parrots), Meliphagidae (honeyeaters), Dicruridae (drongos), Monarchidae (monarchs), Pycnonotidae (bulbuls), Scotocercidae (bush warblers and allies), Zosteropidae (white-eyes), Sturnidae (starlings, except as listed in Japanese treaty), Ploceidae (weavers), Estrildidae (estrildid finches), and Passeridae (Old World sparrows, including house or English sparrow), as well as numerous

other families not represented in the United States or U.S. territories.

How do the changes affect the List of Birds Protected by the MBTA?

Taxonomic changes were made at the family and subfamily levels by the AOS since our 2023 publication of the list (88 FR 49310; July 31, 2023). These changes affect the taxonomic order of species on this list. Specifically, new subfamilies were created. Within the family Charadriidae, a new subfamily, Pluvialinae, was created. The Golden-Plovers were moved to Pluvialinae, and Northern Lapwing was moved from Vanellinae to Charadriinae, and Vanellinae is deleted. Within the family Ardeidae, three new subfamilies were created: the Bare-Throated Tiger-Heron was moved to Tigriornithinae, Least Bittern and Yellow Bittern were moved to Botaurinae, and the herons and egrets were moved to Ardeinae. Within the family Columbidae, two new subfamilies were created: the ground doves were moved to Claravinae, and the quail-doves, White-tipped Dove, White-winged Dove, Zenaida Dove, and Mourning Dove were moved to Columbinae. Within the family Laridae, two new subfamilies were created: the noddies were moved to Anoinae, and the white-terns were moved to Gyginae. The families Spindalidae and Nesospingidae were merged into Phaenicophilidae, and species formerly placed in Nesospingidae and Spindalidae were moved to the new subfamily Spindalinae.

The proposed amendments (additions, removals, and name changes) would affect a total of 88 species and would result in a net addition of 25 species to the List of Birds Protected by the MBTA, increasing the number of species on the list from 1,106 to 1,131. Nineteen species that we would add to the list are new species that have been recognized as a result of a taxonomic split, occur in the United States or U.S. territories, and were previously covered under the MBTA as members of listed species (conspecific). These proposed amendments can be logically arranged in the following five categories:

(1) Add 13 species based on review and acceptance by the AOS (since 2022), or by other appropriate ornithological authorities, and the Service of new distributional records documenting their occurrence in the United States or U.S. territories. These species belong to families covered by at least one of the two international conventions that designate families for protection. For each species, we list the State or U.S. territory in which it has been recorded, plus the relevant publication:

Bat Falcon, *Falco rufigularis*—Texas (AOS 2023);

Rufous-tailed Rock-thrush, *Monticola saxatilis*—Alaska (AOS 2023);

Western Marsh Harrier, *Circus aeruginosus*—Maine and New Jersey (AOS 2024);

Icterine Warbler, *Hippolais icterina*—Alaska (AOS 2024);

Ainley's Storm-Petrel, *Hydrobates cheimomnestes*—California and Hawaii (AOS 2025);

Blue-black Grassquit, *Volatinia jacarina*—Arizona (AOS 2025);

Eurasian Sparrowhawk, *Accipiter nisus*—Alaska (AOS 2025);

Gray Gull, *Leucophaeus modestus*—Florida and Alabama (AOS 2025);

Southern Lapwing, *Vanellus chilensis*—Michigan, Texas, Florida, and Maryland (AOS 2025);

Yellow-headed Caracara, *Milvago chimachima*—Florida and Texas (AOS 2025);

Hen Harrier, *Circus cyaneus*—Alaska (AOS 2026, in press);

Oriental Honey-buzzard, *Pernis ptilorhynchus*—(AOS 2026, in press);

Red-backed Shrike, *Lanius collurio*—Alaska (AOS 2020).

(2) Add 19 species because of recent taxonomic changes in which taxa formerly treated as conspecific have been determined to be distinct species (*i.e.,* a taxonomic split). Given that each of these species was formerly treated as conspecific with a listed species, these additions would not change the protective status of any of these taxa, only the names by which they are known. In each case, we reference the AOS or relevant publication supporting the change:

Puerto Rican Euphonia, *Chlorophonia sclateri*—formerly considered conspecific with Antillean Euphonia, *Chlorophonia musica* (AOS 2023);

Siberian House-Martin, *Delichon lagopodum*—formerly considered conspecific with Common House-Martin, *Delichon urbicum* (AOS 2023);

Scopoli's Shearwater, *Calonectris diomedea*—formerly considered conspecific with Cory's Shearwater, *Calonectris diomedea* (AOS 2024);

Cocos Booby, *Sula brewsteri*—formerly considered conspecific with Brown Booby, *Sula leucogaster* (AOS 2024);

Eastern Cattle-Egret, *Ardea coromanda*—formerly considered conspecific with Cattle Egret, *Ardea ibis* (AOS 2024);

American Barn Owl, *Tyto furcata*—formerly considered conspecific with Barn Owl, *Tyto alba* (AOS 2024);

Siberian Pipit, *Anthus japonicus*—formerly considered conspecific with American Pipit, *Anthus rubescens* (AOS 2024);

Western Warbling-Vireo, *Vireo swainsoni*—formerly considered conspecific with Warbling Vireo, *Vireo gilvus* (AOS 2025);

Vega Gull, *Larus vegae*—formerly considered conspecific with Herring Gull, *Larus argentatus* (AOS 2025);

American Herring Gull, *Larus smithsonianus*—formerly considered conspecific with Herring Gull, *Larus argentatus* (AOS 2025);

Blue-billed White-Tern, *Gygis candida*—formerly considered conspecific with White Tern, *Gygis alba,* (AOS 2025);

Little White-Tern, *Gygis microrhyncha*—formerly considered conspecific with White Tern, *Gygis alba,* (AOS 2025);

Hudsonian Whimbrel, *Numenius hudsonicus*—formerly considered conspecific with Whimbrel, *Numenius phaeopus,* (AOS 2026, in press);

Prairie Willet, *Tringa inornata*—formerly considered conspecific with Willet, *Tringa semipalmata,* (AOS 2026, in press);

American Egret, *Ardea egretta*—formerly considered conspecific with Great Egret, *Ardea alba,* (AOS 2026, in press);

Western Marsh-Wren, *Cistothorus paludicola*—formerly considered conspecific with Marsh Wren, *Cistothorus palustris,* (AOS 2026, in press);

Eastern Red-legged Thrush, *Turdus ardosiaceus*—formerly considered conspecific with Red-legged Thrush, *Turdus plumbeus,* (AOS 2026, in press);

Mangrove Warbler, *Setophaga petechia*—formerly considered conspecific with Yellow Warbler, *Setophaga petechia,* (AOS 2026, in press); and

Desertas Petrel, *Pterodroma deserta*—formerly considered conspecific with Fea's Petrel *Pterodroma feae,* (AOS 2026, in press).

(3) Remove seven species based on revised taxonomic treatments, either because a species is taxonomically merged with another species, either on or off the list; a species previously on the list is taxonomically split into multiple species and the new species is not known to occur within the United States or U.S. territories; or the species is considered extinct (following the classification of the AOS or, for species not covered by the AOS, the Clements Checklist or peer-reviewed literature) unless any of the following criteria apply: It is protected under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), or the Convention on International

Trade in Endangered Species of Wild Fauna and Flora (CITES; 27 U.S.T. 1087); it resembles extant species included in the list that may be affected by its removal; or its removal would create difficulties implementing the MBTA and its underlying Conventions. In each case, we reference the publication supporting these changes:

Antillean Euphonia, *Chlorophonia musica* (AOS 2023);

Cordilleran Flycatcher, *Empidonax occidentalis,* is combined with Western Flycatcher, *Empidonax difficilis* (AOS 2023);

Common House-Martin, *Delichon urbicum* (AOS 2023);

Barn Owl, *Tyto alba* (AOS 2024);

Hoary Redpoll, *Acanthis hornemanni,* is combined with Redpoll, *Acanthis flammea* (AOS 2024);

White Tern, *Gygis alba* (AOS 2025); and

Fea's Petrel, *Pterodroma feae* (AOS 2026, in press).

(4) Revise the common (English) names of 25 species to conform to the most recent nomenclatural treatment as described in AOS and Clements et al. publications. These revisions do not change the protective status of any of these taxa, only the names by which they are known. In each case, the update is described in the table, below.

(5) Revise the scientific names of 32 species to conform to the most recent nomenclatural treatment as described in AOS and Clements et al. publications. These revisions do not change the protective status of any of these taxa, only the names by which they are known. In each case, the update is described in the table, below.

(6) Correct the spelling of one scientific name on the alphabetized and taxonomic lists:

Stejneger's Scoter, *Melanitta stejneger,* becomes *Melanitta stejnegeri*.

TABLE OF PROPOSED NAME CHANGES, AS DESCRIBED IN CATEGORIES 4, 5, 6, AND 7 ABOVE

[The table is organized following AOS (2026, in press) taxonomic order. The relevant AOS or Clements et al. publication is provided.]

Publication source and year	Previous common name	Current common name
AOS 2023	Pacific-slope Flycatcher, *Empidonax difficilis*	Western Flycatcher, *Empidonax difficilis*.
AOS 2024	Audubon's Shearwater, *Puffinus lherminieri*	Sargasso Shearwater, *Puffinus lherminieri*.
AOS 2024	Intermediate Egret, *Ardea intermedia*	Medium Egret, *Ardea intermedia*.
AOS 2024	Common Redpoll, *Acanthis flammea*	Redpoll, *Acanthis flammea*.
AOS 2024	Black-crowned Night-Heron, *Nycticorax nycticorax*	Black-crowned Night Heron, *Nycticorax nycticorax*.
AOS 2024	Yellow-crowned Night-Heron, *Nyctanassa violacea*	Yellow-crowned Night Heron, *Nyctanassa violacea*.
AOS 2024	House Wren, *Troglodytes aedon*	Northern House Wren, *Troglodytes aedon*.
AOS 2025	Warbling Vireo, *Vireo gilvus*	Eastern Warbling-Vireo, *Vireo gilvus*.
AOS 2025	Eurasian Hoopoe, *Upupa epops*	Common Hoopoe, *Upupa epops*.
AOS 2025	Herring Gull, *Larus argentatus*	European Herring Gull, *Larus argentatus*.
Clements et al. 2023	Nankeen Night-Heron, *Nycticorax caledonicus*	Nankeen Night Heron, *Nycticorax caledonicus*.
Clements et al. 2023	Japanese Night-Heron, *Gorsachius goisagi*	Japanese Night Heron, *Gorsachius goisagi*.
Clements et al. 2023	Malayan Night-Heron, *Gorsachius melanolophus*	Malayan Night Heron, *Gorsachius melanolophus*.
Clements et al. 2023	Eastern Marsh-Harrier, *Circus spilonotus*	Eastern Marsh Harrier, *Circus spilonotus*.
AOS 2026, in press	Tufted Flycatcher, *Mitrephanes phaeocercus*	Tawny Tufted Flycatcher, *Mitrephanes phaeocercus*.
AOS 2026, in press	Whimbrel, *Numenius phaeopus*	Eurasian Whimbrel, *Numenius phaeopus*.
AOS 2026, in press	Willet, *Tringa semipalmata*	Saltmarsh Willet, *Tringa semipalmata*.
AOS 2026, in press	Great Egret, *Ardea alba*	Great White Egret, *Ardea alba*.
AOS 2026, in press	Marsh Wren, *Cistothorus palustris*	Eastern Marsh-Wren, *Cistothorus palustris*.
AOS 2026, in press	Red-legged Thrush, *Turdus plumbeus*	Western Red-legged Thrush, *Turdus plumbeus*.
AOS 2026, in press	Painted Redstart, *Myioborus pictus*	Painted Whitestart, *Myioborus pictus*.
AOS 2026, in press	Slate-throated Redstart, *Myioborus miniatus*	Slate-throated Whitestart, *Myioborus miniatus*.
Publication source and year	**Previous scientific name**	**Current scientific name**
AOS 2023	Paint-billed Crake, *Neocrex erythrops*	Paint-billed Crake, *Mustelirallus erythrops*.
AOS 2023	Crimson-collared Grosbeak, *Rhodothraupis celaeno*	Crimson-collared Grosbeak, *Periporphyrus celaeno*.
AOS 2024	Eurasian Dotterel, *Charadrius morinellus*	Eurasian Dotterel, *Eudromias morinellus*.
AOS 2024	Greater Sand-Plover, *Charadrius leschenaultii*	Greater Sand-Plover, *Anarhynchus leschenaultii*.
AOS 2024	Wilson's Plover, *Charadrius wilsonia*	Wilson's Plover, *Anarhynchus wilsonia*.
AOS 2024	Collared Plover, *Charadrius collaris*	Collared Plover, *Anarhynchus collaris*.
AOS 2024	Mountain Plover, *Charadrius montanus*	Mountain Plover, *Anarhynchus montanus*.
AOS 2024	Snowy Plover, *Charadrius nivosus*	Snowy Plover, *Anarhynchus nivosus*.
AOS 2024	Brown Jay, *Psilorhinus morio*	Brown Jay, *Cyanocorax morio*.
AOS 2024	Cory's Shearwater, *Calonectris diomedea*	Cory's Shearwater, *Calonectris borealis*.
AOS 2024	Least Bittern, *Ixobrychus exilis*	Least Bittern, *Botaurus exilis*.
AOS 2024	Yellow Bittern, *Ixobrychus sinensis*	Yellow Bittern, *Botaurus sinensis*.
AOS 2025	Little Ringed Plover, *Charadrius dubius*	Little Ringed Plover, *Thinornis dubius*.
AOS 2025	Chinese Sparrowhawk, *Accipiter soloensis*	Chinese Sparrowhawk, *Tachyspiza soloensis*.
AOS 2025	Cooper's Hawk, *Accipiter cooperii*	Cooper's Hawk, *Astur cooperii*.
AOS 2025	Eurasian Jackdaw, *Corvus monedula*	Eurasian Jackdaw, *Coloeus monedula*.
AOS 2025	Lesser Whitethroat, *Sylvia curruca*	Lesser Whitethroat, *Curruca curruca*.
AOS 2025	Bluethroat, *Cyanecula svecica*	Bluethroat, *Luscinia svecica*.
AOS 2025	Fan-tailed Warbler, *Basileuterus lachrymosa*	Fan-tailed Warbler, *Euthlypis lachrymosa*.
AOS 2025	Alpine Swift, *Apus melba*	Alpine Swift, *Tachymarptis melba*.
Clements et al. 2023	Shy Ground Dove, *Alopecoenas stairi*	Shy Ground Dove, *Pampusana stairi*.
Clements et al. 2023	White-throated Ground Dove, *Alopecoenas xanthonurus*.	White-throated Ground Dove, *Pampusana xanthonura*.
Clements et al. 2016	Spotless Crake, *Porzana tabuensis*	Spotless Crake, *Zapornia tabuensis*.
Clements et al. 2023	Kentish Plover, *Charadrius alexandrinus*	Kentish Plover, *Anarhynchus alexandrinus*.
Clements et al. 2024	Black Bittern, *Ixobrychus flavicollis*	Black Bittern, *Botaurus flavicollis*.
Clements et al. 2024	Schrenck's Bittern, *Ixobrychus eurhythmus*	Schrenck's Bittern, *Botaurus eurhythmus*.

TABLE OF PROPOSED NAME CHANGES, AS DESCRIBED IN CATEGORIES 4, 5, 6, AND 7 ABOVE—Continued

[The table is organized following AOS (2026, in press) taxonomic order. The relevant AOS or Clements et al. publication is provided.]

Publication source and year	Previous common name	Current common name
Publication source and year	Previous scientific name	Current scientific name
AOS 2026, in press	Yellow Warbler, *Setophaga petechia*	Yellow Warbler, *Setophaga aestiva*.
AOS 2026, in press	Pacific Wren, *Troglodytes pacificus*	Pacific Wren, *Nannus pacificus*.
AOS 2026, in press	Winter Wren, *Troglodytes hiemalis*	Winter Wren, *Nannus hiemalis*.
Correction	Stejneger's Scoter, *Melanitta stejneger*	Stejneger's Scoter, *Melanitta stejnegeri*.
Publication source and year	Previous common and scientific name	Current common and scientific name
AOS 2023, AOS 2025	Northern Goshawk, *Accipiter gentilis*	American Goshawk, *Astur atricapillus*.
AOS 2024	Lesser Sand-Plover, *Charadrius mongolus*	Siberian Sand-Plover, *Anarhynchus mongolus*.
AOS 2024	Cattle Egret, *Bubulcus ibis*	Western Cattle-Egret, *Ardea ibis*.

How is the List of Birds Protected by the MBTA organized?

The species are listed in two formats to suit the needs of different segments of the public: alphabetically in 50 CFR 10.13(c)(1) and taxonomically in 50 CFR 10.13(c)(2). In the alphabetical listing, species are grouped alphabetically by common name group (*e.g.,* Warbler), followed by the species common names in alphabetical order within the group, and then the scientific name. This format is most useful to members of the lay public. In the taxonomic listing, species are listed in phylogenetic sequence by scientific name, with the English name following the scientific name. To help clarify species relationships, we also list the higher-level taxonomic categories of Order, Family, and Subfamily. This format follows the sequence adopted by the AOS (1998, 2026) and is most useful to ornithologists and other scientists.

II. Revisions to 50 CFR Part 21

Because we are proposing to revise common and scientific names on the List of Birds Protected by the MBTA at 50 CFR 10.13, as described above, we also propose to make changes in 50 CFR part 21 where appropriate. The proposed changes are purely administrative and do not change the underlining meaning or requirements of any regulations in part 21. The following changes are proposed:

(1) Under 50 CFR 21.82 (Falconry standards and falconry permitting), we propose to change goshawk and northern goshawk to American goshawk. Where the scientific name is provided, we propose changing *Accipiter gentilis* to *Astur atricapillus.*

(2) Under 50 CFR 21.177 (Control order for invasive migratory birds in Hawaii), we propose revising the names for cattle egret and barn owl. The *ibis* group of cattle egret was introduced to the Hawaiian islands in 1959 (AOU 1998). Similarly, the barn owl was introduced to the Hawaiian islands in 1958 (AOU 1998). Therefore, throughout 50 CFR 21.177, we propose changing cattle egret and barn owl to western cattle-egret and American barn owl, respectively. We also propose revising the scientific names to *Ardea ibis* and *Tyto furcata* for western cattle-egret and American barn owl, respectively.

III. Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rule is not significant.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed these proposed revisions and additions to the CFR in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (5 U.S.C. 804(2)), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule does not have a significant economic impact on a substantial number of small entities.

SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide the statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities. We have examined this rule's potential effects on small entities as required by the Regulatory Flexibility Act and have determined that this action will not have a significant economic impact on a substantial number of small entities. This rule is an administrative action to update the list of migratory bird species protected under the Conventions. Because of the administrative nature of this rulemaking, the rule will have no known economic impacts on small entities. Consequently, we certify that this rule will not have a significant economic impact on a substantial number of small entities; therefore, a regulatory flexibility analysis is not required.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we have determined the following:

a. This rule does not ''significantly or uniquely'' affect small governments. A small government agency plan is not required. This rule is an administrative action to update the list of migratory bird species protected under the

Conventions; it does not affect small government activities in any significant way.

b. This rule does not produce a federal mandate of $100 million or greater in any year; *i.e.,* it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Takings

In accordance with E.O. 12630, this rule does not have significant takings implications. This rule does not contain a provision for the taking of private property. Therefore, a takings-implication assessment is not required.

Federalism

This rule does not have sufficient Federalism effects to warrant preparation of a federalism summary impact statement under E.O. 13132. It does not interfere with the States' ability to manage themselves or their funds. No significant economic impacts are expected to result from updating the list of migratory bird species protected by the MBTA.

Civil Justice Reform

In accordance with E.O. 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (NEPA)

We have analyzed this rule in accordance with the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) and Department of Interior (DOI) regulations at 43 CFR part 46. We find that the action fits within a categorical exclusion listed in 43 CFR 46.210, specifically: (i) Policies, directives, regulations, and guidelines: that are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case. We have assessed whether any of the extraordinary circumstances listed in 43 CFR 46.215 apply and concluded that none are relevant to this proposed action and thus do not apply because it is an administrative action that would have no impacts on the human or natural environment.

Endangered Species Act (ESA)

Of the species on the List of Birds Protected by the Migratory Bird Treaty Act, 86 are also listed as endangered or threatened species, subspecies, or distinct population segments under section 4 of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*). No legal complications arise from the dual listing as the two lists are developed under separate authorities for different purposes. Because this rule is strictly administrative in nature, it has no effect on endangered or threatened species or their designated critical habitats. Thus, it does not require consultation under section 7 of the ESA.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (''Government-to-Government Relations With Native American Tribal Governments;'' 59 FR 22951, May 4, 1994), E.O. 13175 (''Consultation and Coordination with Indian Tribal Governments''), the President's memorandum of November 30, 2022 (''Uniform Standards for Tribal Consultation;'' 87 FR 74479, December 5, 2022), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with federally recognized Tribes and Alaska Native Corporations on a government-to-government basis. In accordance with S.O. 3206 of June 5, 1997 (''American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act''), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes.

Energy Supply, Distribution, or Use (Executive Order 13211)

On May 18, 2001, the President issued E.O. 13211 addressing regulations that significantly affect energy supply, distribution, or use. E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. Because this rule is an administrative action to update the list of migratory bird species protected under the Conventions, it is not a significant regulatory action under E.O. 12866, and it does not significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Clarity of the Proposed Rule

We are required by E.O.s 12866 and 12988 and by the Presidential memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(1) Be logically organized;

(2) Use the active voice to address readers directly;

(3) Use clear language rather than jargon;

(4) Be divided into short sections and sentences; and

(5) Use lists and tables wherever possible.

If you believe that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you believe are unclearly written, identify any sections or sentences that you believe are too long, and identify the sections where you believe lists or tables would be useful.

References Cited

A complete list of all references cited is available on *https://www.regulations.gov* under Docket No. FWS–HQ–MB–2026–0133, and upon request (see **FOR FURTHER INFORMATION CONTACT**, above).

List of Subjects

50 CFR Part 10

Exports, Fish, Imports, Law enforcement, Plants, Transportation, Wildlife.

50 CFR Part 21

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Regulation Promulgation

For the reasons discussed in the preamble, we propose to amend title 50, chapter I, subchapter B of the Code of Federal Regulations, as follows:

PART 10—GENERAL PROVISIONS

■ 1. The authority citation for part 10 continues to read as follows:

Authority: 16 U.S.C. 668a–d, 703–712, 742a–j–l, 1361–1384, 1401–1407, 1531–1543, 3371–3378; 18 U.S.C. 42; 19 U.S.C. 1202.

■ 2. Amend § 10.13 by revising the section heading and paragraph (c) to read as follows:

§ 10.13 List of Birds Protected by the Migratory Bird Treaty Act.

* * * * *

(c) *What species are protected by the Migratory Bird Treaty Act?* Species protected as migratory birds are listed in two formats to suit the varying needs of the user: Alphabetically in paragraph (c)(1) of this section and taxonomically in paragraph (c)(2) of this section. Taxonomy and nomenclature generally follow the 7th edition of the American Ornithologists' Union's (AOU, now recognized as American Ornithological Society (AOS)) *Checklist of North American birds* (1998, as amended through 2025). For species not treated by the AOS *Checklist,* we generally follow *Clements Checklist of Birds of the World* (Clements et al. 2007, as updated through 2025).

(1) *Alphabetical listing.* The table lists species alphabetically by common (English) group names, with the scientific name of each species following the common name.

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT

Common name group	Species common name	Species scientific name
Accentor	Siberian Accentor	*Prunella montanella.*
ʻAkekeʻe	ʻAkekeʻe	*Loxops caeruleirostris.*
ʻAkepa	Hawaii ʻAkepa	*Loxops coccineus.*
	Maui ʻAkepa	*Loxops ochraceus.*
	Oʻahu ʻAkepa	*Loxops wolstenholmei.*
ʻAkialoa	Kauai ʻAkialoa	*Akialoa stejnegeri.*
	Maui Nui ʻAkialoa	*Akialoa lanaiensis.*
	Oʻahu ʻAkialoa	*Akialoa ellisiana.*
ʻAkiapolaʻau	ʻAkiapolaʻau	*Hemignathus wilsoni.*
ʻAkikiki	ʻAkikiki	*Oreomystis bairdi.*
ʻAkohekohe	ʻAkohekohe	*Palmeria dolei.*
ʻAlauahio	Maui ʻAlauahio	*Paroreomyza montana.*
	Oʻahu ʻAlauahio	*Paroreomyza maculata.*
Albatross	Black-browed Albatross	*Thalassarche melanophris.*
	Black-footed Albatross	*Phoebastria nigripes.*
	Chatham Albatross	*Thalassarche eremita.*
	Laysan Albatross	*Phoebastria immutabilis.*
	Light-mantled Albatross	*Phoebetria palpebrata.*
	Salvin's Albatross	*Thalassarche salvini.*
	Short-tailed Albatross	*Phoebastria albatrus.*
	Wandering Albatross	*Diomedea exulans.*
	White-capped Albatross	*Thalassarche cauta.*
	Yellow-nosed Albatross	*Thalassarche chlororhynchos.*
ʻAmakihi	Hawaii ʻAmakihi	*Chlorodrepanis virens.*
	Kauaʻi ʻAmakihi	*Chlorodrepanis stejnegeri.*
	Oʻahu ʻAmakihi	*Chlorodrepanis flava.*
Anhinga	Anhinga	*Anhinga anhinga.*
Ani	Groove-billed Ani	*Crotophaga sulcirostris.*
	Smooth-billed Ani	*Crotophaga ani.*
ʻAnianiau	ʻAnianiau	*Magumma parva.*
ʻApapane	ʻApapane	*Himatione sanguinea.*
Auklet	Cassin's Auklet	*Ptychoramphus aleuticus.*
	Crested Auklet	*Aethia cristatella.*
	Least Auklet	*Aethia pusilla.*
	Parakeet Auklet	*Aethia psittacula.*
	Rhinoceros Auklet	*Cerorhinca monocerata.*
	Whiskered Auklet	*Aethia pygmaea.*
Avocet	American Avocet	*Recurvirostra americana.*
Bananaquit	Bananaquit	*Coereba flaveola.*
Bean-Goose	Taiga Bean-Goose	*Anser fabalis.*
	Tundra Bean-Goose	*Anser serrirostris.*
Beardless-Tyrannulet	Northern Beardless-Tyrannulet	*Camptostoma imberbe.*
Becard	Gray-collared Becard	*Pachyramphus major.*
	Rose-throated Becard	*Pachyramphus aglaiae.*
Bittern	American Bittern	*Botaurus lentiginosus.*
	Black Bittern	*Botaurus flavicollis.*
	Least Bittern	*Botaurus exilis.*
	Schrenck's Bittern	*Botaurus eurhythmus.*
	Yellow Bittern	*Botaurus sinensis.*
Blackbird	Brewer's Blackbird	*Euphagus cyanocephalus.*
	Red-winged Blackbird	*Agelaius phoeniceus.*
	Rusty Blackbird	*Euphagus carolinus.*
	Tawny-shouldered Blackbird	*Agelaius humeralis.*
	Tricolored Blackbird	*Agelaius tricolor.*
	Yellow-headed Blackbird	*Xanthocephalus xanthocephalus.*
	Yellow-shouldered Blackbird	*Agelaius xanthomus.*
Bluebird	Eastern Bluebird	*Sialia sialis.*
	Mountain Bluebird	*Sialia currucoides.*
	Western Bluebird	*Sialia mexicana.*
Bluetail	Red-flanked Bluetail	*Tarsiger cyanurus.*

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
Bluethroat	Bluethroat	*Luscinia svecica.*
Bobolink	Bobolink	*Dolichonyx oryzivorus.*
Boobook	Northern Boobook	*Ninox japonica.*
Booby	Abbott's Booby	*Papasula abbotti.*
	Blue-footed Booby	*Sula nebouxii.*
	Brown Booby	*Sula leucogaster.*
	Cocos Booby	*Sula brewsteri.*
	Masked Booby	*Sula dactylatra.*
	Nazca Booby	*Sula granti.*
	Red-footed Booby	*Sula sula.*
Brambling	Brambling	*Fringilla montifringilla.*
Brant	Brant	*Branta bernicla.*
Bufflehead	Bufflehead	*Bucephala albeola.*
Bullfinch	Eurasian Bullfinch	*Pyrrhula pyrrhula.*
	Puerto Rican Bullfinch	*Melopyrrha portoricensis.*
Bunting	Blue Bunting	*Cyanocompsa parellina.*
	Gray Bunting	*Emberiza variabilis.*
	Indigo Bunting	*Passerina cyanea.*
	Lark Bunting	*Calamospiza melanocorys.*
	Lazuli Bunting	*Passerina amoena.*
	Little Bunting	*Emberiza pusilla.*
	McKay's Bunting	*Plectrophenax hyperboreus.*
	Painted Bunting	*Passerina ciris.*
	Pallas's Bunting	*Emberiza pallasi.*
	Pine Bunting	*Emberiza leucocephalos.*
	Reed Bunting	*Emberiza schoeniclus.*
	Rustic Bunting	*Emberiza rustica.*
	Snow Bunting	*Plectrophenax nivalis.*
	Varied Bunting	*Passerina versicolor.*
	Yellow-breasted Bunting	*Emberiza aureola.*
	Yellow-browed Bunting	*Emberiza chrysophrys.*
	Yellow-throated Bunting	*Emberiza elegans.*
Bushtit	Bushtit	*Psaltriparus minimus.*
Buzzard	Gray-faced Buzzard	*Butastur indicus.*
	Long-legged Buzzard	*Buteo rufinus.*
Canvasback	Canvasback	*Aythya valisineria.*
Caracara	Crested Caracara	*Caracara plancus.*
	Yellow-headed Caracara	*Milvago chimachima.*
Cardinal	Northern Cardinal	*Cardinalis cardinalis.*
Carib	Green-throated Carib	*Eulampis holosericeus.*
	Purple-throated Carib	*Eulampis jugularis.*
Catbird	Black Catbird	*Melanoptila glabrirostris.*
	Gray Catbird	*Dumetella carolinensis.*
Cattle-Egret	Eastern Cattle-Egret	*Ardea coromanda.*
	Western Cattle-Egret	*Ardea ibis.*
Chaffinch	Common Chaffinch	*Fringilla coelebs.*
Chat	Yellow-breasted Chat	*Icteria virens.*
Chickadee	Black-capped Chickadee	*Poecile atricapillus.*
	Boreal Chickadee	*Poecile hudsonicus.*
	Carolina Chickadee	*Poecile carolinensis.*
	Chestnut-backed Chickadee	*Poecile rufescens.*
	Gray-headed Chickadee	*Poecile cinctus.*
	Mexican Chickadee	*Poecile sclateri.*
	Mountain Chickadee	*Poecile gambeli.*
Chiffchaff	Common Chiffchaff	*Phylloscopus collybita.*
Chuck-will's-widow	Chuck-will's-widow	*Antrostomus carolinensis.*
Condor	California Condor	*Gymnogyps californianus.*
Coot	American Coot	*Fulica americana.*
	Eurasian Coot	*Fulica atra.*
	Hawaiian Coot	*Fulica alai.*
Cormorant	Brandt's Cormorant	*Urile penicillatus.*
	Double-crested Cormorant	*Nannopterum auritum.*
	Great Cormorant	*Phalacrocorax carbo.*
	Little Pied Cormorant	*Microcarbo melanoleucos.*
	Neotropic Cormorant	*Nannopterum brasilianum.*
	Pelagic Cormorant	*Urile pelagicus.*
	Red-faced Cormorant	*Urile urile.*
Cowbird	Bronzed Cowbird	*Molothrus aeneus.*
	Brown-headed Cowbird	*Molothrus ater.*
	Shiny Cowbird	*Molothrus bonariensis.*
Crake	Corn Crake	*Crex crex.*

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Paint-billed Crake	*Mustelirallus erythrops.*
	Spotless Crake	*Zapornia tabuensis.*
	Yellow-breasted Crake	*Hapalocrex flaviventer.*
Crane	Common Crane	*Grus grus.*
	Hooded Crane	*Grus monacha.*
	Sandhill Crane	*Antigone canadensis.*
	Whooping Crane	*Grus americana.*
Creeper	Brown Creeper	*Certhia americana.*
	Hawaii Creeper	*Loxops mana.*
Crossbill	Cassia Crossbill	*Loxia sinesciuris.*
	Red Crossbill	*Loxia curvirostra.*
	White-winged Crossbill	*Loxia leucoptera.*
Crow	American Crow	*Corvus brachyrhynchos.*
	Fish Crow	*Corvus ossifragus.*
	Hawaiian Crow	*Corvus hawaiiensis.*
	Mariana Crow	*Corvus kubaryi.*
	Tamaulipas Crow	*Corvus imparatus.*
	White-necked Crow	*Corvus leucognaphalus.*
Cuckoo	Black-billed Cuckoo	*Coccyzus erythropthalmus.*
	Chestnut-winged Cuckoo	*Clamator coromandus.*
	Common Cuckoo	*Cuculus canorus.*
	Dark-billed Cuckoo	*Coccyzus melacoryphus.*
	Mangrove Cuckoo	*Coccyzus minor.*
	Oriental Cuckoo	*Cuculus optatus.*
	Yellow-billed Cuckoo	*Coccyzus americanus.*
Curlew	Bristle-thighed Curlew	*Numenius tahitiensis.*
	Eskimo Curlew	*Numenius borealis.*
	Eurasian Curlew	*Numenius arquata.*
	Far Eastern Curlew	*Numenius madagascariensis.*
	Little Curlew	*Numenius minutus.*
	Long-billed Curlew	*Numenius americanus.*
Dickcissel	Dickcissel	*Spiza americana.*
Dipper	American Dipper	*Cinclus mexicanus.*
Dotterel	Eurasian Dotterel	*Eudromias morinellus.*
Dove	Common Ground Dove	*Columbina passerina.*
	Inca Dove	*Columbina inca.*
	Mourning Dove	*Zenaida macroura.*
	Ruddy Ground Dove	*Columbina talpacoti.*
	Shy Ground Dove	*Pampusana stairi.*
	White-throated Ground Dove	*Pampusana xanthonura.*
	White-tipped Dove	*Leptotila verreauxi.*
	White-winged Dove	*Zenaida asiatica.*
	Zenaida Dove	*Zenaida aurita.*
Dovekie	Dovekie	*Alle alle.*
Dowitcher	Long-billed Dowitcher	*Limnodromus scolopaceus.*
	Short-billed Dowitcher	*Limnodromus griseus.*
Duck	American Black Duck	*Anas rubripes.*
	Eastern Spot-billed Duck	*Anas zonorhyncha.*
	Falcated Duck	*Mareca falcata.*
	Harlequin Duck	*Histrionicus histrionicus.*
	Hawaiian Duck	*Anas wyvilliana.*
	Laysan Duck	*Anas laysanensis.*
	Long-tailed Duck	*Clangula hyemalis.*
	Masked Duck	*Nomonyx dominicus.*
	Mexican Duck	*Anas diazi.*
	Mottled Duck	*Anas fulvigula.*
	Muscovy Duck	*Cairina moschata.*
	Pacific Black Duck	*Anas superciliosa.*
	Ring-necked Duck	*Aythya collaris.*
	Ruddy Duck	*Oxyura jamaicensis.*
	Tufted Duck	*Aythya fuligula.*
	Wood Duck	*Aix sponsa.*
Dunlin	Dunlin	*Calidris alpina.*
Eagle	Bald Eagle	*Haliaeetus leucocephalus.*
	Golden Eagle	*Aquila chrysaetos.*
	White-tailed Eagle	*Haliaeetus albicilla.*
Egret	American Egret	*Ardea egretta.*
	Chinese Egret	*Egretta eulophotes.*
	Great White Egret	*Ardea alba.*
	Medium Egret	*Ardea intermedia.*
	Little Egret	*Egretta garzetta.*

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Reddish Egret	*Egretta rufescens.*
	Snowy Egret	*Egretta thula.*
Eider	Common Eider	*Somateria mollissima.*
	King Eider	*Somateria spectabilis.*
	Spectacled Eider	*Somateria fischeri.*
	Steller's Eider	*Polysticta stelleri.*
Elaenia	Caribbean Elaenia	*Elaenia martinica.*
	Greenish Elaenia	*Myiopagis viridicata.*
	Small-billed Elaenia	*Elaenia parvirostris.*
	White-crested Elaenia	*Elaenia albiceps.*
Emerald	Puerto Rican Emerald	*Riccordia maugaeus.*
Euphonia	Puerto Rican Euphonia	*Chlorophonia sclateri.*
Falcon	Amur Falcon	*Falco amurensis.*
	Aplomado Falcon	*Falco femoralis.*
	Bat Falcon	*Falco rufigularis.*
	Peregrine Falcon	*Falco peregrinus.*
	Prairie Falcon	*Falco mexicanus.*
	Red-footed Falcon	*Falco vespertinus.*
Fieldfare	Fieldfare	*Turdus pilaris.*
Finch	Cassin's Finch	*Haemorhous cassinii.*
	House Finch	*Haemorhous mexicanus.*
	Laysan Finch	*Telespiza cantans.*
	Nihoa Finch	*Telespiza ultima.*
	Purple Finch	*Haemorhous purpureus.*
Flamingo	American Flamingo	*Phoenicopterus ruber.*
Flicker	Gilded Flicker	*Colaptes chrysoides.*
	Northern Flicker	*Colaptes auratus.*
Flycatcher	Acadian Flycatcher	*Empidonax virescens.*
	Alder Flycatcher	*Empidonax alnorum.*
	Ash-throated Flycatcher	*Myiarchus cinerascens.*
	Asian Brown Flycatcher	*Muscicapa dauurica.*
	Brown-crested Flycatcher	*Myiarchus tyrannulus.*
	Buff-breasted Flycatcher	*Empidonax fulvifrons.*
	Crowned Slaty Flycatcher	*Empidonomus aurantioatrocristatus.*
	Dark-sided Flycatcher	*Muscicapa sibirica.*
	Dusky Flycatcher	*Empidonax oberholseri.*
	Dusky-capped Flycatcher	*Myiarchus tuberculifer.*
	Fork-tailed Flycatcher	*Tyrannus savana.*
	Gray Flycatcher	*Empidonax wrightii.*
	Gray-streaked Flycatcher	*Muscicapa griseisticta.*
	Great Crested Flycatcher	*Myiarchus crinitus.*
	Hammond's Flycatcher	*Empidonax hammondii.*
	La Sagra's Flycatcher	*Myiarchus sagrae.*
	Least Flycatcher	*Empidonax minimus.*
	Mugimaki Flycatcher	*Ficedula mugimaki.*
	Narcissus Flycatcher	*Ficedula narcissina.*
	Nutting's Flycatcher	*Myiarchus nuttingi.*
	Olive-sided Flycatcher	*Contopus cooperi.*
	Pine Flycatcher	*Empidonax affinis.*
	Piratic Flycatcher	*Legatus leucophaius.*
	Puerto Rican Flycatcher	*Myiarchus antillarum.*
	Scissor-tailed Flycatcher	*Tyrannus forficatus.*
	Social Flycatcher	*Myiozetetes similis.*
	Spotted Flycatcher	*Muscicapa striata.*
	Sulphur-bellied Flycatcher	*Myiodynastes luteiventris.*
	Taiga Flycatcher	*Ficedula albicilla.*
	Tawny Tufted Flycatcher	*Mitrephanes phaeocercus.*
	Variegated Flycatcher	*Empidonomus varius.*
	Vermilion Flycatcher	*Pyrocephalus rubinus.*
	Western Flycatcher	*Empidonax difficilis.*
	Willow Flycatcher	*Empidonax traillii.*
	Yellow-bellied Flycatcher	*Empidonax flaviventris.*
Forest-Falcon	Collared Forest-Falcon	*Micrastur semitorquatus.*
Frigatebird	Great Frigatebird	*Fregata minor.*
	Lesser Frigatebird	*Fregata ariel.*
	Magnificent Frigatebird	*Fregata magnificens.*
Fruit-Dove	Crimson-crowned Fruit-Dove	*Ptilinopus porphyraceus.*
	Many-colored Fruit-Dove	*Ptilinopus perousii.*
	Mariana Fruit-Dove	*Ptilinopus roseicapilla.*
Fulmar	Northern Fulmar	*Fulmarus glacialis.*
Gadwall	Gadwall	*Mareca strepera.*

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
Gallinule	Azure Gallinule	*Porphyrio flavirostris.*
	Common Gallinule	*Gallinula galeata.*
	Purple Gallinule	*Porphyrio martinicus.*
Gannet	Northern Gannet	*Morus bassanus.*
Garganey	Garganey	*Spatula querquedula.*
Giant-Petrel	Northern Giant-Petrel	*Macronectes halli.*
Gnatcatcher	Black-capped Gnatcatcher	*Polioptila nigriceps.*
	Black-tailed Gnatcatcher	*Polioptila melanura.*
	Blue-Gray Gnatcatcher	*Polioptila caerulea.*
	California Gnatcatcher	*Polioptila californica.*
Godwit	Bar-tailed Godwit	*Limosa lapponica.*
	Black-tailed Godwit	*Limosa limosa.*
	Hudsonian Godwit	*Limosa haemastica.*
	Marbled Godwit	*Limosa fedoa.*
Goldeneye	Barrow's Goldeneye	*Bucephala islandica.*
	Common Goldeneye	*Bucephala clangula.*
Golden-Plover	American Golden-Plover	*Pluvialis dominica.*
	European Golden-Plover	*Pluvialis apricaria.*
	Pacific Golden-Plover	*Pluvialis fulva.*
Goldfinch	American Goldfinch	*Spinus tristis.*
	Lawrence's Goldfinch	*Spinus lawrencei.*
	Lesser Goldfinch	*Spinus psaltria.*
Goose	Barnacle Goose	*Branta leucopsis.*
	Cackling Goose	*Branta hutchinsii.*
	Canada Goose	*Branta canadensis.*
	Emperor Goose	*Anser canagicus.*
	Greater White-fronted Goose	*Anser albifrons.*
	Hawaiian Goose	*Branta sandvicensis.*
	Lesser White-fronted Goose	*Anser erythropus.*
	Pink-footed Goose	*Anser brachyrhynchus.*
	Ross's Goose	*Anser rossii.*
	Snow Goose	*Anser caerulescens.*
Goshawk	American Goshawk	*Astur atricapillus.*
Grackle	Boat-tailed Grackle	*Quiscalus major.*
	Common Grackle	*Quiscalus quiscula.*
	Greater Antillean Grackle	*Quiscalus niger.*
	Great-tailed Grackle	*Quiscalus mexicanus.*
Grassquit	Black-faced Grassquit	*Melanospiza bicolor.*
	Blue-black Grassquit	*Volatinia jacarina.*
	Yellow-faced Grassquit	*Tiaris olivaceus.*
Grebe	Clark's Grebe	*Aechmophorus clarkii.*
	Eared Grebe	*Podiceps nigricollis.*
	Horned Grebe	*Podiceps auritus.*
	Least Grebe	*Tachybaptus dominicus.*
	Pied-billed Grebe	*Podilymbus podiceps.*
	Red-necked Grebe	*Podiceps grisegena.*
	Western Grebe	*Aechmophorus occidentalis.*
Greenfinch	Oriental Greenfinch	*Chloris sinica.*
Greenshank	Common Greenshank	*Tringa nebularia.*
	Nordmann's Greenshank	*Tringa guttifer.*
Grosbeak	Black-headed Grosbeak	*Pheucticus melanocephalus.*
	Blue Grosbeak	*Passerina caerulea.*
	Crimson-collared Grosbeak	*Periporphyrus celaeno.*
	Evening Grosbeak	*Coccothraustes vespertinus.*
	Pine Grosbeak	*Pinicola enucleator.*
	Rose-breasted Grosbeak	*Pheucticus ludovicianus.*
	Yellow Grosbeak	*Pheucticus chrysopeplus.*
Guillemot	Black Guillemot	*Cepphus grylle.*
	Pigeon Guillemot	*Cepphus columba.*
Gull	American Herring Gull	*Larus smithsonianus.*
	Belcher's Gull	*Larus belcheri.*
	Black-headed Gull	*Chroicocephalus ridibundus.*
	Black-tailed Gull	*Larus crassirostris.*
	Bonaparte's Gull	*Chroicocephalus philadelphia.*
	California Gull	*Larus californicus.*
	Common Gull	*Larus canus.*
	European Herring Gull	*Larus argentatus.*
	Franklin's Gull	*Leucophaeus pipixcan.*
	Glaucous Gull	*Larus hyperboreus.*
	Glaucous-winged Gull	*Larus glaucescens.*
	Gray Gull	*Leucophaeus modestus.*

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Gray-hooded Gull	*Chroicocephalus cirrocephalus.*
	Great Black-backed Gull	*Larus marinus.*
	Heermann's Gull	*Larus heermanni.*
	Iceland Gull	*Larus glaucoides.*
	Ivory Gull	*Pagophila eburnea.*
	Kelp Gull	*Larus dominicanus.*
	Laughing Gull	*Leucophaeus atricilla.*
	Lesser Black-backed Gull	*Larus fuscus.*
	Little Gull	*Hydrocoloeus minutus.*
	Pallas's Gull	*Ichthyaetus ichthyaetus.*
	Ring-billed Gull	*Larus delawarensis.*
	Ross's Gull	*Rhodostethia rosea.*
	Sabine's Gull	*Xema sabini.*
	Short-billed Gull	*Larus brachyrhynchus.*
	Slaty-backed Gull	*Larus schistisagus.*
	Swallow-tailed Gull	*Creagrus furcatus.*
	Vega Gull	*Larus vegae.*
	Western Gull	*Larus occidentalis.*
	Yellow-footed Gull	*Larus livens.*
	Yellow-legged Gull	*Larus michahellis.*
Gyrfalcon	Gyrfalcon	*Falco rusticolus.*
Harrier	Eastern Marsh Harrier	*Circus spilonotus.*
	Hen Harrier	*Circus cyaneus.*
	Northern Harrier	*Circus hudsonius.*
	Western Marsh Harrier	*Circus aeruginosus.*
Hawfinch	Hawfinch	*Coccothraustes coccothraustes.*
Hawk	Broad-winged Hawk	*Buteo platypterus.*
	Common Black Hawk	*Buteogallus anthracinus.*
	Cooper's Hawk	*Astur cooperii.*
	Crane Hawk	*Geranospiza caerulescens.*
	Ferruginous Hawk	*Buteo regalis.*
	Gray Hawk	*Buteo plagiatus.*
	Great Black Hawk	*Buteogallus urubitinga.*
	Harris's Hawk	*Parabuteo unicinctus.*
	Hawaiian Hawk	*Buteo solitarius.*
	Red-shouldered Hawk	*Buteo lineatus.*
	Red-tailed Hawk	*Buteo jamaicensis.*
	Roadside Hawk	*Rupornis magnirostris.*
	Rough-legged Hawk	*Buteo lagopus.*
	Sharp-shinned Hawk	*Accipiter striatus.*
	Short-tailed Hawk	*Buteo brachyurus.*
	Swainson's Hawk	*Buteo swainsoni.*
	White-tailed Hawk	*Geranoaetus albicaudatus.*
	Zone-tailed Hawk	*Buteo albonotatus.*
Hawk-Cuckoo	Hodgson's Hawk-Cuckoo	*Hierococcyx nisicolor.*
Heron	Black-crowned Night Heron	*Nycticorax nycticorax.*
	Gray Heron	*Ardea cinerea.*
	Great Blue Heron	*Ardea herodias.*
	Green Heron	*Butorides virescens.*
	Japanese Night Heron	*Gorsachius goisagi.*
	Little Blue Heron	*Egretta caerulea.*
	Malayan Night Heron	*Gorsachius melanolophus.*
	Nankeen Night Heron	*Nycticorax caledonicus.*
	Tricolored Heron	*Egretta tricolor.*
	Yellow-crowned Night Heron	*Nyctanassa violacea.*
Hobby	Eurasian Hobby	*Falco subbuteo.*
Honey-buzzard	Oriental Honey-buzzard	*Pernis ptilorhynchus.*
Honeycreeper	Laysan Honeycreeper	*Himatione fraithii.*
	Red-legged Honeycreeper	*Cyanerpes cyaneus.*
Hoopoe	Common Hoopoe	*Upupa epops.*
House-Martin	Siberian House-Martin	*Delichon lagopodum.*
Hummingbird	Allen's Hummingbird	*Selasphorus sasin.*
	Anna's Hummingbird	*Calypte anna.*
	Antillean Crested Hummingbird	*Orthorhyncus cristatus.*
	Berylline Hummingbird	*Saucerottia beryllina.*
	Black-chinned Hummingbird	*Archilochus alexandri.*
	Broad-billed Hummingbird	*Cynanthus latirostris.*
	Broad-tailed Hummingbird	*Selasphorus platycercus.*
	Buff-bellied Hummingbird	*Amazilia yucatanensis.*
	Bumblebee Hummingbird	*Selasphorus heloisa.*
	Calliope Hummingbird	*Selasphorus calliope.*

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Cinnamon Hummingbird	*Amazilia rutila.*
	Costa's Hummingbird	*Calypte costae.*
	Lucifer Hummingbird	*Calothorax lucifer.*
	Rivoli's Hummingbird	*Eugenes fulgens.*
	Ruby-throated Hummingbird	*Archilochus colubris.*
	Rufous Hummingbird	*Selasphorus rufus.*
	Vervain Hummingbird	*Mellisuga minima.*
	Violet-crowned Hummingbird	*Ramosomyia violiceps.*
	White-eared Hummingbird	*Basilinna leucotis.*
	Xantus's Hummingbird	*Basilinna xantusii.*
Ibis	Glossy Ibis	*Plegadis falcinellus.*
	Scarlet Ibis	*Eudocimus ruber.*
	White Ibis	*Eudocimus albus.*
	White-faced Ibis	*Plegadis chihi.*
ʻIʻiwi	ʻIʻiwi	*Drepanis coccinea.*
Imperial-Pigeon	Pacific Imperial-Pigeon	*Ducula pacifica.*
Jabiru	Jabiru	*Jabiru mycteria.*
Jacana	Northern Jacana	*Jacana spinosa.*
Jackdaw	Eurasian Jackdaw	*Coloeus monedula.*
Jaeger	Long-tailed Jaeger	*Stercorarius longicaudus.*
	Parasitic Jaeger	*Stercorarius parasiticus.*
	Pomarine Jaeger	*Stercorarius pomarinus.*
Jay	Blue Jay	*Cyanocitta cristata.*
	Brown Jay	*Cyanocorax morio.*
	Canada Jay	*Perisoreus canadensis.*
	Green Jay	*Cyanocorax yncas.*
	Mexican Jay	*Aphelocoma wollweberi.*
	Pinyon Jay	*Gymnorhinus cyanocephalus.*
	Steller's Jay	*Cyanocitta stelleri.*
Junco	Dark-eyed Junco	*Junco hyemalis.*
	Yellow-eyed Junco	*Junco phaeonotus.*
Kākāwahie	Kākāwahie	*Paroreomyza flammea.*
Kāmaʻo	Kāmaʻo	*Myadestes myadestinus.*
Kestrel	American Kestrel	*Falco sparverius.*
	Eurasian Kestrel	*Falco tinnunculus.*
Killdeer	Killdeer	*Charadrius vociferus.*
Kingbird	Cassin's Kingbird	*Tyrannus vociferans.*
	Couch's Kingbird	*Tyrannus couchii.*
	Eastern Kingbird	*Tyrannus tyrannus.*
	Gray Kingbird	*Tyrannus dominicensis.*
	Loggerhead Kingbird	*Tyrannus caudifasciatus.*
	Thick-billed Kingbird	*Tyrannus crassirostris.*
	Tropical Kingbird	*Tyrannus melancholicus.*
	Western Kingbird	*Tyrannus verticalis.*
Kingfisher	Amazon Kingfisher	*Chloroceryle amazona.*
	Belted Kingfisher	*Megaceryle alcyon.*
	Common Kingfisher	*Alcedo atthis.*
	Green Kingfisher	*Chloroceryle americana.*
	Guam Kingfisher	*Todiramphus cinnamominus.*
	Mariana Kingfisher	*Todiramphus albicilla.*
	Pacific Kingfisher	*Todiramphus sacer.*
	Ringed Kingfisher	*Megaceryle torquata.*
Kinglet	Golden-crowned Kinglet	*Regulus satrapa.*
	Ruby-crowned Kinglet	*Corthylio calendula.*
Kiskadee	Great Kiskadee	*Pitangus sulphuratus.*
Kite	Black Kite	*Milvus migrans.*
	Double-toothed Kite	*Harpagus bidentatus.*
	Hook-billed Kite	*Chondrohierax uncinatus.*
	Mississippi Kite	*Ictinia mississippiensis.*
	Snail Kite	*Rostrhamus sociabilis.*
	Swallow-tailed Kite	*Elanoides forficatus.*
	White-tailed Kite	*Elanus leucurus.*
Kittiwake	Black-legged Kittiwake	*Rissa tridactyla.*
	Red-legged Kittiwake	*Rissa brevirostris.*
Knot	Great Knot	*Calidris tenuirostris.*
	Red Knot	*Calidris canutus.*
Koel	Long-tailed Koel	*Urodynamis taitensis.*
Lapwing	Northern Lapwing	*Vanellus vanellus.*
	Southern Lapwing	*Vanellus chilensis.*
Lark	Horned Lark	*Eremophila alpestris.*
Limpkin	Limpkin	*Aramus guarauna.*

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
Lizard-Cuckoo	Puerto Rican Lizard-Cuckoo	*Coccyzus vieilloti.*
Longspur	Chestnut-collared Longspur	*Calcarius ornatus.*
	Lapland Longspur	*Calcarius lapponicus.*
	Smith's Longspur	*Calcarius pictus.*
	Thick-billed Longspur	*Rhynchophanes mccownii.*
Loon	Arctic Loon	*Gavia arctica.*
	Common Loon	*Gavia immer.*
	Pacific Loon	*Gavia pacifica.*
	Red-throated Loon	*Gavia stellata.*
	Yellow-billed Loon	*Gavia adamsii.*
Magpie	Black-billed Magpie	*Pica hudsonia.*
	Yellow-billed Magpie	*Pica nuttalli.*
Mallard	Mallard	*Anas platyrhynchos.*
Mango	Puerto Rican Mango	*Anthracothorax aurulentus.*
	Green Mango	*Anthracothorax viridis.*
	Green-breasted Mango	*Anthracothorax prevostii.*
Marsh-Wren	Eastern Marsh-Wren	*Cistothorus palustris.*
	Western Marsh-Wren	*Cistothorus paludicola.*
Martin	Brown-chested Martin	*Progne tapera.*
	Caribbean Martin	*Progne dominicensis.*
	Cuban Martin	*Progne cryptoleuca.*
	Gray-breasted Martin	*Progne chalybea.*
	Purple Martin	*Progne subis.*
	Southern Martin	*Progne elegans.*
Meadowlark	Chihuahuan Meadowlark	*Sturnella lilianae.*
	Eastern Meadowlark	*Sturnella magna.*
	Western Meadowlark	*Sturnella neglecta.*
Merganser	Common Merganser	*Mergus merganser.*
	Hooded Merganser	*Lophodytes cucullatus.*
	Red-breasted Merganser	*Mergus serrator.*
Merlin	Merlin	*Falco columbarius.*
Millerbird	Millerbird	*Acrocephalus familiaris.*
Mockingbird	Bahama Mockingbird	*Mimus gundlachii.*
	Blue Mockingbird	*Melanotis caerulescens.*
	Northern Mockingbird	*Mimus polyglottos.*
Moorhen	Eurasian Moorhen	*Gallinula chloropus.*
Mountain-gem	Amethyst-throated Mountain-gem	*Lampornis amethystinus.*
	Blue-throated Mountain-gem	*Lampornis clemenciae.*
Murre	Common Murre	*Uria aalge.*
	Thick-billed Murre	*Uria lomvia.*
Murrelet	Ancient Murrelet	*Synthliboramphus antiquus.*
	Craveri's Murrelet	*Synthliboramphus craveri.*
	Guadalupe Murrelet	*Synthliboramphus hypoleucus.*
	Kittlitz's Murrelet	*Brachyramphus brevirostris.*
	Long-billed Murrelet	*Brachyramphus perdix.*
	Marbled Murrelet	*Brachyramphus marmoratus.*
	Scripps's Murrelet	*Synthliboramphus scrippsi.*
Needletail	White-throated Needletail	*Hirundapus caudacutus.*
Nighthawk	Antillean Nighthawk	*Chordeiles gundlachii.*
	Common Nighthawk	*Chordeiles minor.*
	Lesser Nighthawk	*Chordeiles acutipennis.*
Nightingale-Thrush	Black-headed Nightingale-Thrush	*Catharus mexicanus.*
	Orange-billed Nightingale-Thrush	*Catharus aurantiirostris.*
Nightjar	Buff-collared Nightjar	*Antrostomus ridgwayi.*
	Gray Nightjar	*Caprimulgus jotaka.*
	Puerto Rican Nightjar	*Antrostomus noctitherus.*
	White-tailed Nightjar	*Hydropsalis cayennensis.*
Noddy	Black Noddy	*Anous minutus.*
	Blue-gray Noddy	*Anous ceruleus.*
	Brown Noddy	*Anous stolidus.*
Nukupuʻu	Kauai Nukupuʻu	*Hemignathus hanapepe.*
	Maui Nukupuʻu	*Hemignathus affinis.*
	Oʻahu Nukupuʻu	*Hemignathus lucidus.*
Nutcracker	Clark's Nutcracker	*Nucifraga columbiana.*
Nuthatch	Brown-headed Nuthatch	*Sitta pusilla.*
	Pygmy Nuthatch	*Sitta pygmaea.*
	Red-breasted Nuthatch	*Sitta canadensis.*
	White-breasted Nuthatch	*Sitta carolinensis.*
Olomaʻo	Olomaʻo	*Myadestes lanaiensis.*
ʻŌmaʻo	ʻŌmaʻo	*Myadestes obscurus.*
Oriole	Altamira Oriole	*Icterus gularis.*

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Audubon's Oriole	*Icterus graduacauda.*
	Baltimore Oriole	*Icterus galbula.*
	Black-backed Oriole	*Icterus abeillei.*
	Black-vented Oriole	*Icterus wagleri.*
	Bullock's Oriole	*Icterus bullockii.*
	Hooded Oriole	*Icterus cucullatus.*
	Orchard Oriole	*Icterus spurius.*
	Puerto Rican Oriole	*Icterus portoricensis.*
	Scott's Oriole	*Icterus parisorum.*
	Streak-backed Oriole	*Icterus pustulatus.*
Osprey	Osprey	*Pandion haliaetus.*
ʻŌʻū	ʻŌʻū	*Psittirostra psittacea.*
Ovenbird	Ovenbird	*Seiurus aurocapilla.*
Owl	American Barn Owl	*Tyto furcata.*
	Barred Owl	*Strix varia.*
	Boreal Owl	*Aegolius funereus.*
	Burrowing Owl	*Athene cunicularia.*
	Elf Owl	*Micrathene whitneyi.*
	Flammulated Owl	*Psiloscops flammeolus.*
	Great Gray Owl	*Strix nebulosa.*
	Great Horned Owl	*Bubo virginianus.*
	Long-eared Owl	*Asio otus.*
	Mottled Owl	*Strix virgata.*
	Northern Hawk Owl	*Surnia ulula.*
	Northern Saw-whet Owl	*Aegolius acadicus.*
	Puerto Rican Owl	*Gymnasio nudipes.*
	Short-eared Owl	*Asio flammeus.*
	Snowy Owl	*Bubo scandiacus.*
	Spotted Owl	*Strix occidentalis.*
	Stygian Owl	*Asio stygius.*
Oystercatcher	American Oystercatcher	*Haematopus palliatus.*
	Black Oystercatcher	*Haematopus bachmani.*
	Eurasian Oystercatcher	*Haematopus ostralegus.*
Palila	Palila	*Loxioides bailleui.*
Palm-Swift	Antillean Palm-Swift	*Tachornis phoenicobia.*
Parrotbill	Maui Parrotbill	*Pseudonestor xanthophrys.*
Parula	Northern Parula	*Setophaga americana.*
	Tropical Parula	*Setophaga pitiayumi.*
Pauraque	Common Pauraque	*Nyctidromus albicollis.*
Pelican	American White Pelican	*Pelecanus erythrorhynchos.*
	Brown Pelican	*Pelecanus occidentalis.*
Petrel	Bermuda Petrel	*Pterodroma cahow.*
	Black-capped Petrel	*Pterodroma hasitata.*
	Black-winged Petrel	*Pterodroma nigripennis.*
	Bonin Petrel	*Pterodroma hypoleuca.*
	Bulwer's Petrel	*Bulweria bulwerii.*
	Cook's Petrel	*Pterodroma cookii.*
	Desertas Petrel	*Pterodroma deserta.*
	Gould's Petrel	*Pterodroma leucoptera.*
	Gray-faced Petrel	*Pterodroma gouldi.*
	Hawaiian Petrel	*Pterodroma sandwichensis.*
	Herald Petrel	*Pterodroma heraldica.*
	Jouanin's Petrel	*Bulweria fallax.*
	Juan Fernandez Petrel	*Pterodroma externa.*
	Kermadec Petrel	*Pterodroma neglecta.*
	Mottled Petrel	*Pterodroma inexpectata.*
	Murphy's Petrel	*Pterodroma ultima.*
	Parkinson's Petrel	*Procellaria parkinsoni.*
	Phoenix Petrel	*Pterodroma alba.*
	Providence Petrel	*Pterodroma solandri.*
	Stejneger's Petrel	*Pterodroma longirostris.*
	Tahiti Petrel	*Pseudobulweria rostrata.*
	Trindade Petrel	*Pterodroma arminjoniana.*
	White-chinned Petrel	*Procellaria aequinoctialis.*
	White-necked Petrel	*Pterodroma cervicalis.*
	Zino's Petrel	*Pterodroma madeira.*
Pewee	Cuban Pewee	*Contopus caribaeus.*
	Greater Pewee	*Contopus pertinax.*
	Hispaniolan Pewee	*Contopus hispaniolensis.*
	Lesser Antillean Pewee	*Contopus latirostris.*
Phainopepla	Phainopepla	*Phainopepla nitens.*

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
Phalarope	Red Phalarope	*Phalaropus fulicarius.*
	Red-necked Phalarope	*Phalaropus lobatus.*
	Wilson's Phalarope	*Phalaropus tricolor.*
Phoebe	Black Phoebe	*Sayornis nigricans.*
	Eastern Phoebe	*Sayornis phoebe.*
	Say's Phoebe	*Sayornis saya.*
Pigeon	Band-tailed Pigeon	*Patagioenas fasciata.*
	Plain Pigeon	*Patagioenas inornata.*
	Red-billed Pigeon	*Patagioenas flavirostris.*
	Scaly-naped Pigeon	*Patagioenas squamosa.*
	White-crowned Pigeon	*Patagioenas leucocephala.*
Pintail	Northern Pintail	*Anas acuta.*
	White-cheeked Pintail	*Anas bahamensis.*
Pipit	American Pipit	*Anthus rubescens.*
	Olive-backed Pipit	*Anthus hodgsoni.*
	Pechora Pipit	*Anthus gustavi.*
	Red-throated Pipit	*Anthus cervinus.*
	Siberian Pipit	*Anthus japonicus.*
	Sprague's Pipit	*Anthus spragueii.*
	Tree Pipit	*Anthus trivialis.*
Plover	Black-bellied Plover	*Pluvialis squatarola.*
	Collared Plover	*Anarhynchus collaris.*
	Common Ringed Plover	*Charadrius hiaticula.*
	Kentish Plover	*Anarhynchus alexandrinus.*
	Little Ringed Plover	*Thinornis dubius.*
	Mountain Plover	*Anarhynchus montanus.*
	Piping Plover	*Charadrius melodus.*
	Semipalmated Plover	*Charadrius semipalmatus.*
	Snowy Plover	*Anarhynchus nivosus.*
	Wilson's Plover	*Anarhynchus wilsonia.*
Pochard	Baer's Pochard	*Aythya baeri.*
	Common Pochard	*Aythya ferina.*
Pond-Heron	Chinese Pond-Heron	*Ardeola bacchus.*
Poorwill	Common Poorwill	*Phalaenoptilus nuttallii.*
Po'ouli	Po'ouli	*Melamprosops phaeosoma.*
Puaiohi	Puaiohi	*Myadestes palmeri.*
Puffin	Atlantic Puffin	*Fratercula arctica.*
	Horned Puffin	*Fratercula corniculata.*
	Tufted Puffin	*Fratercula cirrhata.*
Pygmy-Owl	Ferruginous Pygmy-Owl	*Glaucidium brasilianum.*
	Northern Pygmy-Owl	*Glaucidium gnoma.*
Pyrrhuloxia	Pyrrhuloxia	*Cardinalis sinuatus.*
Quail-Dove	Bridled Quail-Dove	*Geotrygon mystacea.*
	Key West Quail-Dove	*Geotrygon chrysia.*
	Ruddy Quail-Dove	*Geotrygon montana.*
Quetzal	Eared Quetzal	*Euptilotis neoxenus.*
Rail	Black Rail	*Laterallus jamaicensis.*
	Buff-banded Rail	*Gallirallus philippensis.*
	Clapper Rail	*Rallus crepitans.*
	Guam Rail	*Gallirallus owstoni.*
	King Rail	*Rallus elegans.*
	Ridgway's Rail	*Rallus obsoletus.*
	Spotted Rail	*Pardirallus maculatus.*
	Virginia Rail	*Rallus limicola.*
	Yellow Rail	*Coturnicops noveboracensis.*
Raven	Chihuahuan Raven	*Corvus cryptoleucus.*
	Common Raven	*Corvus corax.*
Razorbill	Razorbill	*Alca torda.*
Redhead	Redhead	*Aythya americana.*
Redpoll	Redpoll	*Acanthis flammea.*
Redshank	Common Redshank	*Tringa totanus.*
	Spotted Redshank	*Tringa erythropus.*
Redstart	American Redstart	*Setophaga ruticilla.*
	Common Redstart	*Phoenicurus phoenicurus.*
Redwing	Redwing	*Turdus iliacus.*
Reef-Heron	Pacific Reef-Heron	*Egretta sacra.*
	Western Reef-Heron	*Egretta gularis.*
Roadrunner	Greater Roadrunner	*Geococcyx californianus.*
Robin	American Robin	*Turdus migratorius.*
	European Robin	*Erithacus rubecula.*
	Rufous-backed Robin	*Turdus rufopalliatus.*

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Rufous-tailed Robin	*Larvivora sibilans.*
	Siberian Blue Robin	*Larvivora cyane.*
Rock-Thrush	Blue Rock-Thrush	*Monticola solitarius.*
	Rufous-tailed Rock-thrush	*Monticola saxatilis.*
Rosefinch	Common Rosefinch	*Carpodacus erythrinus.*
	Pallas's Rosefinch	*Carpodacus roseus.*
Rosy-Finch	Asian Rosy-Finch	*Leucosticte arctoa.*
	Black Rosy-Finch	*Leucosticte atrata.*
	Brown-capped Rosy-Finch	*Leucosticte australis.*
	Gray-crowned Rosy-Finch	*Leucosticte tephrocotis.*
Rubythroat	Siberian Rubythroat	*Calliope calliope.*
Ruff	Ruff	*Calidris pugnax.*
Sanderling	Sanderling	*Calidris alba.*
Sandpiper	Baird's Sandpiper	*Calidris bairdii.*
	Broad-billed Sandpiper	*Calidris falcinellus.*
	Buff-breasted Sandpiper	*Calidris subruficollis.*
	Common Sandpiper	*Actitis hypoleucos.*
	Curlew Sandpiper	*Calidris ferruginea.*
	Green Sandpiper	*Tringa ochropus.*
	Least Sandpiper	*Calidris minutilla.*
	Marsh Sandpiper	*Tringa stagnatilis.*
	Pectoral Sandpiper	*Calidris melanotos.*
	Purple Sandpiper	*Calidris maritima.*
	Rock Sandpiper	*Calidris ptilocnemis.*
	Semipalmated Sandpiper	*Calidris pusilla.*
	Sharp-tailed Sandpiper	*Calidris acuminata.*
	Solitary Sandpiper	*Tringa solitaria.*
	Spoon-billed Sandpiper	*Calidris pygmea.*
	Spotted Sandpiper	*Actitis macularius.*
	Stilt Sandpiper	*Calidris himantopus.*
	Terek Sandpiper	*Xenus cinereus.*
	Upland Sandpiper	*Bartramia longicauda.*
	Western Sandpiper	*Calidris mauri.*
	White-rumped Sandpiper	*Calidris fuscicollis.*
	Wood Sandpiper	*Tringa glareola.*
Sand-Plover	Greater Sand-Plover	*Anarhynchus leschenaultii.*
	Siberian Sand-Plover	*Anarhynchus mongolus.*
Sapsucker	Red-breasted Sapsucker	*Sphyrapicus ruber.*
	Red-naped Sapsucker	*Sphyrapicus nuchalis.*
	Williamson's Sapsucker	*Sphyrapicus thyroideus.*
	Yellow-bellied Sapsucker	*Sphyrapicus varius.*
Scaup	Greater Scaup	*Aythya marila.*
	Lesser Scaup	*Aythya affinis.*
Scops-Owl	Oriental Scops-Owl	*Otus sunia.*
Scoter	Black Scoter	*Melanitta americana.*
	Common Scoter	*Melanitta nigra.*
	Stejneger's Scoter	*Melanitta stejnegeri.*
	Surf Scoter	*Melanitta perspicillata.*
	White-winged Scoter	*Melanitta deglandi.*
Screech-Owl	Eastern Screech-Owl	*Megascops asio.*
	Western Screech-Owl	*Megascops kennicottii.*
	Whiskered Screech-Owl	*Megascops trichopsis.*
Scrub-Jay	California Scrub-Jay	*Aphelocoma californica.*
	Florida Scrub-Jay	*Aphelocoma coerulescens.*
	Island Scrub-Jay	*Aphelocoma insularis.*
	Woodhouse's Scrub-Jay	*Aphelocoma woodhouseii.*
Sea-Eagle	Steller's Sea-Eagle	*Haliaeetus pelagicus.*
Seedeater	Morelet's Seedeater	*Sporophila morelleti.*
Shearwater	Barolo Shearwater	*Puffinus baroli.*
	Black-vented Shearwater	*Puffinus opisthomelas.*
	Bryan's Shearwater	*Puffinus bryani.*
	Buller's Shearwater	*Ardenna bulleri.*
	Cape Verde Shearwater	*Calonectris edwardsii.*
	Christmas Shearwater	*Puffinus nativitatis.*
	Cory's Shearwater	*Calonectris borealis.*
	Flesh-footed Shearwater	*Ardenna carneipes.*
	Great Shearwater	*Ardenna gravis.*
	Manx Shearwater	*Puffinus puffinus.*
	Newell's Shearwater	*Puffinus newelli.*
	Pink-footed Shearwater	*Ardenna creatopus.*
	Sargasso Shearwater	*Puffinus lherminieri.*

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Scopoli's Shearwater	*Calonectris diomedea.*
	Short-tailed Shearwater	*Ardenna tenuirostris.*
	Sooty Shearwater	*Ardenna grisea.*
	Streaked Shearwater	*Calonectris leucomelas.*
	Wedge-tailed Shearwater	*Ardenna pacifica.*
Shoveler	Northern Shoveler	*Spatula clypeata.*
Shrike	Brown Shrike	*Lanius cristatus.*
	Loggerhead Shrike	*Lanius ludovicianus.*
	Northern Shrike	*Lanius borealis.*
	Red-backed Shrike	*Lanius collurio.*
Silky-Flycatcher	Gray Silky-Flycatcher	*Ptiliogonys cinereus.*
Siskin	Eurasian Siskin	*Spinus spinus.*
	Pine Siskin	*Spinus pinus.*
Skimmer	Black Skimmer	*Rynchops niger.*
Skua	Great Skua	*Stercorarius skua.*
	South Polar Skua	*Stercorarius maccormicki.*
Skylark	Eurasian Skylark	*Alauda arvensis.*
Smew	Smew	*Mergellus albellus.*
Snipe	Common Snipe	*Gallinago gallinago.*
	Jack Snipe	*Lymnocryptes minimus.*
	Pin-tailed Snipe	*Gallinago stenura.*
	Solitary Snipe	*Gallinago solitaria.*
	Swinhoe's Snipe	*Gallinago megala.*
	Wilson's Snipe	*Gallinago delicata.*
Solitaire	Brown-backed Solitaire	*Myadestes occidentalis.*
	Townsend's Solitaire	*Myadestes townsendi.*
Sora	Sora	*Porzana carolina.*
Sparrow	American Tree Sparrow	*Spizelloides arborea.*
	Bachman's Sparrow	*Peucaea aestivalis.*
	Baird's Sparrow	*Centronyx bairdii.*
	Bell's Sparrow	*Artemisiospiza belli.*
	Black-chinned Sparrow	*Spizella atrogularis.*
	Black-throated Sparrow	*Amphispiza bilineata.*
	Botteri's Sparrow	*Peucaea botterii.*
	Brewer's Sparrow	*Spizella breweri.*
	Cassin's Sparrow	*Peucaea cassinii.*
	Chipping Sparrow	*Spizella passerina.*
	Clay-colored Sparrow	*Spizella pallida.*
	Field Sparrow	*Spizella pusilla.*
	Five-striped Sparrow	*Amphispizopsis quinquestriata.*
	Fox Sparrow	*Passerella iliaca.*
	Golden-crowned Sparrow	*Zonotrichia atricapilla.*
	Grasshopper Sparrow	*Ammodramus savannarum.*
	Harris's Sparrow	*Zonotrichia querula.*
	Henslow's Sparrow	*Centronyx henslowii.*
	Lark Sparrow	*Chondestes grammacus.*
	LeConte's Sparrow	*Ammospiza leconteii.*
	Lincoln's Sparrow	*Melospiza lincolnii.*
	Nelson's Sparrow	*Ammospiza nelsoni.*
	Olive Sparrow	*Arremonops rufivirgatus.*
	Rufous-crowned Sparrow	*Aimophila ruficeps.*
	Rufous-winged Sparrow	*Peucaea carpalis.*
	Sagebrush Sparrow	*Artemisiospiza nevadensis.*
	Saltmarsh Sparrow	*Ammospiza caudacuta.*
	Savannah Sparrow	*Passerculus sandwichensis.*
	Seaside Sparrow	*Ammospiza maritima.*
	Song Sparrow	*Melospiza melodia.*
	Swamp Sparrow	*Melospiza georgiana.*
	Vesper Sparrow	*Pooecetes gramineus.*
	White-crowned Sparrow	*Zonotrichia leucophrys.*
	White-throated Sparrow	*Zonotrichia albicollis.*
	Worthen's Sparrow	*Spizella wortheni.*
Sparrowhawk	Chinese Sparrowhawk	*Tachyspiza soloensis.*
	Eurasian Sparrowhawk	*Accipiter nisus.*
	Japanese Sparrowhawk	*Accipiter gularis.*
Spindalis	Puerto Rican Spindalis	*Spindalis portoricensis.*
	Western Spindalis	*Spindalis zena.*
Spoonbill	Roseate Spoonbill	*Platalea ajaja.*
Starling	Chestnut-cheeked Starling	*Agropsar philippensis.*
	White-cheeked Starling	*Spodiopsar cineraceus.*
Starthroat	Plain-capped Starthroat	*Heliomaster constantii.*

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
Stilt	Black-necked Stilt	*Himantopus mexicanus.*
	Black-winged Stilt	*Himantopus himantopus.*
Stint	Little Stint	*Calidris minuta.*
	Long-toed Stint	*Calidris subminuta.*
	Red-necked Stint	*Calidris ruficollis.*
	Temminck's Stint	*Calidris temminckii.*
Stonechat	Asian Stonechat	*Saxicola maurus.*
Stork	Wood Stork	*Mycteria americana.*
Storm-Petrel	Ainley's Storm-Petrel	*Hydrobates cheimomnestes.*
	Ashy Storm-Petrel	*Hydrobates homochroa.*
	Band-rumped Storm-Petrel	*Hydrobates castro.*
	Black Storm-Petrel	*Hydrobates melania.*
	Black-bellied Storm-Petrel	*Fregetta tropica.*
	European Storm-Petrel	*Hydrobates pelagicus.*
	Fork-tailed Storm-Petrel	*Hydrobates furcatus.*
	Leach's Storm-Petrel	*Hydrobates leucorhous.*
	Least Storm-Petrel	*Hydrobates microsoma.*
	Matsudaira's Storm-Petrel	*Hydrobates matsudairae.*
	Polynesian Storm-Petrel	*Nesofregetta fuliginosa.*
	Ringed Storm-Petrel	*Hydrobates hornbyi.*
	Swinhoe's Storm-Petrel	*Hydrobates monorhis.*
	Townsend's Storm-Petrel	*Hydrobates socorroensis.*
	Tristram's Storm-Petrel	*Hydrobates tristrami.*
	Wedge-rumped Storm-Petrel	*Hydrobates tethys.*
	White-bellied Storm-Petrel	*Fregetta grallaria.*
	White-faced Storm-Petrel	*Pelagodroma marina.*
	Wilson's Storm-Petrel	*Oceanites oceanicus.*
Surfbird	Surfbird	*Calidris virgata.*
Swallow	Bahama Swallow	*Tachycineta cyaneoviridis.*
	Bank Swallow	*Riparia riparia.*
	Barn Swallow	*Hirundo rustica.*
	Blue-and-white Swallow	*Pygochelidon cyanoleuca.*
	Cave Swallow	*Petrochelidon fulva.*
	Cliff Swallow	*Petrochelidon pyrrhonota.*
	Mangrove Swallow	*Tachycineta albilinea.*
	Northern Rough-winged Swallow	*Stelgidopteryx serripennis.*
	Tree Swallow	*Tachycineta bicolor.*
	Violet-green Swallow	*Tachycineta thalassina.*
Swamphen	Purple Swamphen	*Porphyrio porphyrio.*
Swan	Trumpeter Swan	*Cygnus buccinator.*
	Tundra Swan	*Cygnus columbianus.*
	Whooper Swan	*Cygnus cygnus.*
Swift	Alpine Swift	*Tachymarptis melba.*
	Black Swift	*Cypseloides niger.*
	Chimney Swift	*Chaetura pelagica.*
	Common Swift	*Apus apus.*
	Fork-tailed Swift	*Apus pacificus.*
	Short-tailed Swift	*Chaetura brachyura.*
	Vaux's Swift	*Chaetura vauxi.*
	White-collared Swift	*Streptoprocne zonaris.*
	White-throated Swift	*Aeronautes saxatalis.*
Swiftlet	Mariana Swiftlet	*Aerodramus bartschi.*
	White-rumped Swiftlet	*Aerodramus spodiopygius.*
Tanager	Flame-colored Tanager	*Piranga bidentata.*
	Hepatic Tanager	*Piranga flava.*
	Puerto Rican Tanager	*Nesospingus speculiferus.*
	Scarlet Tanager	*Piranga olivacea.*
	Summer Tanager	*Piranga rubra.*
	Western Tanager	*Piranga ludoviciana.*
Tattler	Gray-tailed Tattler	*Tringa brevipes.*
	Wandering Tattler	*Tringa incana.*
Teal	Baikal Teal	*Sibirionetta formosa.*
	Blue-winged Teal	*Spatula discors.*
	Cinnamon Teal	*Spatula cyanoptera.*
	Green-winged Teal	*Anas crecca.*
Tern	Aleutian Tern	*Onychoprion aleuticus.*
	Arctic Tern	*Sterna paradisaea.*
	Black Tern	*Chlidonias niger.*
	Black-naped Tern	*Sterna sumatrana.*
	Bridled Tern	*Onychoprion anaethetus.*
	Caspian Tern	*Hydroprogne caspia.*

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Common Tern	*Sterna hirundo.*
	Elegant Tern	*Thalasseus elegans.*
	Forster's Tern	*Sterna forsteri.*
	Gray-backed Tern	*Onychoprion lunatus.*
	Great Crested Tern	*Thalasseus bergii.*
	Gull-billed Tern	*Gelochelidon nilotica.*
	Inca Tern	*Larosterna inca.*
	Large-billed Tern	*Phaetusa simplex.*
	Least Tern	*Sternula antillarum.*
	Little Tern	*Sternula albifrons.*
	Roseate Tern	*Sterna dougallii.*
	Royal Tern	*Thalasseus maximus.*
	Sandwich Tern	*Thalasseus sandvicensis.*
	Sooty Tern	*Onychoprion fuscatus.*
	Whiskered Tern	*Chlidonias hybrida.*
	White-winged Tern	*Chlidonias leucopterus.*
Thrasher	Bendire's Thrasher	*Toxostoma bendirei.*
	Brown Thrasher	*Toxostoma rufum.*
	California Thrasher	*Toxostoma redivivum.*
	Crissal Thrasher	*Toxostoma crissale.*
	Curve-billed Thrasher	*Toxostoma curvirostre.*
	LeConte's Thrasher	*Toxostoma lecontei.*
	Long-billed Thrasher	*Toxostoma longirostre.*
	Pearly-eyed Thrasher	*Margarops fuscatus.*
	Sage Thrasher	*Oreoscoptes montanus.*
Thrush	Aztec Thrush	*Ridgwayia pinicola.*
	Bicknell's Thrush	*Catharus bicknelli.*
	Clay-colored Thrush	*Turdus grayi.*
	Dusky Thrush	*Turdus eunomus.*
	Eastern Red-legged Thrush	*Turdus ardosiaceus.*
	Eyebrowed Thrush	*Turdus obscurus.*
	Gray-cheeked Thrush	*Catharus minimus.*
	Hermit Thrush	*Catharus guttatus.*
	Naumann's Thrush	*Turdus naumanni.*
	Swainson's Thrush	*Catharus ustulatus.*
	Varied Thrush	*Ixoreus naevius.*
	Western Red-legged Thrush	*Turdus plumbeus.*
	White-throated Thrush	*Turdus assimilis.*
	Wood Thrush	*Hylocichla mustelina.*
Tiger-Heron	Bare-throated Tiger-Heron	*Tigrisoma mexicanum.*
Titmouse	Black-crested Titmouse	*Baeolophus atricristatus.*
	Bridled Titmouse	*Baeolophus wollweberi.*
	Juniper Titmouse	*Baeolophus ridgwayi.*
	Oak Titmouse	*Baeolophus inornatus.*
	Tufted Titmouse	*Baeolophus bicolor.*
Tityra	Masked Tityra	*Tityra semifasciata.*
Towhee	Abert's Towhee	*Melozone aberti.*
	California Towhee	*Melozone crissalis.*
	Canyon Towhee	*Melozone fusca.*
	Eastern Towhee	*Pipilo erythrophthalmus.*
	Green-tailed Towhee	*Pipilo chlorurus.*
	Spotted Towhee	*Pipilo maculatus.*
Trogon	Elegant Trogon	*Trogon elegans.*
Tropicbird	Red-billed Tropicbird	*Phaethon aethereus.*
	Red-tailed Tropicbird	*Phaethon rubricauda.*
	White-tailed Tropicbird	*Phaethon lepturus.*
Turnstone	Black Turnstone	*Arenaria melanocephala.*
	Ruddy Turnstone	*Arenaria interpres.*
Turtle-Dove	Oriental Turtle-Dove	*Streptopelia orientalis.*
Veery	Veery	*Catharus fuscescens.*
Verdin	Verdin	*Auriparus flaviceps.*
Violetear	Mexican Violetear	*Colibri thalassinus.*
Vireo	Bell's Vireo	*Vireo bellii.*
	Black-capped Vireo	*Vireo atricapilla.*
	Black-whiskered Vireo	*Vireo altiloquus.*
	Blue-headed Vireo	*Vireo solitarius.*
	Cassin's Vireo	*Vireo cassinii.*
	Cuban Vireo	*Vireo gundlachii.*
	Gray Vireo	*Vireo vicinior.*
	Hutton's Vireo	*Vireo huttoni.*
	Philadelphia Vireo	*Vireo philadelphicus.*

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Plumbeous Vireo	*Vireo plumbeus.*
	Puerto Rican Vireo	*Vireo latimeri.*
	Red-eyed Vireo	*Vireo olivaceus.*
	Thick-billed Vireo	*Vireo crassirostris.*
	White-eyed Vireo	*Vireo griseus.*
	Yellow-green Vireo	*Vireo flavoviridis.*
	Yellow-throated Vireo	*Vireo flavifrons.*
	Yucatan Vireo	*Vireo magister.*
Vulture	Black Vulture	*Coragyps atratus.*
	Turkey Vulture	*Cathartes aura.*
Wagtail	Citrine Wagtail	*Motacilla citreola.*
	Eastern Yellow Wagtail	*Motacilla tschutschensis.*
	Gray Wagtail	*Motacilla cinerea.*
	White Wagtail	*Motacilla alba.*
Warbler	Adelaide's Warbler	*Setophaga adelaidae.*
	Aguiguan Reed Warbler	*Acrocephalus nijoi.*
	Arctic Warbler	*Phylloscopus borealis.*
	Bachman's Warbler	*Vermivora bachmanii.*
	Bay-breasted Warbler	*Setophaga castanea.*
	Black-and-white Warbler	*Mniotilta varia.*
	Blackburnian Warbler	*Setophaga fusca.*
	Blackpoll Warbler	*Setophaga striata.*
	Black-throated Blue Warbler	*Setophaga caerulescens.*
	Black-throated Gray Warbler	*Setophaga nigrescens.*
	Black-throated Green Warbler	*Setophaga virens.*
	Blue-winged Warbler	*Vermivora cyanoptera.*
	Blyth's Reed Warbler	*Acrocephalus dumetorum.*
	Canada Warbler	*Cardellina canadensis.*
	Cape May Warbler	*Setophaga tigrina.*
	Cerulean Warbler	*Setophaga cerulea.*
	Chestnut-sided Warbler	*Setophaga pensylvanica.*
	Colima Warbler	*Leiothlypis crissalis.*
	Connecticut Warbler	*Oporornis agilis.*
	Crescent-chested Warbler	*Oreothlypis superciliosa.*
	Dusky Warbler	*Phylloscopus fuscatus.*
	Elfin-woods Warbler	*Setophaga angelae.*
	Fan-tailed Warbler	*Euthlypis lachrymosa.*
	Golden-cheeked Warbler	*Setophaga chrysoparia.*
	Golden-crowned Warbler	*Basileuterus culicivorus.*
	Golden-winged Warbler	*Vermivora chrysoptera.*
	Grace's Warbler	*Setophaga graciae.*
	Hermit Warbler	*Setophaga occidentalis.*
	Hooded Warbler	*Setophaga citrina.*
	Icterine Warbler	*Hippolais icterina.*
	Kamchatka Leaf Warbler	*Phylloscopus examinandus.*
	Kentucky Warbler	*Geothlypis formosa.*
	Kirtland's Warbler	*Setophaga kirtlandii.*
	Lanceolated Warbler	*Locustella lanceolata.*
	Lucy's Warbler	*Leiothlypis luciae.*
	MacGillivray's Warbler	*Geothlypis tolmiei.*
	Magnolia Warbler	*Setophaga magnolia.*
	Mangrove Warbler	*Setophaga petechia.*
	Middendorff's Grasshopper Warbler	*Helopsaltes ochotensis.*
	Mourning Warbler	*Geothlypis philadelphia.*
	Nashville Warbler	*Leiothlypis ruficapilla.*
	Nightingale Reed Warbler	*Acrocephalus luscinius.*
	Olive Warbler	*Peucedramus taeniatus.*
	Orange-crowned Warbler	*Leiothlypis celata.*
	Pagan Reed Warbler	*Acrocephalus yamashinae.*
	Pallas's Grasshopper Warbler	*Helopsaltes certhiola.*
	Pallas's Leaf Warbler	*Phylloscopus proregulus.*
	Palm Warbler	*Setophaga palmarum.*
	Pine Warbler	*Setophaga pinus.*
	Prairie Warbler	*Setophaga discolor.*
	Prothonotary Warbler	*Protonotaria citrea.*
	Red-faced Warbler	*Cardellina rubrifrons.*
	River Warbler	*Locustella fluviatilis.*
	Rufous-capped Warbler	*Basileuterus rufifrons.*
	Saipan Reed Warbler	*Acrocephalus hiwae.*
	Sedge Warbler	*Acrocephalus schoenobaenus.*
	Swainson's Warbler	*Limnothlypis swainsonii.*

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Tennessee Warbler	*Leiothlypis peregrina.*
	Thick-billed Warbler	*Arundinax aedon.*
	Townsend's Warbler	*Setophaga townsendi.*
	Virginia's Warbler	*Leiothlypis virginiae.*
	Willow Warbler	*Phylloscopus trochilus.*
	Wilson's Warbler	*Cardellina pusilla.*
	Wood Warbler	*Phylloscopus sibilatrix.*
	Worm-eating Warbler	*Helmitheros vermivorum.*
	Yellow Warbler	*Setophaga aestiva.*
	Yellow-browed Warbler	*Phylloscopus inornatus.*
	Yellow-rumped Warbler	*Setophaga coronata.*
	Yellow-throated Warbler	*Setophaga dominica.*
Warbling-Vireo	Western Warbling-Vireo	*Vireo swainsoni.*
	Eastern Warbling-Vireo	*Vireo gilvus.*
Waterthrush	Louisiana Waterthrush	*Parkesia motacilla.*
	Northern Waterthrush	*Parkesia noveboracensis.*
Waxwing	Bohemian Waxwing	*Bombycilla garrulus.*
	Cedar Waxwing	*Bombycilla cedrorum.*
Wheatear	Northern Wheatear	*Oenanthe oenanthe.*
	Pied Wheatear	*Oenanthe pleschanka.*
Whimbrel	Eurasian Whimbrel	*Numenius phaeopus.*
	Hudsonian Whimbrel	*Numenius hudsonicus.*
Whip-poor-will	Eastern Whip-poor-will	*Antrostomus vociferus.*
	Mexican Whip-poor-will	*Antrostomus arizonae.*
Whistling-Duck	Black-bellied Whistling-Duck	*Dendrocygna autumnalis.*
	Fulvous Whistling-Duck	*Dendrocygna bicolor.*
	West Indian Whistling-Duck	*Dendrocygna arborea.*
Whitestart	Painted Whitestart	*Myioborus pictus.*
	Slate-throated Whitestart	*Myioborus miniatus.*
White-Tern	Blue-billed White-Tern	*Gygis candida.*
	Little White-Tern	*Gygis microrhyncha.*
Whitethroat	Lesser Whitethroat	*Curruca curruca.*
Wigeon	American Wigeon	*Mareca americana.*
	Eurasian Wigeon	*Mareca penelope.*
Willet	Prairie Willet	*Tringa inornata.*
	Saltmarsh Willet	*Tringa semipalmata.*
Woodcock	American Woodcock	*Scolopax minor.*
	Eurasian Woodcock	*Scolopax rusticola.*
Woodpecker	Acorn Woodpecker	*Melanerpes formicivorus.*
	American Three-toed Woodpecker	*Picoides dorsalis.*
	Arizona Woodpecker	*Dryobates arizonae.*
	Black-backed Woodpecker	*Picoides arcticus.*
	Downy Woodpecker	*Dryobates pubescens.*
	Gila Woodpecker	*Melanerpes uropygialis.*
	Golden-fronted Woodpecker	*Melanerpes aurifrons.*
	Great Spotted Woodpecker	*Dendrocopos major.*
	Hairy Woodpecker	*Dryobates villosus.*
	Ivory-billed Woodpecker	*Campephilus principalis.*
	Ladder-backed Woodpecker	*Dryobates scalaris.*
	Lewis's Woodpecker	*Melanerpes lewis.*
	Nuttall's Woodpecker	*Dryobates nuttallii.*
	Pileated Woodpecker	*Dryocopus pileatus.*
	Puerto Rican Woodpecker	*Melanerpes portoricensis.*
	Red-bellied Woodpecker	*Melanerpes carolinus.*
	Red-cockaded Woodpecker	*Dryobates borealis.*
	Red-headed Woodpecker	*Melanerpes erythrocephalus.*
	White-headed Woodpecker	*Dryobates albolarvatus.*
Wood-Pewee	Eastern Wood-Pewee	*Contopus virens.*
	Western Wood-Pewee	*Contopus sordidulus.*
Wood-Rail	Rufous-necked Wood-Rail	*Aramides axillaris.*
Woodstar	Bahama Woodstar	*Nesophlox evelynae.*
Wren	Bewick's Wren	*Thryomanes bewickii.*
	Cactus Wren	*Campylorhynchus brunneicapillus.*
	Canyon Wren	*Catherpes mexicanus.*
	Carolina Wren	*Thryothorus ludovicianus.*
	Northern House Wren	*Troglodytes aedon.*
	Pacific Wren	*Nannus pacificus.*
	Rock Wren	*Salpinctes obsoletus.*
	Sedge Wren	*Cistothorus stellaris.*
	Sinaloa Wren	*Thryophilus sinaloa.*
	Winter Wren	*Nannus hiemalis.*

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
Wrentit	Wrentit	*Chamaea fasciata.*
Wryneck	Eurasian Wryneck	*Jynx torquilla.*
Yellowlegs	Greater Yellowlegs	*Tringa melanoleuca.*
	Lesser Yellowlegs	*Tringa flavipes.*
Yellowthroat	Common Yellowthroat	*Geothlypis trichas.*
	Gray-crowned Yellowthroat	*Geothlypis poliocephala.*

(2) *Taxonomic listing.* The table lists speciesin phylogenetic sequence by scientific name, with the common (English) name following the scientific name. To help clarify species relationships, we also provide the higher-level taxonomic categories of Order, Family, and Subfamily.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT

Species scientific name	Species common name
(i) Order Anseriformes	
Family Anatidae	
(1) Subfamily Dendrocygninae	
Dendrocygna autumnalis	Black-bellied Whistling-Duck.
Dendrocygna arborea	West Indian Whistling-Duck.
Dendrocygna bicolor	Fulvous Whistling-Duck.
(2) Subfamily Anserinae	
Anser canagicus	Emperor Goose.
Anser caerulescens	Snow Goose.
Anser rossii	Ross's Goose.
Anser albifrons	Greater White-fronted Goose.
Anser erythropus	Lesser White-fronted Goose.
Anser fabalis	Taiga Bean-Goose.
Anser serrirostris	Tundra Bean-Goose.
Anser brachyrhynchus	Pink-footed Goose.
Branta bernicla	Brant.
Branta leucopsis	Barnacle Goose.
Branta hutchinsii	Cackling Goose.
Branta canadensis	Canada Goose.
Branta sandvicensis	Hawaiian Goose.
Cygnus buccinator	Trumpeter Swan.
Cygnus columbianus	Tundra Swan.
Cygnus cygnus	Whooper Swan.
(3) Subfamily Anatinae	
Cairina moschata	Muscovy Duck.
Aix sponsa	Wood Duck.
Sibirionetta formosa	Baikal Teal.
Spatula querquedula	Garganey.
Spatula discors	Blue-winged Teal.
Spatula cyanoptera	Cinnamon Teal.
Spatula clypeata	Northern Shoveler.
Mareca strepera	Gadwall.
Mareca falcata	Falcated Duck.
Mareca penelope	Eurasian Wigeon.
Mareca americana	American Wigeon.
Anas laysanensis	Laysan Duck.
Anas wyvilliana	Hawaiian Duck.
Anas zonorhyncha	Eastern Spot-billed Duck.
Anas platyrhynchos	Mallard.
Anas diazi	Mexican Duck.
Anas rubripes	American Black Duck.
Anas fulvigula	Mottled Duck.
Anas superciliosa	Pacific Black Duck.
Anas bahamensis	White-cheeked Pintail.
Anas acuta	Northern Pintail.
Anas crecca	Green-winged Teal.
Aythya valisineria	Canvasback.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Aythya americana	Redhead.
Aythya ferina	Common Pochard.
Aythya baeri	Baer's Pochard.
Aythya collaris	Ring-necked Duck.
Aythya fuligula	Tufted Duck.
Aythya marila	Greater Scaup.
Aythya affinis	Lesser Scaup.
Polysticta stelleri	Steller's Eider.
Somateria fischeri	Spectacled Eider.
Somateria spectabilis	King Eider.
Somateria mollissima	Common Eider.
Histrionicus histrionicus	Harlequin Duck.
Melanitta perspicillata	Surf Scoter.
Melanitta deglandi	White-winged Scoter.
Melanitta stejnegeri	Stejneger's Scoter.
Melanitta nigra	Common Scoter.
Melanitta americana	Black Scoter.
Clangula hyemalis	Long-tailed Duck.
Bucephala albeola	Bufflehead.
Bucephala clangula	Common Goldeneye.
Bucephala islandica	Barrow's Goldeneye.
Mergellus albellus	Smew.
Lophodytes cucullatus	Hooded Merganser.
Mergus merganser	Common Merganser.
Mergus serrator	Red-breasted Merganser.
Nomonyx dominicus	Masked Duck.
Oxyura jamaicensis	Ruddy Duck.
(ii) Order Phoenicopteriformes	
Family Phoenicopteridae	
Phoenicopterus ruber	American Flamingo.
(iii) Order Podicipediformes	
Family Podicipedidae	
Tachybaptus dominicus	Least Grebe.
Podilymbus podiceps	Pied-billed Grebe.
Podiceps auritus	Horned Grebe.
Podiceps grisegena	Red-necked Grebe.
Podiceps nigricollis	Eared Grebe.
Aechmophorus occidentalis	Western Grebe.
Aechmophorus clarkii	Clark's Grebe.
(iv) Order Columbiformes	
Family Columbidae	
Pampusana stairi	Shy Ground Dove.
Pampusana xanthonura	White-throated Ground Dove.
(1) Subfamily Claravinae	
Columbina inca	Inca Dove.
Columbina passerina	Common Ground Dove.
Columbina talpacoti	Ruddy Ground Dove.
(2) Subfamily Columbinae	
Geotrygon montana	Ruddy Quail-Dove.
Geotrygon chrysia	Key West Quail-Dove.
Geotrygon mystacea	Bridled Quail-Dove.
Leptotila verreauxi	White-tipped Dove.
Zenaida asiatica	White-winged Dove.
Zenaida aurita	Zenaida Dove.
Zenaida macroura	Mourning Dove.
Ptilinopus porphyraceus	Crimson-crowned Fruit-Dove.
Ptilinopus roseicapilla	Mariana Fruit-Dove.
Ptilinopus perousii	Many-colored Fruit-Dove.
Ducula pacifica	Pacific Imperial-Pigeon.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Patagioenas fasciata	Band-tailed Pigeon.
Patagioenas squamosa	Scaly-naped Pigeon.
Patagioenas leucocephala	White-crowned Pigeon.
Patagioenas inornata	Plain Pigeon.
Patagioenas flavirostris	Red-billed Pigeon.
Streptopelia orientalis	Oriental Turtle-Dove.
(v) Order Cuculiformes	
Family Cuculidae	
(1) Subfamily Crotophaginae	
Crotophaga ani	Smooth-billed Ani.
Crotophaga sulcirostris	Groove-billed Ani.
(2) Subfamily Neomorphinae	
Geococcyx californianus	Greater Roadrunner.
(3) Subfamily Cuculinae	
Cuculus canorus	Common Cuckoo.
Cuculus optatus	Oriental Cuckoo.
Clamator coromandus	Chestnut-winged Cuckoo.
Coccyzus melacoryphus	Dark-billed Cuckoo.
Coccyzus americanus	Yellow-billed Cuckoo.
Coccyzus minor	Mangrove Cuckoo.
Coccyzus erythropthalmus	Black-billed Cuckoo.
Coccyzus vieilloti	Puerto Rican Lizard-Cuckoo.
Urodynamis taitensis	Long-tailed Koel.
Hierococcyx nisicolor	Hodgson's Hawk-Cuckoo.
(vi) Order Caprimulgiformes	
Family Caprimulgidae	
(1) Subfamily Chordeilinae	
Chordeiles acutipennis	Lesser Nighthawk.
Chordeiles minor	Common Nighthawk.
Chordeiles gundlachii	Antillean Nighthawk.
(2) Subfamily Caprimulginae	
Nyctidromus albicollis	Common Pauraque.
Phalaenoptilus nuttallii	Common Poorwill.
Antrostomus carolinensis	Chuck-will's-widow.
Antrostomus ridgwayi	Buff-collared Nightjar.
Antrostomus vociferus	Eastern Whip-poor-will.
Antrostomus arizonae	Mexican Whip-poor-will.
Antrostomus noctitherus	Puerto Rican Nightjar.
Hydropsalis cayennensis	White-tailed Nightjar.
Caprimulgus jotaka	Gray Nightjar.
(vii) Order Apodiformes	
(A) Family Apodidae	
(1) Subfamily Cypseloidinae	
Cypseloides niger	Black Swift.
Streptoprocne zonaris	White-collared Swift.
(2) Subfamily Chaeturinae	
Chaetura pelagica	Chimney Swift.
Chaetura vauxi	Vaux's Swift.
Chaetura brachyura	Short-tailed Swift.
Hirundapus caudacutus	White-throated Needletail.
Aerodramus spodiopygius	White-rumped Swiftlet.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Aerodramus bartschi	Mariana Swiftlet.
(3) Subfamily Apodinae	
Apus apus	Common Swift.
Apus pacificus	Fork-tailed Swift.
Tachymarptis melba	Alpine Swift.
Aeronautes saxatalis	White-throated Swift.
Tachornis phoenicobia	Antillean Palm-Swift.
(B) Family Trochilidae	
Subfamily Trochilinae	
Colibri thalassinus	Mexican Violetear.
Anthracothorax prevostii	Green-breasted Mango.
Anthracothorax aurulentus	Puerto Rican Mango.
Anthracothorax viridis	Green Mango.
Eulampis jugularis	Purple-throated Carib.
Eulampis holosericeus	Green-throated Carib.
Eugenes fulgens	Rivoli's Hummingbird.
Heliomaster constantii	Plain-capped Starthroat.
Lampornis amethystinus	Amethyst-throated Mountain-gem.
Lampornis clemenciae	Blue-throated Mountain-gem.
Calothorax lucifer	Lucifer Hummingbird.
Archilochus colubris	Ruby-throated Hummingbird.
Archilochus alexandri	Black-chinned Hummingbird.
Mellisuga minima	Vervain Hummingbird.
Nesophlox evelynae	Bahama Woodstar.
Calypte anna	Anna's Hummingbird.
Calypte costae	Costa's Hummingbird.
Selasphorus calliope	Calliope Hummingbird.
Selasphorus rufus	Rufous Hummingbird.
Selasphorus sasin	Allen's Hummingbird.
Selasphorus platycercus	Broad-tailed Hummingbird.
Selasphorus heloisa	Bumblebee Hummingbird.
Riccordia maugaeus	Puerto Rican Emerald.
Cynanthus latirostris	Broad-billed Hummingbird.
Basilinna leucotis	White-eared Hummingbird.
Basilinna xantusii	Xantus's Hummingbird.
Orthorhyncus cristatus	Antillean Crested Hummingbird.
Ramosomyia violiceps	Violet-crowned Hummingbird.
Saucerottia beryllina	Berylline Hummingbird.
Amazilia rutila	Cinnamon Hummingbird.
Amazilia yucatanensis	Buff-bellied Hummingbird.
(viii) Order Gruiformes	
(A) Family Aramidae	
Aramus guarauna	Limpkin.
(B) Family Gruidae	
Subfamily Gruinae	
Antigone canadensis	Sandhill Crane.
Grus grus	Common Crane.
Grus monacha	Hooded Crane.
Grus americana	Whooping Crane.
(C) Family Rallidae	
Gallirallus philippensis	Buff-banded Rail.
Gallirallus owstoni	Guam Rail.
Pardirallus maculatus	Spotted Rail.
Mustelirallus erythrops	Paint-billed Crake.
Aramides axillaris	Rufous-necked Wood-Rail.
Rallus obsoletus	Ridgway's Rail.
Rallus elegans	King Rail.
Rallus crepitans	Clapper Rail.
Rallus limicola	Virginia Rail.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Crex crex	Corn Crake.
Porzana carolina	Sora.
Gallinula galeata	Common Gallinule.
Gallinula chloropus	Eurasian Moorhen.
Fulica atra	Eurasian Coot.
Fulica alai	Hawaiian Coot.
Fulica americana	American Coot.
Porphyrio martinicus	Purple Gallinule.
Porphyrio flavirostris	Azure Gallinule.
Porphyrio porphyrio	Purple Swamphen.
Zapornia tabuensis	Spotless Crake.
Coturnicops noveboracensis	Yellow Rail.
Hapalocrex flaviventer	Yellow-breasted Crake.
Laterallus jamaicensis	Black Rail.
(ix) Order Charadriiformes	
(A) Family Recurvirostridae	
Himantopus himantopus	Black-winged Stilt.
Himantopus mexicanus	Black-necked Stilt.
Recurvirostra americana	American Avocet.
(B) Family Haematopodidae	
Haematopus ostralegus	Eurasian Oystercatcher.
Haematopus palliatus	American Oystercatcher.
Haematopus bachmani	Black Oystercatcher.
(C) Family Charadriidae	
(1) Subfamily Pluvialinae	
Pluvialis squatarola	Black-bellied Plover.
Pluvialis apricaria	European Golden-Plover.
Pluvialis dominica	American Golden-Plover.
Pluvialis fulva	Pacific Golden-Plover.
(2) Subfamily Charadriinae	
Eudromias morinellus	Eurasian Dotterel.
Charadrius vociferus	Killdeer.
Charadrius hiaticula	Common Ringed Plover.
Charadrius semipalmatus	Semipalmated Plover.
Charadrius melodus	Piping Plover.
Thinornis dubius	Little Ringed Plover.
Vanellus vanellus	Northern Lapwing.
Vanellus chilensis	Southern Lapwing.
Anarhynchus mongolus	Siberian Sand-Plover.
Anarhynchus leschenaultii	Greater Sand-Plover.
Anarhynchus wilsonia	Wilson's Plover.
Anarhynchus collaris	Collared Plover.
Anarhynchus montanus	Mountain Plover.
Anarhynchus nivosus	Snowy Plover.
Anarhynchus alexandrinus	Kentish Plover.
(D) Family Jacanidae	
Jacana spinosa	Northern Jacana.
(E) Family Scolopacidae	
(1) Subfamily Numeniinae	
Bartramia longicauda	Upland Sandpiper.
Numenius tahitiensis	Bristle-thighed Curlew.
Numenius phaeopus	Eurasian Whimbrel.
Numenius hudsonicus	Hudsonian Whimbrel.
Numenius minutus	Little Curlew.
Numenius borealis	Eskimo Curlew.
Numenius americanus	Long-billed Curlew.
Numenius madagascariensis	Far Eastern Curlew.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Numenius arquata	Eurasian Curlew.
(2) Subfamily Limosinae	
Limosa lapponica	Bar-tailed Godwit.
Limosa limosa	Black-tailed Godwit.
Limosa haemastica	Hudsonian Godwit.
Limosa fedoa	Marbled Godwit.
(3) Subfamily Arenariinae	
Arenaria interpres	Ruddy Turnstone.
Arenaria melanocephala	Black Turnstone.
Calidris tenuirostris	Great Knot.
Calidris canutus	Red Knot.
Calidris virgata	Surfbird.
Calidris pugnax	Ruff.
Calidris falcinellus	Broad-billed Sandpiper.
Calidris acuminata	Sharp-tailed Sandpiper.
Calidris himantopus	Stilt Sandpiper.
Calidris ferruginea	Curlew Sandpiper.
Calidris temminckii	Temminck's Stint.
Calidris subminuta	Long-toed Stint.
Calidris pygmea	Spoon-billed Sandpiper.
Calidris ruficollis	Red-necked Stint.
Calidris alba	Sanderling.
Calidris alpina	Dunlin.
Calidris ptilocnemis	Rock Sandpiper.
Calidris maritima	Purple Sandpiper.
Calidris bairdii	Baird's Sandpiper.
Calidris minuta	Little Stint.
Calidris minutilla	Least Sandpiper.
Calidris fuscicollis	White-rumped Sandpiper.
Calidris subruficollis	Buff-breasted Sandpiper.
Calidris melanotos	Pectoral Sandpiper.
Calidris pusilla	Semipalmated Sandpiper.
Calidris mauri	Western Sandpiper.
(4) Subfamily Scolopacinae	
Limnodromus griseus	Short-billed Dowitcher.
Limnodromus scolopaceus	Long-billed Dowitcher.
Lymnocryptes minimus	Jack Snipe.
Scolopax rusticola	Eurasian Woodcock.
Scolopax minor	American Woodcock.
Gallinago solitaria	Solitary Snipe.
Gallinago megala	Swinhoe's Snipe.
Gallinago stenura	Pin-tailed Snipe.
Gallinago gallinago	Common Snipe.
Gallinago delicata	Wilson's Snipe.
(5) Subfamily Tringinae	
Xenus cinereus	Terek Sandpiper.
Actitis hypoleucos	Common Sandpiper.
Actitis macularius	Spotted Sandpiper.
Tringa ochropus	Green Sandpiper.
Tringa solitaria	Solitary Sandpiper.
Tringa brevipes	Gray-tailed Tattler.
Tringa incana	Wandering Tattler.
Tringa flavipes	Lesser Yellowlegs.
Tringa guttifer	Nordmann's Greenshank.
Tringa inornata	Prairie Willet.
Tringa semipalmata	Saltmarsh Willet.
Tringa erythropus	Spotted Redshank.
Tringa nebularia	Common Greenshank.
Tringa melanoleuca	Greater Yellowlegs.
Tringa totanus	Common Redshank.
Tringa glareola	Wood Sandpiper.
Tringa stagnatilis	Marsh Sandpiper.
Phalaropus tricolor	Wilson's Phalarope.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Phalaropus lobatus	Red-necked Phalarope.
Phalaropus fulicarius	Red Phalarope.
(F) Family Stercorariidae	
Stercorarius skua	Great Skua.
Stercorarius maccormicki	South Polar Skua.
Stercorarius pomarinus	Pomarine Jaeger.
Stercorarius parasiticus	Parasitic Jaeger.
Stercorarius longicaudus	Long-tailed Jaeger.
(G) Family Alcidae	
Alle alle	Dovekie.
Uria aalge	Common Murre.
Uria lomvia	Thick-billed Murre.
Alca torda	Razorbill.
Cepphus grylle	Black Guillemot.
Cepphus columba	Pigeon Guillemot.
Brachyramphus perdix	Long-billed Murrelet.
Brachyramphus marmoratus	Marbled Murrelet.
Brachyramphus brevirostris	Kittlitz's Murrelet.
Synthliboramphus scrippsi	Scripps's Murrelet.
Synthliboramphus hypoleucus	Guadalupe Murrelet.
Synthliboramphus craveri	Craveri's Murrelet.
Synthliboramphus antiquus	Ancient Murrelet.
Ptychoramphus aleuticus	Cassin's Auklet.
Aethia psittacula	Parakeet Auklet.
Aethia pusilla	Least Auklet.
Aethia pygmaea	Whiskered Auklet.
Aethia cristatella	Crested Auklet.
Cerorhinca monocerata	Rhinoceros Auklet.
Fratercula arctica	Atlantic Puffin.
Fratercula corniculata	Horned Puffin.
Fratercula cirrhata	Tufted Puffin.
(H) Family Laridae	
(1) Subfamily Larinae	
Creagrus furcatus	Swallow-tailed Gull.
Rissa tridactyla	Black-legged Kittiwake.
Rissa brevirostris	Red-legged Kittiwake.
Pagophila eburnea	Ivory Gull.
Xema sabini	Sabine's Gull.
Chroicocephalus philadelphia	Bonaparte's Gull.
Chroicocephalus cirrocephalus	Gray-hooded Gull.
Chroicocephalus ridibundus	Black-headed Gull.
Hydrocoloeus minutus	Little Gull.
Rhodostethia rosea	Ross's Gull.
Leucophaeus modestus	Gray Gull.
Leucophaeus atricilla	Laughing Gull.
Leucophaeus pipixcan	Franklin's Gull.
Ichthyaetus ichthyaetus	Pallas's Gull.
Larus belcheri	Belcher's Gull.
Larus crassirostris	Black-tailed Gull.
Larus heermanni	Heermann's Gull.
Larus canus	Common Gull.
Larus brachyrhynchus	Short-billed Gull.
Larus delawarensis	Ring-billed Gull.
Larus occidentalis	Western Gull.
Larus livens	Yellow-footed Gull.
Larus californicus	California Gull.
Larus argentatus	European Herring Gull.
Larus vegae	Vega Gull.
Larus smithsonianus	American Herring Gull.
Larus michahellis	Yellow-legged Gull.
Larus glaucoides	Iceland Gull.
Larus fuscus	Lesser Black-backed Gull.
Larus schistisagus	Slaty-backed Gull.
Larus glaucescens	Glaucous-winged Gull.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Larus hyperboreus	Glaucous Gull.
Larus marinus	Great Black-backed Gull.
Larus dominicanus	Kelp Gull.
(2) Subfamily Anoinae	
Anous stolidus	Brown Noddy.
Anous minutus	Black Noddy.
Anous ceruleus	Blue-gray Noddy.
(3) Subfamily Gyginae	
Gygis candida	Blue-billed White-Tern.
Gygis microrhyncha	Little White-Tern.
(4) Subfamily Sterninae	
Onychoprion fuscatus	Sooty Tern.
Onychoprion lunatus	Gray-backed Tern.
Onychoprion anaethetus	Bridled Tern.
Onychoprion aleuticus	Aleutian Tern.
Sternula albifrons	Little Tern.
Sternula antillarum	Least Tern.
Phaetusa simplex	Large-billed Tern.
Gelochelidon nilotica	Gull-billed Tern.
Hydroprogne caspia	Caspian Tern.
Larosterna inca	Inca Tern.
Chlidonias niger	Black Tern.
Chlidonias leucopterus	White-winged Tern.
Chlidonias hybrida	Whiskered Tern.
Sterna dougallii	Roseate Tern.
Sterna sumatrana	Black-naped Tern.
Sterna hirundo	Common Tern.
Sterna paradisaea	Arctic Tern.
Sterna forsteri	Forster's Tern.
Thalasseus maximus	Royal Tern.
Thalasseus bergii	Great Crested Tern.
Thalasseus sandvicensis	Sandwich Tern.
Thalasseus elegans	Elegant Tern.
(3) Subfamily Rynchopina	
Rynchops niger	Black Skimmer.
(x) Order Phaethontiformes	
Family Phaethontidae	
Phaethon lepturus	White-tailed Tropicbird.
Phaethon aethereus	Red-billed Tropicbird.
Phaethon rubricauda	Red-tailed Tropicbird.
(xi) Order Gaviiformes	
Family Gaviidae	
Gavia stellata	Red-throated Loon.
Gavia arctica	Arctic Loon.
Gavia pacifica	Pacific Loon.
Gavia immer	Common Loon.
Gavia adamsii	Yellow-billed Loon.
(xii) Order Procellariiformes	
(A) Family Diomedeidae	
Thalassarche chlororhynchos	Yellow-nosed Albatross.
Thalassarche cauta	White-capped Albatross.
Thalassarche eremita	Chatham Albatross.
Thalassarche salvini	Salvin's Albatross.
Thalassarche melanophris	Black-browed Albatross.
Phoebetria palpebrata	Light-mantled Albatross.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Diomedea exulans	Wandering Albatross.
Phoebastria immutabilis	Laysan Albatross.
Phoebastria nigripes	Black-footed Albatross.
Phoebastria albatrus	Short-tailed Albatross.
(B) Family Oceanitidae	
Oceanites oceanicus	Wilson's Storm-Petrel.
Pelagodroma marina	White-faced Storm-Petrel.
Fregetta grallaria	White-bellied Storm-Petrel.
Fregetta tropica	Black-bellied Storm-Petrel.
Nesofregetta fuliginosa	Polynesian Storm-Petrel.
(C) Family Hydrobatidae	
Hydrobates pelagicus	European Storm-Petrel.
Hydrobates furcatus	Fork-tailed Storm-Petrel.
Hydrobates hornbyi	Ringed Storm-Petrel.
Hydrobates monorhis	Swinhoe's Storm-Petrel.
Hydrobates leucorhous	Leach's Storm-Petrel.
Hydrobates socorroensis	Townsend's Storm-Petrel.
Hydrobates cheimomnestes	Ainley's Storm-Petrel.
Hydrobates homochroa	Ashy Storm-Petrel.
Hydrobates castro	Band-rumped Storm-Petrel.
Hydrobates tethys	Wedge-rumped Storm-Petrel.
Hydrobates melania	Black Storm-Petrel.
Hydrobates matsudairae	Matsudaira's Storm-Petrel.
Hydrobates tristrami	Tristram's Storm-Petrel.
Hydrobates microsoma	Least Storm-Petrel.
(D) Family Procellariidae	
Macronectes halli	Northern Giant-Petrel.
Fulmarus glacialis	Northern Fulmar.
Pterodroma gouldi	Gray-faced Petrel.
Pterodroma solandri	Providence Petrel.
Pterodroma neglecta	Kermadec Petrel.
Pterodroma arminjoniana	Trindade Petrel.
Pterodroma heraldica	Herald Petrel.
Pterodroma ultima	Murphy's Petrel.
Pterodroma inexpectata	Mottled Petrel.
Pterodroma cahow	Bermuda Petrel.
Pterodroma hasitata	Black-capped Petrel.
Pterodroma externa	Juan Fernandez Petrel.
Pterodroma sandwichensis	Hawaiian Petrel.
Pterodroma cervicalis	White-necked Petrel.
Pterodroma hypoleuca	Bonin Petrel.
Pterodroma nigripennis	Black-winged Petrel.
Pterodroma deserta	Desertas Petrel.
Pterodroma madeira	Zino's Petrel.
Pterodroma cookii	Cook's Petrel.
Pterodroma leucoptera	Gould's Petrel.
Pterodroma longirostris	Stejneger's Petrel.
Pterodroma alba	Phoenix Petrel.
Pseudobulweria rostrata	Tahiti Petrel.
Bulweria bulwerii	Bulwer's Petrel.
Bulweria fallax	Jouanin's Petrel.
Procellaria aequinoctialis	White-chinned Petrel.
Procellaria parkinsoni	Parkinson's Petrel.
Calonectris leucomelas	Streaked Shearwater.
Calonectris borealis	Cory's Shearwater.
Calonectris diomedea	Scopoli's Shearwater.
Calonectris edwardsii	Cape Verde Shearwater.
Ardenna pacifica	Wedge-tailed Shearwater.
Ardenna bulleri	Buller's Shearwater.
Ardenna tenuirostris	Short-tailed Shearwater.
Ardenna grisea	Sooty Shearwater.
Ardenna gravis	Great Shearwater.
Ardenna creatopus	Pink-footed Shearwater.
Ardenna carneipes	Flesh-footed Shearwater.
Puffinus nativitatis	Christmas Shearwater.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Puffinus puffinus	Manx Shearwater.
Puffinus newelli	Newell's Shearwater.
Puffinus bryani	Bryan's Shearwater.
Puffinus opisthomelas	Black-vented Shearwater.
Puffinus lherminieri	Sargasso Shearwater.
Puffinus baroli	Barolo Shearwater.
(xiii) Order Ciconiiformes	
Family Ciconiidae	
Jabiru mycteria	Jabiru.
Mycteria americana	Wood Stork.
(xiv) Order Suliformes	
(A) Family Fregatidae	
Fregata ariel	Lesser Frigatebird.
Fregata magnificens	Magnificent Frigatebird.
Fregata minor	Great Frigatebird.
(B) Family Sulidae	
Papasula abbotti	Abbott's Booby.
Sula dactylatra	Masked Booby.
Sula granti	Nazca Booby.
Sula nebouxii	Blue-footed Booby.
Sula leucogaster	Brown Booby.
Sula brewsteri	Cocos Booby.
Sula sula	Red-footed Booby.
Morus bassanus	Northern Gannet.
(C) Family Anhingidae	
Anhinga anhinga	Anhinga.
(D) Family Phalacrocoracidae	
Microcarbo melanoleucos	Little Pied Cormorant.
Urile penicillatus	Brandt's Cormorant.
Urile urile	Red-faced Cormorant.
Urile pelagicus	Pelagic Cormorant.
Phalacrocorax carbo	Great Cormorant.
Nannopterum auritum	Double-crested Cormorant.
Nannopterum brasilianum	Neotropic Cormorant.
(xv) Order Pelecaniformes	
(A) Family Threskiornithidae	
(1) Subfamily Threskiornithinae	
Eudocimus albus	White Ibis.
Eudocimus ruber	Scarlet Ibis.
Plegadis falcinellus	Glossy Ibis.
Plegadis chihi	White-faced Ibis.
(2) Subfamily Plataleinae	
Platalea ajaja	Roseate Spoonbill.
(B) Family Pelecanidae	
Pelecanus erythrorhynchos	American White Pelican.
Pelecanus occidentalis	Brown Pelican.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
(C) Family Ardeidae	
(1) Subfamily Tigriornithinae	
Tigrisoma mexicanum	Bare-throated Tiger-Heron.
(2) Subfamily Botaurinae	
Botaurus exilis	Least Bittern.
Botaurus lentiginosus	American Bittern.
Botaurus flavicollis	Black Bittern.
Botaurus eurhythmus	Schrenck's Bittern.
Botaurus sinensis	Yellow Bittern.
(3) Subfamily Ardeinae	
Egretta caerulea	Little Blue Heron.
Egretta tricolor	Tricolored Heron.
Egretta rufescens	Reddish Egret.
Egretta sacra	Pacific Reef-Heron.
Egretta eulophotes	Chinese Egret.
Egretta thula	Snowy Egret.
Egretta garzetta	Little Egret.
Egretta gularis	Western Reef-Heron.
Nyctanassa violacea	Yellow-crowned Night Heron.
Nycticorax nycticorax	Black-crowned Night Heron.
Nycticorax caledonicus	Nankeen Night Heron.
Gorsachius melanolophus	Malayan Night Heron.
Gorsachius goisagi	Japanese Night Heron.
Butorides virescens	Green Heron.
Ardeola bacchus	Chinese Pond-Heron.
Ardea alba	Great White Egret.
Ardea egretta	American Egret.
Ardea intermedia	Medium Egret.
Ardea ibis	Western Cattle-Egret.
Ardea coromanda	Eastern Cattle-Egret.
Ardea cinerea	Gray Heron.
Ardea herodias	Great Blue Heron.
(xvi) Order Cathartiformes	
Family Cathartidae	
Gymnogyps californianus	California Condor.
Coragyps atratus	Black Vulture.
Cathartes aura	Turkey Vulture.
(xvii) Order Accipitriformes	
(A) Family Pandionidae	
Pandion haliaetus	Osprey.
(B) Family Accipitridae	
(1) Subfamily Elaninae	
Elanus leucurus	White-tailed Kite.
(2) Subfamily Gypaetinae	
Chondrohierax uncinatus	Hook-billed Kite.
Pernis ptilorhynchus	Oriental Honey-buzzard.
Elanoides forficatus	Swallow-tailed Kite.
(3) Subfamily Accipitrinae	
Aquila chrysaetos	Golden Eagle.
Harpagus bidentatus	Double-toothed Kite.
Tachyspiza soloensis	Chinese Sparrowhawk.
Accipiter gularis	Japanese Sparrowhawk.
Accipiter striatus	Sharp-shinned Hawk.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Accipiter nisus	Eurasian Sparrowhawk.
Astur cooperii	Cooper's Hawk.
Astur atricapillus	American Goshawk.
Circus cyaneus	Hen Harrier.
Circus hudsonius	Northern Harrier.
Circus aeruginosus	Western Marsh Harrier.
Circus spilonotus	Eastern Marsh Harrier.
Milvus migrans	Black Kite.
Haliaeetus leucocephalus	Bald Eagle.
Haliaeetus albicilla	White-tailed Eagle.
Haliaeetus pelagicus	Steller's Sea-Eagle.
Butastur indicus	Gray-faced Buzzard.
Ictinia mississippiensis	Mississippi Kite.
Geranospiza caerulescens	Crane Hawk.
Rostrhamus sociabilis	Snail Kite.
Buteogallus anthracinus	Common Black Hawk.
Buteogallus urubitinga	Great Black Hawk.
Rupornis magnirostris	Roadside Hawk.
Parabuteo unicinctus	Harris's Hawk.
Geranoaetus albicaudatus	White-tailed Hawk.
Buteo plagiatus	Gray Hawk.
Buteo lineatus	Red-shouldered Hawk.
Buteo platypterus	Broad-winged Hawk.
Buteo solitarius	Hawaiian Hawk.
Buteo brachyurus	Short-tailed Hawk.
Buteo swainsoni	Swainson's Hawk.
Buteo albonotatus	Zone-tailed Hawk.
Buteo jamaicensis	Red-tailed Hawk.
Buteo lagopus	Rough-legged Hawk.
Buteo regalis	Ferruginous Hawk.
Buteo rufinus	Long-legged Buzzard.
(xviii) Order Strigiformes	
(A) Family Tytonidae	
Tyto furcata	American Barn Owl.
(B) Family Strigidae	
Otus sunia	Oriental Scops-Owl.
Psiloscops flammeolus	Flammulated Owl.
Gymnasio nudipes	Puerto Rican Owl.
Megascops trichopsis	Whiskered Screech-Owl.
Megascops kennicottii	Western Screech-Owl.
Megascops asio	Eastern Screech-Owl.
Bubo virginianus	Great Horned Owl.
Bubo scandiacus	Snowy Owl.
Surnia ulula	Northern Hawk Owl.
Glaucidium gnoma	Northern Pygmy-Owl.
Glaucidium brasilianum	Ferruginous Pygmy-Owl.
Micrathene whitneyi	Elf Owl.
Athene cunicularia	Burrowing Owl.
Strix occidentalis	Spotted Owl.
Strix varia	Barred Owl.
Strix virgata	Mottled Owl.
Strix nebulosa	Great Gray Owl.
Asio otus	Long-eared Owl.
Asio stygius	Stygian Owl.
Asio flammeus	Short-eared Owl.
Aegolius funereus	Boreal Owl.
Aegolius acadicus	Northern Saw-whet Owl.
Ninox japonica	Northern Boobook.
(xix) Order Trogoniformes	
Family Trogonidae	
Subfamily Trogoninae	
Trogon elegans	Elegant Trogon.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Euptilotis neoxenus	Eared Quetzal.
(xx) Order Upupiformes	
Family Upupidae	
Upupa epops	Common Hoopoe.
(xxi) Order Coraciiformes	
Family Alcedinidae	
(1) Subfamily Alcedininae	
Alcedo atthis	Common Kingfisher.
(2) Subfamily Halcyoninae	
Todiramphus sacer	Pacific Kingfisher.
Todiramphus cinnamominus	Guam Kingfisher.
Todiramphus albicilla	Mariana Kingfisher.
(3) Subfamily Cerylinae	
Megaceryle torquata	Ringed Kingfisher.
Megaceryle alcyon	Belted Kingfisher.
Chloroceryle amazona	Amazon Kingfisher.
Chloroceryle americana	Green Kingfisher.
(xxii) Order Piciformes	
Family Picidae	
(1) Subfamily Jynginae	
Jynx torquilla	Eurasian Wryneck.
(2) Subfamily Picinae	
Melanerpes lewis	Lewis's Woodpecker.
Melanerpes portoricensis	Puerto Rican Woodpecker.
Melanerpes erythrocephalus	Red-headed Woodpecker.
Melanerpes formicivorus	Acorn Woodpecker.
Melanerpes uropygialis	Gila Woodpecker.
Melanerpes aurifrons	Golden-fronted Woodpecker.
Melanerpes carolinus	Red-bellied Woodpecker.
Sphyrapicus thyroideus	Williamson's Sapsucker.
Sphyrapicus varius	Yellow-bellied Sapsucker.
Sphyrapicus nuchalis	Red-naped Sapsucker.
Sphyrapicus ruber	Red-breasted Sapsucker.
Picoides dorsalis	American Three-toed Woodpecker.
Picoides arcticus	Black-backed Woodpecker.
Dendrocopos major	Great Spotted Woodpecker.
Dryobates pubescens	Downy Woodpecker.
Dryobates nuttallii	Nuttall's Woodpecker.
Dryobates scalaris	Ladder-backed Woodpecker.
Dryobates borealis	Red-cockaded Woodpecker.
Dryobates villosus	Hairy Woodpecker.
Dryobates albolarvatus	White-headed Woodpecker.
Dryobates arizonae	Arizona Woodpecker.
Colaptes auratus	Northern Flicker.
Colaptes chrysoides	Gilded Flicker.
Dryocopus pileatus	Pileated Woodpecker.
Campephilus principalis	Ivory-billed Woodpecker.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
(xxiii) Order Falconiformes	
Family Falconidae	
(1) Subfamily Herpetotherinae	
Micrastur semitorquatus	Collared Forest-Falcon.
(2) Subfamily Falconinae	
Caracara plancus	Crested Caracara.
Milvago chimachima	Yellow-headed Caracara.
Falco tinnunculus	Eurasian Kestrel.
Falco sparverius	American Kestrel.
Falco vespertinus	Red-footed Falcon.
Falco amurensis	Amur Falcon.
Falco columbarius	Merlin.
Falco subbuteo	Eurasian Hobby.
Falco femoralis	Aplomado Falcon.
Falco rufigularis	Bat Falcon.
Falco rusticolus	Gyrfalcon.
Falco peregrinus	Peregrine Falcon.
Falco mexicanus	Prairie Falcon.
(xxiv) Order Passeriformes	
(A) Family Tityridae	
Tityra semifasciata	Masked Tityra.
Pachyramphus major	Gray-collared Becard.
Pachyramphus aglaiae	Rose-throated Becard.
(B) Family Tyrannidae	
(1) Subfamily Elaeniinae	
Camptostoma imberbe	Northern Beardless-Tyrannulet.
Myiopagis viridicata	Greenish Elaenia.
Elaenia martinica	Caribbean Elaenia.
Elaenia albiceps	White-crested Elaenia.
Elaenia parvirostris	Small-billed Elaenia.
(2) Subfamily Tyranninae	
Myiarchus tuberculifer	Dusky-capped Flycatcher.
Myiarchus cinerascens	Ash-throated Flycatcher.
Myiarchus nuttingi	Nutting's Flycatcher.
Myiarchus crinitus	Great Crested Flycatcher.
Myiarchus tyrannulus	Brown-crested Flycatcher.
Myiarchus sagrae	La Sagra's Flycatcher.
Myiarchus antillarum	Puerto Rican Flycatcher.
Pitangus sulphuratus	Great Kiskadee.
Myiozetetes similis	Social Flycatcher.
Myiodynastes luteiventris	Sulphur-bellied Flycatcher.
Legatus leucophaius	Piratic Flycatcher.
Empidonomus varius	Variegated Flycatcher.
Empidonomus aurantioatrocristatus	Crowned Slaty Flycatcher.
Tyrannus melancholicus	Tropical Kingbird.
Tyrannus couchii	Couch's Kingbird.
Tyrannus vociferans	Cassin's Kingbird.
Tyrannus crassirostris	Thick-billed Kingbird.
Tyrannus verticalis	Western Kingbird.
Tyrannus tyrannus	Eastern Kingbird.
Tyrannus dominicensis	Gray Kingbird.
Tyrannus caudifasciatus	Loggerhead Kingbird.
Tyrannus forficatus	Scissor-tailed Flycatcher.
Tyrannus savana	Fork-tailed Flycatcher.
(3) Subfamily Fluvicolinae	
Mitrephanes phaeocercus	Tawny Tufted Flycatcher.
Contopus cooperi	Olive-sided Flycatcher.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Contopus pertinax	Greater Pewee.
Contopus sordidulus	Western Wood-Pewee.
Contopus virens	Eastern Wood-Pewee.
Contopus caribaeus	Cuban Pewee.
Contopus hispaniolensis	Hispaniolan Pewee.
Contopus latirostris	Lesser Antillean Pewee.
Empidonax flaviventris	Yellow-bellied Flycatcher.
Empidonax virescens	Acadian Flycatcher.
Empidonax alnorum	Alder Flycatcher.
Empidonax traillii	Willow Flycatcher.
Empidonax minimus	Least Flycatcher.
Empidonax hammondii	Hammond's Flycatcher.
Empidonax wrightii	Gray Flycatcher.
Empidonax oberholseri	Dusky Flycatcher.
Empidonax affinis	Pine Flycatcher.
Empidonax difficilis	Western Flycatcher.
Empidonax fulvifrons	Buff-breasted Flycatcher.
Sayornis nigricans	Black Phoebe.
Sayornis phoebe	Eastern Phoebe.
Sayornis saya	Say's Phoebe.
Pyrocephalus rubinus	Vermilion Flycatcher.
(C) Family Vireonidae	
Vireo atricapilla	Black-capped Vireo.
Vireo griseus	White-eyed Vireo.
Vireo crassirostris	Thick-billed Vireo.
Vireo gundlachii	Cuban Vireo.
Vireo latimeri	Puerto Rican Vireo.
Vireo bellii	Bell's Vireo.
Vireo vicinior	Gray Vireo.
Vireo huttoni	Hutton's Vireo.
Vireo flavifrons	Yellow-throated Vireo.
Vireo cassinii	Cassin's Vireo.
Vireo solitarius	Blue-headed Vireo.
Vireo plumbeus	Plumbeous Vireo.
Vireo philadelphicus	Philadelphia Vireo.
Vireo swainsoni	Western Warbling-Vireo.
Vireo gilvus	Eastern Warbling-Vireo.
Vireo olivaceus	Red-eyed Vireo.
Vireo flavoviridis	Yellow-green Vireo.
Vireo altiloquus	Black-whiskered Vireo.
Vireo magister	Yucatan Vireo.
(D) Family Laniidae	
Lanius cristatus	Brown Shrike.
Lanius collurio	Red-backed Shrike.
Lanius ludovicianus	Loggerhead Shrike.
Lanius borealis	Northern Shrike.
(E) Family Corvidae	
Perisoreus canadensis	Canada Jay.
Cyanocorax morio	Brown Jay.
Cyanocorax yncas	Green Jay.
Gymnorhinus cyanocephalus	Pinyon Jay.
Cyanocitta stelleri	Steller's Jay.
Cyanocitta cristata	Blue Jay.
Aphelocoma coerulescens	Florida Scrub-Jay.
Aphelocoma insularis	Island Scrub-Jay.
Aphelocoma californica	California Scrub-Jay.
Aphelocoma woodhouseii	Woodhouse's Scrub-Jay.
Aphelocoma wollweberi	Mexican Jay.
Nucifraga columbiana	Clark's Nutcracker.
Pica hudsonia	Black-billed Magpie.
Pica nuttalli	Yellow-billed Magpie.
Coloeus monedula	Eurasian Jackdaw.
Corvus kubaryi	Mariana Crow.
Corvus brachyrhynchos	American Crow.
Corvus leucognaphalus	White-necked Crow.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Corvus imparatus	Tamaulipas Crow.
Corvus ossifragus	Fish Crow.
Corvus hawaiiensis	Hawaiian Crow.
Corvus cryptoleucus	Chihuahuan Raven.
Corvus corax	Common Raven.
(F) Family Remizidae	
Auriparus flaviceps	Verdin.
(G) Family Paridae	
Poecile carolinensis	Carolina Chickadee.
Poecile atricapillus	Black-capped Chickadee.
Poecile gambeli	Mountain Chickadee.
Poecile sclateri	Mexican Chickadee.
Poecile rufescens	Chestnut-backed Chickadee.
Poecile hudsonicus	Boreal Chickadee.
Poecile cinctus	Gray-headed Chickadee.
Baeolophus wollweberi	Bridled Titmouse.
Baeolophus inornatus	Oak Titmouse.
Baeolophus ridgwayi	Juniper Titmouse.
Baeolophus bicolor	Tufted Titmouse.
Baeolophus atricristatus	Black-crested Titmouse.
(H) Family Alaudidae	
Alauda arvensis	Eurasian Skylark.
Eremophila alpestris	Horned Lark.
(I) Family Acrocephalidae	
Arundinax aedon	Thick-billed Warbler.
Hippolais icterina	Icterine Warbler.
Acrocephalus luscinius	Nightingale Reed Warbler.
Acrocephalus hiwae	Saipan Reed Warbler.
Acrocephalus nijoi	Aguiguan Reed Warbler.
Acrocephalus yamashinae	Pagan Reed Warbler.
Acrocephalus familiaris	Millerbird.
Acrocephalus schoenobaenus	Sedge Warbler.
Acrocephalus dumetorum	Blyth's Reed Warbler.
(J) Family Locustellidae	
Helopsaltes certhiola	Pallas's Grasshopper Warbler.
Helopsaltes ochotensis	Middendorff's Grasshopper Warbler.
Locustella lanceolata	Lanceolated Warbler.
Locustella fluviatilis	River Warbler.
(K) Family Hirundinidae	
Subfamily Hirundininae	
Riparia riparia	Bank Swallow.
Tachycineta bicolor	Tree Swallow.
Tachycineta cyaneoviridis	Bahama Swallow.
Tachycineta thalassina	Violet-green Swallow.
Tachycineta albilinea	Mangrove Swallow.
Pygochelidon cyanoleuca	Blue-and-white Swallow.
Stelgidopteryx serripennis	Northern Rough-winged Swallow.
Progne tapera	Brown-chested Martin.
Progne subis	Purple Martin.
Progne elegans	Southern Martin.
Progne chalybea	Gray-breasted Martin.
Progne cryptoleuca	Cuban Martin.
Progne dominicensis	Caribbean Martin.
Hirundo rustica	Barn Swallow.
Delichon lagopodum	Siberian House-Martin.
Petrochelidon pyrrhonota	Cliff Swallow.
Petrochelidon fulva	Cave Swallow.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
(L) Family Aegithalidae	
Psaltriparus minimus	Bushtit.
(M) Family Phylloscopidae	
Phylloscopus trochilus	Willow Warbler.
Phylloscopus collybita	Common Chiffchaff.
Phylloscopus sibilatrix	Wood Warbler.
Phylloscopus fuscatus	Dusky Warbler.
Phylloscopus proregulus	Pallas's Leaf Warbler.
Phylloscopus inornatus	Yellow-browed Warbler.
Phylloscopus borealis	Arctic Warbler.
Phylloscopus examinandus	Kamchatka Leaf Warbler.
(N) Family Sylviidae	
Curruca curruca	Lesser Whitethroat.
Chamaea fasciata	Wrentit.
(O) Family Regulidae	
Corthylio calendula	Ruby-crowned Kinglet.
Regulus satrapa	Golden-crowned Kinglet.
(P) Family Bombycillidae	
Bombycilla garrulus	Bohemian Waxwing.
Bombycilla cedrorum	Cedar Waxwing.
(Q) Family Ptiliogonatidae	
Ptiliogonys cinereus	Gray Silky-flycatcher.
Phainopepla nitens	Phainopepla.
(R) Family Sittidae	
Subfamily Sittinae	
Sitta carolinensis	White-breasted Nuthatch.
Sitta pygmaea	Pygmy Nuthatch.
Sitta pusilla	Brown-headed Nuthatch.
Sitta canadensis	Red-breasted Nuthatch.
(S) Family Certhiidae	
Subfamily Certhiinae	
Certhia americana	Brown Creeper.
(T) Family Polioptilidae	
Polioptila caerulea	Blue-Gray Gnatcatcher.
Polioptila nigriceps	Black-capped Gnatcatcher.
Polioptila melanura	Black-tailed Gnatcatcher.
Polioptila californica	California Gnatcatcher.
(U) Family Troglodytidae	
Salpinctes obsoletus	Rock Wren.
Catherpes mexicanus	Canyon Wren.
Thryomanes bewickii	Bewick's Wren.
Thryothorus ludovicianus	Carolina Wren.
Campylorhynchus brunneicapillus	Cactus Wren
Nannus pacificus	Pacific Wren.
Nannus hiemalis	Winter Wren.
Cistothorus paludicola	Western Marsh-Wren.
Cistothorus palustris	Eastern Marsh-Wren.
Cistothorus stellaris	Sedge Wren.
Troglodytes aedon	Northern House Wren.
Thryophilus sinaloa	Sinaloa Wren.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
(W) Family Sturnidae	
Agropsar philippensis	Chestnut-cheeked Starling.
Spodiopsar cineraceus	White-cheeked Starling.
(V) Family Mimidae	
Melanotis caerulescens	Blue Mockingbird.
Dumetella carolinensis	Gray Catbird.
Melanoptila glabrirostris	Black Catbird.
Margarops fuscatus	Pearly-eyed Thrasher.
Toxostoma curvirostre	Curve-billed Thrasher.
Toxostoma rufum	Brown Thrasher.
Toxostoma longirostre	Long-billed Thrasher.
Toxostoma bendirei	Bendire's Thrasher.
Toxostoma redivivum	California Thrasher.
Toxostoma lecontei	LeConte's Thrasher.
Toxostoma crissale	Crissal Thrasher.
Oreoscoptes montanus	Sage Thrasher.
Mimus gundlachii	Bahama Mockingbird.
Mimus polyglottos	Northern Mockingbird.
(X) Family Cinclidae	
Cinclus mexicanus	American Dipper.
(Y) Family Turdidae	
Sialia sialis	Eastern Bluebird.
Sialia mexicana	Western Bluebird.
Sialia currucoides	Mountain Bluebird.
Myadestes townsendi	Townsend's Solitaire.
Myadestes occidentalis	Brown-backed Solitaire.
Myadestes myadestinus	Kāmaʻo.
Myadestes lanaiensis	Oloma'o.
Myadestes obscurus	ʻŌmaʼo.
Myadestes palmeri	Puaiohi.
Catharus aurantiirostris	Orange-billed Nightingale-Thrush.
Catharus mexicanus	Black-headed Nightingale-Thrush.
Catharus fuscescens	Veery.
Catharus minimus	Gray-cheeked Thrush.
Catharus bicknelli	Bicknell's Thrush.
Catharus ustulatus	Swainson's Thrush.
Catharus guttatus	Hermit Thrush.
Hylocichla mustelina	Wood Thrush.
Turdus obscurus	Eyebrowed Thrush.
Turdus eunomus	Dusky Thrush.
Turdus naumanni	Naumann's Thrush.
Turdus pilaris	Fieldfare.
Turdus iliacus	Redwing.
Turdus grayi	Clay-colored Thrush.
Turdus assimilis	White-throated Thrush.
Turdus rufopalliatus	Rufous-backed Robin.
Turdus migratorius	American Robin.
Turdus plumbeus	Western Red-legged Thrush.
Turdus ardosiaceus	Eastern Red-legged Thrush.
Ixoreus naevius	Varied Thrush.
Ridgwayia pinicola	Aztec Thrush.
(Z) Family Muscicapidae	
Muscicapa griseisticta	Gray-streaked Flycatcher.
Muscicapa dauurica	Asian Brown Flycatcher.
Muscicapa striata	Spotted Flycatcher.
Muscicapa sibirica	Dark-sided Flycatcher.
Erithacus rubecula	European Robin.
Larvivora cyane	Siberian Blue Robin.
Larvivora sibilans	Rufous-tailed Robin.
Luscinia svecica	Bluethroat.
Calliope calliope	Siberian Rubythroat.
Tarsiger cyanurus	Red-flanked Bluetail.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Ficedula narcissina	Narcissus Flycatcher.
Ficedula mugimaki	Mugimaki Flycatcher.
Ficedula albicilla	Taiga Flycatcher.
Phoenicurus phoenicurus	Common Redstart.
Monticola saxatilis	Rufous-tailed Rock-thrush.
Monticola solitarius	Blue Rock-Thrush.
Saxicola maurus	Asian Stonechat.
Oenanthe oenanthe	Northern Wheatear.
Oenanthe pleschanka	Pied Wheatear.
(AA) Family Peucedramidae	
Peucedramus taeniatus	Olive Warbler.
(BB) Family Prunellidae	
Prunella montanella	Siberian Accentor.
(CC) Family Motacillidae	
Motacilla tschutschensis	Eastern Yellow Wagtail.
Motacilla citreola	Citrine Wagtail.
Motacilla cinerea	Gray Wagtail.
Motacilla alba	White Wagtail.
Anthus trivialis	Tree Pipit.
Anthus hodgsoni	Olive-backed Pipit.
Anthus gustavi	Pechora Pipit.
Anthus cervinus	Red-throated Pipit.
Anthus japonicus	Siberian Pipit.
Anthus rubescens	American Pipit.
Anthus spragueii	Sprague's Pipit.
(DD) Family Fringillidae	
(1) Subfamily Fringillinae	
Fringilla coelebs	Common Chaffinch.
Fringilla montifringilla	Brambling.
(2) Subfamily Euphoniinae	
Chlorophonia sclateri	Puerto Rican Euphonia.
(3) Subfamily Carduelinae	
Coccothraustes vespertinus	Evening Grosbeak.
Coccothraustes coccothraustes	Hawfinch.
Carpodacus erythrinus	Common Rosefinch.
Carpodacus roseus	Pallas's Rosefinch.
Melamprosops phaeosoma	Poʻouli.
Oreomystis bairdi	ʻAkikiki.
Paroreomyza maculata	Oʻahu ʻAlauahio.
Paroreomyza flammea	Kākāwahie.
Paroreomyza montana	Maui ʻAlauahio.
Loxioides bailleui	Palila.
Telespiza cantans	Laysan Finch.
Telespiza ultima	Nihoa Finch.
Palmeria dolei	ʻAkohekohe.
Himatione fraithii	Laysan Honeycreeper.
Himatione sanguinea	ʻApapane.
Drepanis coccinea	ʻIʻiwi.
Psittirostra psittacea	ʻŌʻū.
Pseudonestor xanthophrys	Maui Parrotbill.
Hemignathus hanapepe	Kauai Nukupuʻu.
Hemignathus lucidus	Oʻahu Nukupuʻu.
Hemignathus affinis	Maui Nukupuʻu.
Hemignathus wilsoni	ʻAkiapolaʻau.
Akialoa stejnegeri	Kauai ʻAkialoa.
Akialoa ellisiana	Oʻahu ʻAkialoa.
Akialoa lanaiensis	Maui Nui ʻAkialoa.
Magumma parva	ʻAnianiau.
Chlorodrepanis virens	Hawaii ʻAmakihi.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Chlorodrepanis flava	O'ahu 'Amakihi.
Chlorodrepanis stejnegeri	Kaua'i 'Amakihi.
Loxops mana	Hawaii Creeper.
Loxops caeruleirostris	'Akeke'e.
Loxops wolstenholmei	O'ahu 'Akepa.
Loxops ochraceus	Maui 'Akepa.
Loxops coccineus	Hawaii 'Akepa.
Pinicola enucleator	Pine Grosbeak.
Pyrrhula pyrrhula	Eurasian Bullfinch.
Leucosticte arctoa	Asian Rosy-Finch.
Leucosticte tephrocotis	Gray-crowned Rosy-Finch.
Leucosticte atrata	Black Rosy-Finch.
Leucosticte australis	Brown-capped Rosy-Finch.
Haemorhous mexicanus	House Finch.
Haemorhous purpureus	Purple Finch.
Haemorhous cassinii	Cassin's Finch.
Chloris sinica	Oriental Greenfinch.
Acanthis flammea	Redpoll.
Loxia curvirostra	Red Crossbill.
Loxia sinesciuris	Cassia Crossbill.
Loxia leucoptera	White-winged Crossbill.
Spinus spinus	Eurasian Siskin.
Spinus pinus	Pine Siskin.
Spinus psaltria	Lesser Goldfinch.
Spinus lawrencei	Lawrence's Goldfinch.
Spinus tristis	American Goldfinch.
(EE) Family Calcariidae	
Calcarius lapponicus	Lapland Longspur.
Calcarius ornatus	Chestnut-collared Longspur.
Calcarius pictus	Smith's Longspur.
Rhynchophanes mccownii	Thick-billed Longspur.
Plectrophenax nivalis	Snow Bunting.
Plectrophenax hyperboreus	McKay's Bunting.
(FF) Family Emberizidae	
Emberiza leucocephalos	Pine Bunting.
Emberiza chrysophrys	Yellow-browed Bunting.
Emberiza pusilla	Little Bunting.
Emberiza rustica	Rustic Bunting.
Emberiza elegans	Yellow-throated Bunting.
Emberiza aureola	Yellow-breasted Bunting.
Emberiza variabilis	Gray Bunting.
Emberiza pallasi	Pallas's Bunting.
Emberiza schoeniclus	Reed Bunting.
(GG) Family Passerellidae	
Peucaea carpalis	Rufous-winged Sparrow.
Peucaea botterii	Botteri's Sparrow.
Peucaea cassinii	Cassin's Sparrow.
Peucaea aestivalis	Bachman's Sparrow.
Ammodramus savannarum	Grasshopper Sparrow.
Arremonops rufivirgatus	Olive Sparrow.
Amphispizopsis quinquestriata	Five-striped Sparrow.
Amphispiza bilineata	Black-throated Sparrow.
Chondestes grammacus	Lark Sparrow.
Calamospiza melanocorys	Lark Bunting.
Spizella passerina	Chipping Sparrow.
Spizella pallida	Clay-colored Sparrow.
Spizella atrogularis	Black-chinned Sparrow.
Spizella pusilla	Field Sparrow.
Spizella breweri	Brewer's Sparrow.
Spizella wortheni	Worthen's Sparrow.
Passerella iliaca	Fox Sparrow.
Spizelloides arborea	American Tree Sparrow.
Junco hyemalis	Dark-eyed Junco.
Junco phaeonotus	Yellow-eyed Junco.
Zonotrichia leucophrys	White-crowned Sparrow.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Zonotrichia atricapilla	Golden-crowned Sparrow.
Zonotrichia querula	Harris's Sparrow.
Zonotrichia albicollis	White-throated Sparrow.
Artemisiospiza belli	Bell's Sparrow.
Artemisiospiza nevadensis	Sagebrush Sparrow.
Pooecetes gramineus	Vesper Sparrow.
Ammospiza leconteii	LeConte's Sparrow.
Ammospiza maritima	Seaside Sparrow.
Ammospiza nelsoni	Nelson's Sparrow.
Ammospiza caudacuta	Saltmarsh Sparrow.
Centronyx bairdii	Baird's Sparrow.
Centronyx henslowii	Henslow's Sparrow.
Passerculus sandwichensis	Savannah Sparrow.
Melospiza melodia	Song Sparrow.
Melospiza lincolnii	Lincoln's Sparrow.
Melospiza georgiana	Swamp Sparrow.
Melozone fusca	Canyon Towhee.
Melozone aberti	Abert's Towhee.
Melozone crissalis	California Towhee.
Aimophila ruficeps	Rufous-crowned Sparrow.
Pipilo chlorurus	Green-tailed Towhee.
Pipilo maculatus	Spotted Towhee.
Pipilo erythrophthalmus	Eastern Towhee.
(HH) Family Phaenicophilidae	
Subfamily Spindalinae	
Nesospingus speculiferus	Puerto Rican Tanager.
Spindalis zena	Western Spindalis.
Spindalis portoricensis	Puerto Rican Spindalis.
(II) Family Icteridae	
Icteria virens	Yellow-breasted Chat.
(1) Subfamily Xanthocephalinae	
Xanthocephalus xanthocephalus	Yellow-headed Blackbird.
(2) Subfamily Dolichonychinae	
Dolichonyx oryzivorus	Bobolink.
(3) Subfamily Sturnellinae	
Sturnella lilianae	Chihuahuan Meadowlark.
Sturnella magna	Eastern Meadowlark.
Sturnella neglecta	Western Meadowlark.
(4) Subfamily Icterinae	
Icterus portoricensis	Puerto Rican Oriole.
Icterus wagleri	Black-vented Oriole.
Icterus spurius	Orchard Oriole.
Icterus cucullatus	Hooded Oriole.
Icterus pustulatus	Streak-backed Oriole.
Icterus bullockii	Bullock's Oriole.
Icterus gularis	Altamira Oriole.
Icterus graduacauda	Audubon's Oriole.
Icterus galbula	Baltimore Oriole.
Icterus abeillei	Black-backed Oriole.
Icterus parisorum	Scott's Oriole.
(5) Subfamily Agelaiinae	
Agelaius phoeniceus	Red-winged Blackbird.
Agelaius tricolor	Tricolored Blackbird.
Agelaius humeralis	Tawny-shouldered Blackbird.
Agelaius xanthomus	Yellow-shouldered Blackbird.
Molothrus bonariensis	Shiny Cowbird.
Molothrus aeneus	Bronzed Cowbird.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Molothrus ater	Brown-headed Cowbird.
Euphagus carolinus	Rusty Blackbird.
Euphagus cyanocephalus	Brewer's Blackbird.
Quiscalus quiscula	Common Grackle.
Quiscalus major	Boat-tailed Grackle.
Quiscalus mexicanus	Great-tailed Grackle.
Quiscalus niger	Greater Antillean Grackle.
(JJ) Family Parulidae	
Seiurus aurocapilla	Ovenbird.
Helmitheros vermivorum	Worm-eating Warbler.
Parkesia motacilla	Louisiana Waterthrush.
Parkesia noveboracensis	Northern Waterthrush.
Vermivora bachmanii	Bachman's Warbler.
Vermivora chrysoptera	Golden-winged Warbler.
Vermivora cyanoptera	Blue-winged Warbler.
Mniotilta varia	Black-and-white Warbler.
Protonotaria citrea	Prothonotary Warbler.
Limnothlypis swainsonii	Swainson's Warbler.
Oreothlypis superciliosa	Crescent-chested Warbler.
Leiothlypis peregrina	Tennessee Warbler.
Leiothlypis celata	Orange-crowned Warbler.
Leiothlypis crissalis	Colima Warbler.
Leiothlypis luciae	Lucy's Warbler.
Leiothlypis ruficapilla	Nashville Warbler.
Leiothlypis virginiae	Virginia's Warbler.
Oporornis agilis	Connecticut Warbler.
Geothlypis poliocephala	Gray-crowned Yellowthroat.
Geothlypis tolmiei	MacGillivray's Warbler.
Geothlypis philadelphia	Mourning Warbler.
Geothlypis formosa	Kentucky Warbler.
Geothlypis trichas	Common Yellowthroat.
Setophaga angelae	Elfin-woods Warbler.
Setophaga citrina	Hooded Warbler.
Setophaga ruticilla	American Redstart.
Setophaga kirtlandii	Kirtland's Warbler.
Setophaga tigrina	Cape May Warbler.
Setophaga cerulea	Cerulean Warbler.
Setophaga americana	Northern Parula.
Setophaga pitiayumi	Tropical Parula.
Setophaga magnolia	Magnolia Warbler.
Setophaga castanea	Bay-breasted Warbler.
Setophaga fusca	Blackburnian Warbler.
Setophaga aestiva	Yellow Warbler.
Setophaga petechia	Mangrove Warbler.
Setophaga pensylvanica	Chestnut-sided Warbler.
Setophaga striata	Blackpoll Warbler.
Setophaga caerulescens	Black-throated Blue Warbler.
Setophaga palmarum	Palm Warbler.
Setophaga pinus	Pine Warbler.
Setophaga coronata	Yellow-rumped Warbler.
Setophaga dominica	Yellow-throated Warbler.
Setophaga discolor	Prairie Warbler.
Setophaga adelaidae	Adelaide's Warbler.
Setophaga graciae	Grace's Warbler.
Setophaga nigrescens	Black-throated Gray Warbler.
Setophaga townsendi	Townsend's Warbler.
Setophaga occidentalis	Hermit Warbler.
Setophaga chrysoparia	Golden-cheeked Warbler.
Setophaga virens	Black-throated Green Warbler.
Euthlypis lachrymosa	Fan-tailed Warbler.
Basileuterus rufifrons	Rufous-capped Warbler.
Basileuterus culicivorus	Golden-crowned Warbler.
Cardellina canadensis	Canada Warbler.
Cardellina pusilla	Wilson's Warbler.
Cardellina rubrifrons	Red-faced Warbler.
Myioborus pictus	Painted Whitestart.
Myioborus miniatus	Slate-throated Whitestart.

TABLE 2 TO PARAGRAPH (c)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
(KK) Family Cardinalidae	
Piranga flava	Hepatic Tanager.
Piranga rubra	Summer Tanager.
Piranga olivacea	Scarlet Tanager.
Piranga ludoviciana	Western Tanager.
Piranga bidentata	Flame-colored Tanager.
Periporphyrus celaeno	Crimson-collared Grosbeak.
Cardinalis cardinalis	Northern Cardinal.
Cardinalis sinuatus	Pyrrhuloxia.
Pheucticus chrysopeplus	Yellow Grosbeak.
Pheucticus ludovicianus	Rose-breasted Grosbeak.
Pheucticus melanocephalus	Black-headed Grosbeak.
Cyanocompsa parellina	Blue Bunting.
Passerina caerulea	Blue Grosbeak.
Passerina amoena	Lazuli Bunting.
Passerina cyanea	Indigo Bunting.
Passerina versicolor	Varied Bunting.
Passerina ciris	Painted Bunting.
Spiza americana	Dickcissel.
(LL) Family Thraupidae	
(1) Subfamily Tachyphoninae	
Volatinia jacarina	Blue-black Grassquit.
(2) Subfamily Dacninae	
Cyanerpes cyaneus	Red-legged Honeycreeper.
(3) Subfamily Coerebinae	
Coereba flaveola	Bananaquit.
Tiaris olivaceus	Yellow-faced Grassquit.
Melopyrrha portoricensis	Puerto Rican Bullfinch.
Melanospiza bicolor	Black-faced Grassquit.
(4) Subfamily Sporophilinae	
Sporophila morelleti	Morelet's Seedeater.

PART 21—MIGRATORY BIRD PERMITS

■ 3. The authority citation for part 21 continues to read as follows:

Authority: 16 U.S.C. 703–712.

■ 4. Amend § 21.82 by:

■ a. In paragraph (c)(2)(iv)(2) removing the words ''goshawks (*Accipiter gentilis*)'' and adding in its place the words ''American goshawks (*Astur atricapillus*)''.

■ b. In paragraph (c)(6)(i) removing the word ''goshawk'' and adding in its place the words ''American goshawk''.

■ c. In paragraph (c)(6)(v) removing two occurrences of the word ''goshawk'' and adding in its place the words ''American goshawk''.

■ 5. Amend § 21.177 by:

■ a. In the heading of paragraph (a) removing the words ''cattle egrets and barn owls'' and adding in its place the words ''western cattle-egrets and American barn owls''.

■ b. In paragraph (a) removing the words ''cattle egrets (*Bubulcus ibis*) or barn owls (*Tyto alba*)'' and adding in its place the words ''western cattle-egrets (*Ardea ibis*) or American barn owls (*Tyto furcata*)''.

■ c. In paragraph (c)(1) removing the words ''cattle egrets and barn owls'' and adding in its place the words ''western cattle-egrets and American barn owls''.

■ d. In paragraph (c)(2) removing the words ''cattle egrets or barn owls'' and adding in its place the words ''western cattle-egrets or American barn owls''.

■ e. In paragraph (c)(4) removing the words ''cattle egrets or barn owls'' and adding in its place the words ''western cattle-egrets or American barn owls''.

■ f. In paragraph (e) removing the words ''cattle egrets and barn owls'' and adding in its place the words ''western cattle-egrets and American barn owls''.

■ g. In the heading of paragraph (f) removing the words ''cattle egrets or barn owls'' and adding in its place the words ''western cattle-egrets or American barn owls''.

■ h. In two instances of paragraph (f) removing the words ''cattle egrets or barn owls'' and adding in its place the words ''western cattle-egrets or American barn owls''.

■ i. In the heading of paragraph (g) removing the words ''cattle egret or barn owl'' and adding in its place the words ''western cattle-egret or American barn owl''.

■ j. In paragraph (g) removing the words ''cattle egret or a barn owl'' and adding in its place the words ''western cattle-egret or an American barn owl''.

■ k. In paragraph (h) removing the words ''cattle egrets or barn owls'' and

adding in its place the words ''western cattle-egrets or American barn owls''.

Kevin Lilly,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2026–20123 Filed 9–30–26; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register

Vol. 91, No. 189

Thursday, October 1, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–FGIS–26–0661]

United States Grain Standards Act Award of Designations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) is announcing designation awards of the North Dakota Grain Inspection Service, Inc. (North Dakota); Omaha Grain Inspection Service (Omaha); Fremont Grain Inspection Department, Inc. (Fremont); Champaign-Danville Grain Inspection Departments, Inc. (Champaign); Maryland Department of Agriculture (Maryland); Enid Grain Inspection Company, Inc. (Enid); Eastern Iowa Grain Inspection and Weighing Service, Inc. (Eastern Iowa), to provide official services under the United States Grain Standards Act (USGSA), as amended.

DATES: Applicable as reflected in the table below.

FOR FURTHER INFORMATION CONTACT: Candace Hildreth, Program Analyst; telephone 202–720–0203; email: *Candace.A.Hildreth@usda.gov* or *FGISQACD@usda.gov.*

SUPPLEMENTARY INFORMATION: In the January 10, 2025, **Federal Register** (90 FR 1937), AMS requested applications and public comment for designation to provide official services in the geographic area presently serviced by North Dakota.

In the August 20, 2025, **Federal Register** (90 FR 40556), AMS requested applications and public comment for designation to provide official services in the geographic areas presently serviced by Champaign-Danville, Eastern Iowa, Enid, Fremont, Maryland and Omaha. AMS evaluated the designation criteria in section 7(f) of the USGSA (7 U.S.C. 79(f)) and determined, based on its designation reviews, that the following agencies are qualified to provide official services in the specific geographic area and timeframes noted below:

Official agency	Area awarded	Designation award area descriptions	Designation start	Designation end
North Dakota Grain Inspection Service, Inc	Area 12	90 FR 1937 (January 10, 2025)	01/01/2026	12/31/2030
Champaign-Danville Grain Inspection Departments, Inc.	Area 11	90 FR 40556 (August 20, 2025)	04/01/2026	03/31/2031
Eastern Iowa Grain Inspection and Weighing Service, Inc.	Area 15	90 FR 40556 (August 20, 2025)	04/01/2026	03/31/2031
Enid Grain Inspection Company, Inc	Area 37	90 FR 40556 (August 20, 2025)	04/01/2026	03/31/2031
Fremont Grain Inspection Department, Inc	Area 21	90 FR 40556 (August 20, 2025)	07/01/2026	06/30/2031
Maryland Department of Agriculture	Area 25	90 FR 40556 (August 20, 2025)	07/01/2026	06/30/2029
Omaha Grain Inspection Service, Inc	Area 23	90 FR 40556 (August 20, 2025)	04/01/2026	03/31/2030

Section 7(f) of the USGSA authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79(f)). A designated agency may provide official inspection services and/or Class X or Class Y weighing services at locations other than port locations. Under section 7(g) of the USGSA, designations of official agencies are effective for no longer than five years, unless terminated by the Secretary, and may be renewed according to the criteria and procedures prescribed in section 7(f) of the USGSA. See also 7 CFR 800.196 for further information and guidance. If you would like to view the applications for these areas, please contact *FGISQACD@usda.gov.*

Please note that sampling, weighing, and inspection services may be offered by designated agencies under the Agricultural Marketing Act of 1946 for other commodities under the auspices of FGIS through separate cooperative agreements with AMS. The service area for such cooperative agreements mirrors the USGSA designation area. For further information, see 7 U.S.C. 1621 *et seq.* or contact *FGISQACD@usda.gov.*

(Authority: 7 U.S.C. 71–87k.)

Melissa Bailey,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2026–20095 Filed 9–30–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

U.S. Codex Office

Codex Alimentarius Commission: Meeting of the Codex Committee on Food Hygiene

AGENCY: U.S. Codex Office, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The U.S Codex Office is sponsoring a public meeting on October 29, 2026. The objective of the public meeting is to provide information and receive public comments on agenda items to be discussed at the 56th Session of the Codex Committee on Food Hygiene (CCFH) of the Codex Alimentarius Commission (CAC). CCFH56 will be held in Scottsdale, Arizona, from November 16–20, 2026. The U.S. Executive Director for Codex Alimentarius and the Under Secretary for Trade and Foreign Agricultural Affairs recognize the importance of providing interested parties the opportunity to obtain background information on the 56th Session of the CCFH and to address items on the agenda.

DATES: The public meeting is scheduled for October 29, 2026, from 2:00–4:00 p.m. ET.

ADDRESSES: The public meeting will take place via video teleconference only. Documents related to the 56th Session of the CCFH will be accessible via the internet at the following address: *https://codex.fao.org/meetings/d/ccfh-56-1.*

Dr. Benjamin Warren, U.S. Delegate to the 56th Session of the CCFH, invites interested U.S. parties to submit their comments electronically to the following email addresses: *benjamin.warren@fda.hhs.gov* and *uscodex@usda.gov.* Comments should state that they relate to the activities of the 56th Session of the CCFH.

Registration: Attendees may register to attend the public meeting at the following link *https://www.zoomgov.com/meeting/register/4pWEa8c2Qj27p1CZF0YKVA.* After registering, you will receive a confirmation email containing information about joining the meeting.

For further information about the 56th Session of the CCFH, contact the U.S Delegate, Dr. Benjamin Warren at *benjamin.warren@fda.hhs.gov.* For additional information regarding the public meeting, contact the U.S. Codex Office at *uscodex@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Codex Alimentarius Commission was established in 1963. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The Terms of Reference of the Codex Committee on Food Hygiene (CCFH) are:

(a) to draft basic provisions on food hygiene applicable to all food;

(b) to consider, amend if necessary and endorse provisions on hygiene prepared by Codex commodity committees and contained in Codex commodity standards, and

(c) to consider, amend if necessary, and endorse provisions on hygiene prepared by Codex commodity committees and contained in Codex codes of practice unless, in specific cases, the Commission has decided otherwise, or

(d) to draft provisions on hygiene applicable to specific food items or food groups, whether coming within the terms of reference of a Codex commodity committee or not;

(e) to consider specific hygiene problems assigned to it by the Commission;

(f) to suggest and prioritize areas where there is a need for microbiological risk assessment at the international level and to develop questions to be addressed by the risk assessors; and,

(g) to consider microbiological risk management matters in relation to food hygiene and in relation to risk assessment.

(The term ''hygiene'' includes, where necessary, microbiological specifications for food and associated methodology.)

The CCFH is hosted by the United States.

Issues To Be Discussed at the Public Meeting

The following items from the agenda for the 56th Session of the CCFH will be discussed during the public meeting:

- Matters referred by the Codex Alimentarius Commission and/or other Codex Subsidiary Bodies to the Committee.
  - Overview of definitions of ready-to-eat foods in Codex texts.
- Matters arising from international organizations (including the Joint Expert Meetings on Microbiological Risk Assessments (JEMRA)).
- Proposed revision of *the Guidelines on the application of general principles of food hygiene to the control of pathogenic* Vibrio *species in seafood* (CXG 73–2010).
- Alignment of Codex texts developed by CCFH with the revised *General principles of food hygiene* (CXC 1–1969).
- Proposed draft revision of the *Guidelines on the application of general principles of food hygiene to the control of viruses in food* (CXG 79–2012).
- Discussion paper on the revision of the *Code of practice on food allergen management for food business operators* (CXC 80–2020).
- Discussion paper on the revision of the *Code of practice for the processing and handling of quick frozen foods* (CXC 8–1976).
- Other business and future work.
  - New work/Forward workplan (Proposals in reply to CL 2026/22–FH).

Public Meeting

At the October 29, 2026, public meeting, agenda items will be described and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to U.S. Delegate Dr. Benjamin Warren, *Benjamin.warren@fda.hhs.gov* and *uscodex@usda.gov.* Written comments should state that they relate to activities of the 56th Session of the CCFH.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, the U.S. Codex Office will announce this **Federal Register** publication on-line through the USDA Codex web page located at: *https://www.usda.gov/codex.*

(Authority: 19 U.S.C. 2578; Pres. Proc. 6780; 7 CFR part 2.602.)

Done at Washington, DC, on September 29, 2026.

Julie A. Chao,

Deputy U.S. Manager for Codex Alimentarius.

[FR Doc. 2026–20168 Filed 9–30–26; 8:45 am]

BILLING CODE 3420–3F–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Domestic Sugar Program— FY 2026 Reassignment and FY 2027 Overall Sugar Marketing Allotment, Cane Sugar and Beet Sugar Marketing Allotments and Processor Allocations

AGENCY: Commodity Credit Corporation, U.S. Department of Agriculture.

ACTION: Notice.

SUMMARY: The United States Department of Agriculture (USDA) is issuing this notice to: revise fiscal year (FY) 2026 (crop year 2025) State cane sugar allotments and allocations to sugarcane processors; revise FY 2026 allocations to sugar beet processors; and announce the FY 2027 (crop year 2026) overall sugar marketing allotment quantity (OAQ), State cane sugar allotments, and sugar beet and sugarcane processor allocations. Revisions to FY 2026 allotments and allocations apply to all domestic beet and cane sugar marketed for human consumption in the United States from October 1, 2025, through September 30, 2026. Fiscal year 2027 allotments and allocations apply to all domestic beet and cane sugar marketed for human consumption in the United States from October 1, 2026, through September 30, 2027.

FOR FURTHER INFORMATION CONTACT: Carlann Unger; telephone: (872) 274–0064; or email, *Carlann.Unger@usda.gov.* Individuals with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice and text telephone (TTY mode)) or dial 711 for Telecommunications Relay service (both voice and text

telephone users can initiate this call from any telephone).

SUPPLEMENTARY INFORMATION:

FY 2026 Cane Reassignment

In accordance with section 359e of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ee), after evaluating each sugarcane State and sugarcane processor's ability to market its full allotment and allocation, USDA is reassigning allocations from Florida sugarcane processors with surplus allocation to Florida sugarcane processors with deficit allocation. In addition, USDA is reassigning 20,556 short tons, raw value (STRV) of Florida FY 2026 allotment to Louisiana, which results in the reassignment of allocations from Florida sugarcane processors with surplus allocation to Louisiana sugarcane processors with deficit allocation, as shown in the table below.

FY 2026 Beet Reassignment

In addition, after evaluating each beet sugar processor's ability to market its full allocation, USDA is reassigning allocations from beet sugar processors with surplus allocation to beet sugar processors with deficit allocation, also shown in the table below.

TABLE 1—FY 2026 REVISED BEET AND CANE ALLOTMENTS AND ALLOCATIONS

[Short tons, raw value]

Distribution	Initial FY26 allotments & allocations	FY26 revisions 2/11/2026	Reassignments	Revised allotments & allocations
Beet Sugar	5,525,221	5,525,221	0	5,525,221
Cane Sugar	4,640,779	4,640,779	0	4,640,779
Imports			0	0
Total OAQ	10,166,000	10,166,000	0	10,166,000
Beet Processors' Marketing Allocations:				
Amalgamated Sugar Co	1,182,992	1,253,366	22,090	1,275,456
American Crystal Sugar Co	2,031,883	2,062,295	−44,870	2,017,425
Michigan Sugar Co	570,620	619,628	−3,097	616,531
Minn-Dak Farmers Co-op	383,721	365,520	−12,756	352,764
So. Minn Beet Sugar Co-op	745,729	541,286	−24,263	517,024
Western Sugar Co	564,013	622,606	52,917	675,523
Wyoming Sugar Company, LLC	46,264	60,519	9,980	70,499
Total Beet Sugar	5,525,221	5,525,221	0	5,525,221
State Cane Sugar Allotments:				
Florida	2,616,569	2,301,104	−20,556	2,280,548
Louisiana	2,024,210	2,339,675	20,556	2,360,231
Texas	0	0	0	0
Total Cane Sugar	4,640,779	4,640,779	0	4,640,779
Cane Processors' Marketing Allocations:				
Florida:				
Florida Crystals	1,077,310	863,521	−20,529	842,992
Growers Co-op. of FL	470,682	439,888	25,835	465,722
U.S. Sugar Corp	1,068,577	997,696	−25,862	971,834
Total Florida	2,616,569	2,301,104	−20,556	2,280,548
Louisiana:				
Sugar Growers and Refiners	1,405,272	1,621,172	16,524	1,637,696
M.A. Patout & Sons	618,938	718,502	4,032	722,534
Total Louisiana	2,024,210	2,339,675	20,556	2,360,231
Texas:				
Rio Grande Valley	0	0	0	0

* Values may not sum to column total due to rounding.

USDA will closely monitor stocks, consumption, imports and all sugar market and program variables on an ongoing basis and may make program adjustments during FY 2026 if needed.

FY 2027 Overall Allotment Quantity Establishment

The Agricultural Adjustment Act of 1938, as amended, requires USDA to establish the OAQ at a quantity not less than 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year (7 U.S.C. 1359cc). USDA is establishing the initial FY 2027 (crop year 2026) OAQ at 10,574,850 STRV, equal to 85 percent of 12,441,000 STRV, the estimated quantity of sugar for domestic human consumption for FY 2027 as forecast in the September 2026 World Agricultural Supply and Demand Estimates (WASDE). Per the Agricultural Adjustment Act of 1938, as amended, 54.35 percent of the OAQ is distributed among beet processors and 45.65 percent is distributed among the sugarcane States and cane processors, with the beet and cane sector allotments distributed to individual processors according to formulas set out in law.[1] Although the Agricultural Adjustment Act of 1938, as amended, directs USDA to assign 325,000 STRV of the cane sector allotment to ''offshore States,'' CCC has determined that while sugarcane was formerly produced in Puerto Rico and Hawaii, both have permanently exited sugarcane production. As a result, CCC has allocated the 325,000 STRV of the cane sector allotment previously reserved for offshore States to the mainland

[1] *See* 7 U.S.C. 1359aa *et seq.* and 7 CFR part 1435.

sugarcane producing States. Additionally, because no sugarcane crop is forecast to be produced in Texas during FY 2027 (crop year 2026), the Texas portion of the mainland sugarcane allotment is distributed to other mainland sugarcane producing states. The initial FY 2027 sugar marketing State allotments and processor allocations are listed in the table below.

TABLE 1—INITIAL FY 2027 STATE ALLOTMENTS AND BEET AND CANE PROCESSOR ALLOCATIONS

[Short tons, raw value]

Distribution	Initial FY27 allotments & allocations
Beet Sugar	5,747,431
Cane Sugar	4,827,419
Total OAQ	10,574,850
Beet Processors' Marketing Allocations:	
Amalgamated Sugar Co	1,230,569
American Crystal Sugar Co	2,113,806
Michigan Sugar Co	593,569
Minn-Dak Farmers Co-op	399,153
So. Minn Beet Sugar Co-op	775,720
Western Sugar Co	586,490
Wyoming Sugar Company, LLC	*48,124*
Total Beet Sugar	5,747,431
State Cane Sugar Allotments	
Florida	2,721,800
Louisiana	2,105,619
Texas	*0*
Total Cane Sugar	4,827,419
Cane Processors' Marketing Allocations:	
Florida:	
Florida Crystals	1,120,637
Growers Co-op. of FL	489,612
U.S. Sugar Corp	*1,111,552*
Total Florida	2,721,800
Louisiana:	
Sugar Growers and Refiners	1,461,789
M.A. Patout & Sons	*643,830*
Total Louisiana	2,105,619
Texas:	
Rio Grande Valley	0

*Values may not sum due to rounding.

USDA will closely monitor stocks, consumption, imports and all sugar market and program variables on an ongoing basis and may make program adjustments during FY 2027 if needed.

Jared Hagert,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 2026–20118 Filed 9–30–26; 8:45 am]

BILLING CODE 3411–E2–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Longitudinal Employer-Household Dynamics (LEHD)

AGENCY: Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of the Longitudinal Employer-Household Dynamics data collection, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before November 30, 2026.

ADDRESSES: Interested persons are invited to submit written comments by email to *adrm.pra@census.gov.* Please reference Longitudinal Employer-Household Dynamics (LEHD) in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2026–0463, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://*

www.regulations.gov for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Barbara Downs, Assistant Center Chief, Center for Economic Studies (CES), 301–763–6551, and *barbara.a.downs@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

A 21st century statistical system must provide information about the dynamic economy quickly, using data assets efficiently while minimizing the burden of collecting and providing data and fully preserving confidentiality. The Census Bureau's Longitudinal Employer-Household Dynamics (LEHD) data infrastructure has demonstrated the power and usefulness of linking multiple business and employee data sets with state-of-the-art confidentiality protections to build a longitudinal national frame of jobs.

LEHD supports the Department of Commerce plan to improve American competitiveness and measures of innovation. It provides federal, state, and local policymakers and planners, businesses, private sector decision makers, and Congress with comprehensive and timely national, state, and local information on the dynamic nature of employers and employees.

LEHD significantly reduces the overall effort for the generation of its quarterly data product by:

- Leveraging existing federal administrative and state data.
- Avoiding costs required to expand existing surveys to collect the information directly.
- Reducing respondent burden by limiting the number of required resources to just the owners of the required data.

LEHD is a result of the Local Employment Dynamics (LED) Partnership. The LED Partnership is a partnership between the US Census Bureau and the Labor Market Information (LMI) agencies from 50 states, the District of Columbia, and the territories of Puerto Rico, Guam and the U.S. Virgin Islands. This partnership supports the development, promotion, and distribution of the following public-use data products:

- Quarterly Workforce Indicators (QWI)—LEHD's flagship data product is the Quarterly Workforce Indicators (QWI) which provides 32 statistical indicators on employment, job creation and destruction, accessions (hires and recalls), and separations (*e.g.* exits and layoffs). These statistics are released for the following by-groups for all quarters for which data are available for each partner state:
  - County, metropolitan, and workforce development area.
  - Age, sex, race, and ethnicity categories.
  - Business characteristics (*i.e.,* detailed industry ownership type, firm age, firm size).
- LEHD Origin Destination Employment Statistics (LODES)—LODES data provide detailed spatial distributions of workers' employment and residential locations and the relation between the two at the Census Block level. LODES also provides characteristic detail on age, earnings, industry distributions, and other worker/business characteristics.
- Job-to-Job Flows (J2J)—Job-to-Job Flows (J2J) is a set of statistics on job mobility in the United States constructed by the LEHD program. J2J include statistics on: (1) the job-to-job transition rate, (2) hires and separations to and from employment, (3) earnings changes due to job change, and (4) characteristics of origin and destination jobs for job-to-job transitions. These statistics are available at the national, state, and metropolitan area levels and by worker and firm characteristics.
- Post-Secondary Employment Outcomes (PSEO)—Post-Secondary Employment Outcomes (PSEO) is an experimental set of statistics on the earnings and employment outcomes of graduates of select post-secondary institutions in the United States and is constructed using data from LEHD. Earnings Outcomes reports earnings by institution, degree field, degree level and graduation cohort for 1, 5 and 10 years after graduation. Employment Flows tabulations provide the destination industry and geography of employment for graduates of an institution by degree level, degree field, and graduation cohort, for one, five, and 10 years after graduation. A limited number of institutions are available as part of the pilot release, but future updates will include additional post-secondary institutions.

These data products highlight state and local labor market dynamics that cannot be learned from other statistical sources and are therefore used in many different arenas. For example, the QWI can be used as local-labor-market controls in regression analysis; to identify long-term trends; to provide local context in performance evaluations; and for a host of other applications.

II. Method of Collection

The collection of data occurs in accordance with the rules established by interagency agreements with the participating state partners or data sharing agreements that have been established within the Census Bureau. For state partners, their data is submitted directly to the Census secure servers where Personally Identifiable Information (PII) goes through a process to replace it with Protected Identification Keys (PIK). This PVS (Person Identification Validation System) process also applies to all other administrative data that are used in the LEHD infrastructure. For all other required administrative data, they are transferred or referenced by the LEHD production system. Data collection and processing also includes activities such as validation of data quality.

LEHD's data products are not generated by a traditional survey. Rather, all input data required is collected electronically as follows:

- State Unemployment Insurance (UI) and Quarterly Census of Employment and Wages (QCEW) are provided via encrypted File Transfer Protocol (FTP) through which each state LMI agency sends these data directly to the Census Bureau. This transfer of data is governed by Memorandum of Understandings (MOUs) with each state partner.
- Federal and Census Bureau Administrative data are acquired from other directorates or divisions within the Census Bureau with which an internal agreement has been established for the use of the data.
- Public Use data sets are acquired from publicly available websites or public File Transfer Protocol (FTP) servers.

Data that are used in LEHD infrastructure are defined in the following table.

TABLE II–1—INPUT DATA SETS FOR THE LEHD PROGRAM

File	Source	Delivery schedule	Number of respondents/ files
American Housing Survey (AHS)	Census Bureau	Yearly	1
Business Dynamics Statistics (BDS)	Census Bureau	Annual	1
Quarterly Census of Employment and Wages (QCEW).	Bureau of Labor Statistics	Quarterly	1
Current Population Survey (CPS)	Census Bureau	Yearly	1
Federal Workers	Office of Personnel Management	Quarterly	1
Geographic Reference File	Census Bureau	Yearly	1
Master Address File Extract	Census Bureau	Yearly	1
New Business Register	Census Bureau	Yearly	1
Geographic Database	Pitney Bowes Corporation	Quarterly	1
Master Address File Auxiliary Reference File.	Census Bureau	Yearly	1
Residence Candidate File	Census Bureau	Yearly	1
Survey of Income and Program Participation.	Census Bureau	Yearly	1
Topologically Integrated Geographic Encoding and Referencing.	Census Bureau	Yearly	1
W2 Records	Internal Revenue Service	Yearly	1
Unemployment Insurance Wage File	State Partners	Quarterly	54
Quarterly Census of Employment and Wages (QCEW).	State Partners	Quarterly	54
Workforce Development Board (WDB) Definitions files.	State Partners	Acquired as needed	54

III. Data

OMB Control Number: 0607–1001.

Form Number(s): None. Not applicable as survey forms are not required to collect this data.

Type of Review: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Affected Public: Not-for-profit institutions; State, Local, or Tribal government; Federal government.

Estimated Number of Respondents: As defined in Table II–1 above.

Estimated Time Per Response: No more than 8 hours total required to identify and send/post required data sets.

Estimated Total Annual Burden Hours: 1728 hours total, for quarterly deliveries from 54 state partners.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary via a Memorandum of Understanding (MOU).

Legal Authority: The authority to develop LEHD is authorized under 13 U.S.C. 6. Confidentiality is assured by 13 U.S.C. 9.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–20155 Filed 9–30–26; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Quarterly Services Survey (QSS)

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of the Quarterly Services Survey, prior to the submission of the information

collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before November 30, 2026.

ADDRESSES: Interested persons are invited to submit written comments by email to *Matthew.J.Tucker@census.gov.* Please reference Quarterly Services Survey in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2026–0529, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Kathryn Nelson, U.S. Census Bureau, Economic Indicators Division, 301–763–7052, and *Kathryn.L.Nelson@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Census Bureau plans to request a three-year extension without change of the current Office of Management and Budget (OMB) clearance of the Quarterly Services Survey (QSS). The QSS covers employer firms with establishments located in the United States and classified in select service industries as defined by the North American Industry Classification System (NAICS). The QSS coverage currently includes the following NAICS sectors: Utilities (excluding government owned); Transportation and Warehousing (except rail transportation and postal); Information; Finance and Insurance (except funds, trusts, and other financial vehicles); Real Estate and Rental and Leasing; Professional, Scientific, and Technical Services (except offices of notaries); Administrative and Support and Waste Management and Remediation Services; Educational Services (except elementary and secondary schools, junior colleges, and colleges, universities, and professional schools); Health Care and Social Assistance; Arts, Entertainment, and Recreation; and Other Services (except public administration). The QSS also covers the Accommodation NAICS subsector. The primary estimates produced from the QSS are quarterly estimates of total operating revenue and the percentage of revenue by source. The survey also produces estimates of total operating expenses from tax-exempt firms in industries that have a large not-for-profit component. For hospitals, the survey produces estimates of the number of inpatient days and discharges, and for select industries in the arts, entertainment, and recreation sector, the survey produces estimates of admissions revenue.

Firms are selected for the QSS using a stratified design with strata defined by industry, tax status, and estimated size based on annual revenue. The current sample was introduced in the third quarter of 2017. The sample consists of approximately 19,500 firms and is a subsample of firms from the larger Service Annual Survey (SAS) approved under OMB Number 0607–0422. Each quarter the QSS sample is updated to reflect the addition of new businesses and the removal of firms that have gone out-of-business. Starting in survey year 2023, which was collected in calendar year 2024, the SAS was integrated into the Annual Integrated Economic Survey (AIES) approved under OMB Number 0607–1024.

The Bureau of Economic Analysis uses QSS results as input to its quarterly Gross Domestic Product (GDP) and GDP by industry estimates. The estimates provide the Federal Reserve Board and Council of Economic Advisors with timely information to assess current economic performance. The Centers for Medicare and Medicaid Services use the QSS estimates to develop hospital-spending estimates for the National Accounts. Other government and private stakeholders also benefit from a better understanding of important cyclical components of the U.S. service economy.

II. Method of Collection

We will collect this information by internet and telephone follow-up. A majority of QSS respondents receive an initial email with their username and authentication code for submission by internet. The remaining respondents are mailed their username and authentication code for submission by internet. We no longer mail forms.

III. Data

OMB Control Number: 0607–0907.

Form Numbers: QSS–1A, QSS–1E, QSS–1PA, QSS–1PE, QSS–2A, QSS–2E, QSS–3A, QSS–3E, QSS–3SA, QSS–3SE, QSS–4A, QSS–4E, QSS–4FA, QSS–4FE, QSS–4SA, QSS–4SE, QSS–5A, QSS–5E.

Type of Review: Regular Submission, Request for an Extension, without Change, of a Currently Approved Collection.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions.

Estimated Number of Respondents: 14,400 respondents with a response time of 15 minutes per quarterly report and 11,100 respondents with a response time of 10 minutes per quarterly report.

Estimated Time Per Response: 15 minutes: QSS–1A, QSS–1E, QSS–1PA, QSS–1PE, QSS–2A, QSS–2E, QSS–3A, QSS–3E, QSS–3SA, QSS–3SE, QSS–5A, QSS–5E. 10 minutes: QSS–4A, QSS–4E, QSS–4FA, QSS–4FE, QSS–4SA, QSS–4SE.

Estimated Total Annual Burden Hours: 21,800 hours.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. 131 and 182.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may

be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–20153 Filed 9–30–26; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; DOC-Census Workforce Development Collection

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on June 12, 2026, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau, Commerce.

Title: DOC-Census Workforce Development Collection.

OMB Control Number: 0607–XXXX.

Form Number(s): None.

Type of Request: Regular submission, New Information Collection Request.

Number of Respondents: 230. This includes 100 Manufacturing USA Institutes and/or its affiliated training providers (public/private sector), 60 grant recipients under the Recompete program and/or their affiliated training providers, and 70 grant recipients under the Good Jobs Challenge 2 program and/or their affiliated training providers.

Average Hours per Response: 1 hour annually for the Recompete and Good Jobs Challenge 2 programs, up to 2 hours annually for the 100 Manufacturing USA Institutes programs.

Burden Hours: 330 hours.

Needs and Uses: The information acquired from this collection will be used to obtain data on individuals who participate in workforce development training programs sponsored by the National Institutes of Standards and Technology (NIST) and the Economic Development Administration (EDA) within the Department of Commerce. Respondents, who include Manufacturing USA Institutes, grant recipients under EDA's Recompete and Good Jobs Challenge 2 programs, will be asked to provide data on participants. The collected data will be linked to Census Bureau data sets—including demographic, household, and jobs data—to produce measurable metrics that inform workforce training program outcomes and support evidence-based decision-making for future investments. This data collection and subsequent analysis will enable NIST and EDA to evaluate the long-term performance and impact of sponsored workforce programs.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government.

Frequency: Annually.

Respondent's Obligation: Voluntary.

Legal Authority: NIST's authority for the collection of this information is provided under the National Institute of Standards and Technology Organic Act, 15 U.S.C. 272(b) and (c). EDA's authority for this collection is the Stevenson Wydler Technology Innovation Act of 1980 (Stevenson Wydler), 15 U.S.C. 3701 *et seq.* and 42 U.S.C. 3121 *et seq.* The U.S. Census Bureau is conducting this survey on behalf of EDA and NIST under the authority of 13 U.S.C. 8(b). Confidentiality of the information is assured by 13 U.S.C. 9.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering the title of the collection.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–20167 Filed 9–30–26; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Building Permits Survey Program

AGENCY: Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of the surveys known as the Report of Building or Zoning Permits Issued for New Privately-Owned Housing Units (C–404) and the Survey of Residential Building or Zoning Permit Systems (C–411), prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before November 30, 2026.

ADDRESSES: Interested persons are invited to submit written comments by email to *Matthew.J.Tucker@census.gov.* Please refer to the Building Permits Survey Program in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2026–0694, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to William

Abriatis, Branch Chief, Residential Construction Branch, 301–763–3686, and *william.m.abriatis@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to request an extension of the current Office of Management and Budget clearance for the Building Permits Survey Program. This program includes two surveys: the Survey of Residential Building or Zoning Permit Systems (C–411) and the Report of Building or Zoning Permits Issued for New Privately-Owned Housing Units (C–404), also known as the Building Permits Survey (BPS). The C–411 and the C–404 are related collections sharing the same universe called the Active Governments File (AGF). The C–411 is utilized to update the permit issuing status of all jurisdictions in the AGF. The C–404 is primarily used to collect both monthly and annual data on the number of new housing unit permits issued in permit issuing jurisdictions.

The universe of permit-issuing places serves as the universe for the Building Permits Survey (BPS) and the sampling frame for the Survey of Construction (SOC). These two surveys provide widely used measures of construction activity, including the Principal Federal Economic Indicators: New Residential Construction (NRC) and New Residential Sales (NRS). For New Residential Construction, Form C–404 directly collects the data on the number of housing units authorized by building permits. The number of housing units authorized by building permits is also a key component used to estimate other data items in the NRC and NRS releases such as housing units started, housing units completed, and housing units sold. Additionally, building permits for new private housing units are a component of The Conference Board's Leading Economic Index.

The Building Permits Survey is the only source of statistics on residential construction for states and smaller geographic areas. The Census Bureau uses the detailed geographic data collected from state and local officials on new residential construction authorized by building permits in the development of annual population estimates. These estimates are used by government agencies to allocate funding and other resources to local areas. Policymakers, planners, businesses, and others also use this data to monitor growth, plan for local services, and to develop production and marketing plans.

The Census Bureau uses the C–411 survey, or individual questions from the survey as needed, to obtain information from state and local building permit and zoning officials to update the universe of permit-issuing places. The questions pertain to the legal requirements for issuing building or zoning permits in local jurisdictions and gather information on items such as geographic coverage and types of construction for which permits are issued.

The Census Bureau uses Form C–404 to collect information on changes to the geographic coverage of permit-issuing places, the number and valuation of new residential housing units authorized by building permits, and additional details on residential permits valued at $2 million or more, including site address and type of building.

II. Method of Collection

Survey of Residential Building or Zoning Permit Systems (C–411)

One of three versions of the survey is sent to a jurisdiction when the Census Bureau needs to verify whether a new permit system has been established or an existing one has changed. The selection is based on the length of time since the jurisdiction last verified their permit issuing status, or on information the Census Bureau obtains from a variety of sources including survey respondents, regional planning councils, and data from the Census Bureau's Geography Division on newly incorporated jurisdictions. Since 2024, reporting has been done primarily via standard online collection instrument (Centurion).

There are three versions of the survey:

- C–411(M) for municipalities where a new permit system may have been established.
- C–411(C) for counties where new permit systems may have been established.
- C–411(V) for verification of coverage for jurisdictions with existing permit systems.

Prior to 2022, the universe of permit issuing places was updated every 10 years. Before each universe update, The C–411 survey was sent to approximately 20,000 jurisdictions that were designated in our records as non-permit-issuing jurisdictions or permit issuing jurisdictions that needed verification of coverage. In January 2023, the universe began to be updated annually, and more frequent updates are incorporated for non-permit issuing jurisdictions. As a result, the C–411 survey is sent to about 3,200 of the 20,000 jurisdictions that do not issue permits on an annual basis, prioritizing those that have not responded in at least five years.

Report of Building or Zoning Permits Issued for New Privately-Owned Housing Units (C–404)

Respondents may submit their data via internet or a mailed or faxed form. Some respondents choose to report over the phone or to send proprietary files containing permit information in lieu of returning the form.

The survey universe is comprised of approximately 20,000 local governments that issue building permits. Due to resource availability and the time required to complete the data review and analysis, the Census Bureau collects data from a selection of permit-issuing jurisdictions monthly, and the remainder of the jurisdictions annually. We collect this information monthly for approximately 8,600 permit-issuing jurisdictions. We collect this information annually for the remaining 11,400 permit-issuing jurisdictions.

III. Data

OMB Control Number: 0607–0094.

Form Number(s): C–404, C–411.

Type of Review: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Affected Public: State and Local governments.

Estimated Number of Respondents: C–404—19,987; C–411—3,200.

Estimated Time per Response: C–404—8 minutes for the approximately 8,395 monthly respondents who report online, 23 minutes for the approximately 10,307 annual respondents who report via online or physical form. An additional 243 monthly respondents and 1,042 annual respondents choose to report by phone or by sending us custom files and printouts from their permit systems, which we estimate takes only 3 minutes. C–411—15 minutes.

Estimated Total Annual Burden Hours: C–404—17,581 hours; C–411—800 hours.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. 131 and 182.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed

information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–20154 Filed 9–30–26; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (Sunset) Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In accordance with the Tariff Act of 1930, as amended (the Act), the U.S. Department of Commerce (Commerce) is automatically initiating the five-year reviews (Sunset Reviews) of the antidumping duty (AD) and countervailing duty (CVD) orders and suspended investigations listed below. The U.S. International Trade Commission (ITC) is publishing concurrently with this notice its notice of *Institution of Five-Year Reviews* which covers the same orders and suspended investigations.

DATES: Applicable October 1, 2026.

FOR FURTHER INFORMATION CONTACT: Commerce official identified in the *Initiation of Review* section below at AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230. For information from the ITC, contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

Commerce's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to Commerce's conduct of Sunset Reviews is set forth in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

Initiation of Review

In accordance with section 751(c) of the Act and 19 CFR 351.218(c), we are initiating the Sunset Reviews of the following AD and CVD orders and suspended investigations:

Commerce case No.	ITC case No.	Country	Product	Commerce contact
Antidumping Duty Proceedings				
A–831–804	731–TA–1538	Armenia	Aluminum Foil (1st Review)	Emily Kutsko (202) 482–6276.
A–351–856	731–TA–1539	Brazil	Aluminum Foil (1st Review)	Emily Kutsko (202) 482–6276.
A–570–896	731–TA–1071	China	Magnesium (4th Review)	Mary Kolberg (202) 482–1785.
A–570–894	731–TA–1070–B	China	Tissue (4th Review) Paper	Mary Kolberg (202) 482–1785.
A–428–850	731–TA–1546	Germany	Thermal Paper (1st Review)	Thomas Martin (202) 482–3936.
A–588–880	731–TA–1547	Japan	Thermal Paper (1st Review)	Thomas Martin (202) 482–3936.
A–580–911	731–TA–1548	Korea	Thermal Paper (1st Review)	Thomas Martin (202) 482–3936.
A–523–815	731–TA–1540	Oman	Aluminum Foil (1st Review)	Emily Kutsko (202) 482–6276.
A–821–828	731–TA–1541	Russia	Aluminum Foil (1st Review)	Emily Kutsko (202) 482–6276.
A–469–824	731–TA–1549	Spain	Thermal Paper (1st Review)	Thomas Martin (202) 482–3936.
A–489–844	731–TA–1542	Türkiye	Aluminum Foil (1st Review)	Emily Kutsko (202) 482–6276.
Countervailing Duty Proceedings				
C–523–816	701–TA–658	Oman	Aluminum Foil (1st Review)	Mary Kolberg (202) 482–1785.
C–489–845	701–TA–659	Türkiye	Aluminum Foil (1st Review)	Thomas Martin (202) 482–3936.

Suspended Investigations

No Sunset Reviews of suspended investigations are scheduled for initiation in October 2026.

Filing Information

All submissions in these Sunset Reviews must be filed in accordance with Commerce's regulations regarding format, translation, and service of documents. These rules, including electronic filing requirements via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), can be found at 19 CFR 351.303.

In accordance with section 782(b) of the Act, any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information. Parties must use the certification formats provided in 19 CFR 351.303(g). Commerce intends to reject factual submissions if the submitting party does

not comply with applicable revised certification requirements.

Letters of Appearance and Administrative Protective Orders

Pursuant to 19 CFR 351.103(d), Commerce will maintain and make available a public service list for these proceedings. Parties wishing to participate in any of these five-year reviews must file letters of appearance as discussed at 19 CFR 351.103(d). To facilitate the timely preparation of the public service list, it is requested that those seeking recognition as interested parties to a proceeding submit an entry of appearance within 10 days of the publication of the Notice of Initiation. Because deadlines in Sunset Reviews can be very short, we urge interested parties who want access to proprietary information under administrative protective order (APO) to file an APO application immediately following publication in the **Federal Register** of this notice of initiation. Commerce's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[1]

Information Required From Interested Parties

Domestic interested parties, as defined in sections 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b), wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with Commerce's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, Commerce will automatically revoke the order without further review.[2]

If we receive an order-specific notice of intent to participate from a domestic interested party, Commerce's regulations provide that *all parties* wishing to participate in a Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that Commerce's information requirements are distinct from the ITC 's information requirements. Consult Commerce's regulations for information regarding Commerce's conduct of Sunset Reviews. Consult Commerce's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at Commerce. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[3] An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the day on which it is due.

In prior proceedings we have encouraged interested parties to provide an executive summary of their comments, including footnotes. In these sunset reviews, we request that interested parties provide at the beginning of their comments, an executive summary for each issue raised in their comments. Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the decision memorandum that will accompany the notice to be published in the **Federal Register**. Finally, we request that interested parties include footnotes for relevant citations in the public executive summary of each issue.

Notification to Interested Parties

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: September 29, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–20161 Filed 9–30–26; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Temporary Rule Modifying AD/CVD Service Requirements Due to* COVID–19, 85 FR 41363 (July 10, 2020).

[2] *See* 19 CFR 351.218(d)(1)(iii).

[3] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule,* 88 FR 67069 (September 29, 2023)

DEPARTMENT OF COMMERCE

International Trade Administration

[C–557–837]

Stationary and Portable Air Compressors From Malaysia: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of stationary and portable air compressors (air compressors) from Malaysia. The period of investigation is January 1, 2025, through December 31, 2025. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable October 1, 2026.

FOR FURTHER INFORMATION CONTACT: Ethan Lewis or Ted Pearson, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4046 or (202) 482–2631, 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 27, 2026.[1] On July 17, 2026, Commerce postponed the preliminary determination of this investigation.[2] Accordingly, the deadline for this preliminary determination is now September 28, 2026.[3]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary

[1] *See Stationary and Portable Air Compressors from the People's Republic of China, Malaysia, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations,* 91 FR 31425 (May 27, 2026) (*Initiation Notice*).

[2] *See Stationary and Portable Air Compressors from the People's Republic of China, Malaysia, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in Countervailing Duty Investigations,* 91 FR 44808 (July 17, 2026).

[3] Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. *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).

Decision Memorandum.[4] 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 products covered by this investigation are air compressors from Malaysia. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,[5] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[6] Certain interested parties commented on the scope of this investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[7] Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice. See* the scope of the investigation in Appendix I.

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.[8]

In making these findings, Commerce 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.[9] For further information, *see* the ''Use of Facts Otherwise Available and Adverse Inferences'' section in the Preliminary Decision Memorandum.

Alignment

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 less-than-fair-value (LTFV) investigation of air compressors from Malaysia based on a request made by MAT Industries, LLC (the petitioner).[10] Consequently, the final CVD determination will be issued on the same date as the final LTFV determination, which is currently scheduled to be issued no later than February 10, 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. Pursuant to section 705(c)(5)(A)(ii) of the Act, if the individual estimated countervailable subsidy rates established for all exporters and producers individually examined are zero, *de minimis,* or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated subsidy rate for all other producers or exporters.

In this investigation, Commerce has preliminarily determined the individually estimated subsidy rate for the individually examined respondents under section 776 of the Act. Consequently, as a reasonable method, Commerce established the all-others rate based on the rate determined under section 776 of the Act for the non-responsive companies listed below, because this is the only rate available in this proceeding.[11]

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent *ad valorem*)
Alton Intelligent Technology Sdn. Bhd	*92.86
Panasonic Industrial Device Sales	*92.86
Puma Air Compressors	*92.86
Samlin International SDN BHD	*92.86
Sinppa Industrial SDN BHD	*92.86
All Others	*92.86

*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

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination of the Countervailing Duty Investigation of Stationary and Portable Air Compressors from Malaysia,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[6] *See Initiation Notice.*

[7] *See* Memorandum, ''Less-Than-Fair-Value and Countervailing Duty Investigations of Stationary and Portable Air Compressors from the People's Republic of China, Malaysia, and the Socialist Republic of Vietnam: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated concurrently with this notice (Preliminary Scope Decision Memorandum).

[8] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[9] *See* sections 776(a) and (b) of the Act.

[10] *See* Petitioner's Letter, ''Request to Align Countervailing Duty Investigation Final Determinations with Antidumping Duty Investigation Final Determinations,'' dated September 2, 2026.

[11] *See, e.g., Melamine from Germany: Final Affirmative Countervailing Duty Determination,* 89 FR 97586 (December 9, 2024); *see also Overhead Door Counterbalance Torsion Springs from the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination in Part,* 90 FR 39374 (August 15, 2025).

merchandise have a company-specific estimated subsidy rate determined in this preliminary determination, the applicable cash deposit rate will be that company's company-specific rate; and (4) the cash deposit rate for all other producers and exporters will be equal to the estimated all-others subsidy rate.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of preliminary determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily applied adverse facts available to the sole individually examined respondent, Alton Intelligent Technology Sdn. Bhd, in this investigation, in accordance with section 776 of the Act, there are no calculations to disclose.

Verification

Because the examined respondents in this investigation did not provide information requested by Commerce and Commerce preliminarily determines each of the examined respondents to have been uncooperative, we will not conduct verification.

Public Comment

All interested parties will have the opportunity to submit scope case and rebuttal briefs on the preliminary decision regarding the scope of the LTFV and CVD investigations. The deadlines to submit scope case and rebuttal briefs are provided in the Preliminary Scope Decision Memorandum. For all scope case and rebuttal briefs, parties must file identical documents simultaneously on the records of the ongoing LTFV and CVD investigations. No new factual information or business proprietary information may be included in either scope case or rebuttal briefs.

Non-scope related case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 14 days after the date of publication of the preliminary determination. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[12] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[13]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[14] Further, we request that interested parties limit their 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).[15]

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 in the **Federal Register**. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

U.S. International Trade Commission (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 air compressors from Malaysia are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: September 28, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation consists of certain stationary and portable air compressors, whether electric, gas, or battery powered, including electric motor and gasoline engine powered air compressors with either oil free or oil lubricated reciprocating pumps, and with an integrated pressure vessel that ranges in size from 1 to 80 gallons. The compressors may be either direct drive or belt driven.

Direct drive air compressors included in the scope have a motor connected directly to the compressor element. Belt driven air compressors included in the scope have a motor connected to the compressor crankshaft with a belt. Direct drive air compressors are more often portable but can be stationary, while belt driven air compressors are either portable or stationary.

Covered air compressors have a power level designation between 373 watts (0.5 HP) and 22.37 kilowatts (30 HP). Specifically, portable air compressors often range in power from 0.5HP (373 watts) to 15 HP (11.19 KW). Reciprocating stationary air compressors range in power from 0.5 HP (373 watts) to 25 HP (18.64 KW). However, a portable or stationary air compressor with a different power level, within the range of 373 watts to 22.37 KW, and otherwise meeting the language of the scope, is covered by the scope. The scope includes only certain reciprocating (piston) compressors, which use a piston moving back and forth in a cylinder to compress the air. The scope also includes unfinished compressors exported from the subject countries. Subject merchandise also includes finished and unfinished compressors that are further processed in a third country or in the United States, including, but not limited to, assembly or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope air compressors. The additional parts used to complete ''unfinished compressors'' in a third country are subject to the scope of the investigation.

For the purposes of this scope, ''unfinished compressors'' are compressors which require additional fabrication such as labeling, and packaging, and kitting operations adding accessories.

Specifically included in the scope are compressors which are imported as part of a package with accessories or other products, or kit. Such accessories include but are not limited to hoses, fittings, tool kits, oils, nail guns, pneumatic paint sprayers, air ratchet wrenches, air grease guns, air drills, air

[12] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[13] *See* 19 351.309(c)(2) and (d)(2).

[14] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[15] *See APO and Service Final Rule.*

hammers, air sanders, air inflators, and air impact drivers. If such accessories or other products are imported separately from the air compressor, such products are not subject to the scope of the investigation.

Specifically excluded from the scope are AC, DC, and battery powered inflators without an integrated air tank or air reservoir that have an output of 1 CFM or less.

The scope excludes rotary compressors. Types of rotary compressors excluded from the scope are rotary screw, rotary vane, and scroll compressors. The scope also excludes dynamic compressors. Types of dynamic compressors excluded from the scope are centrifugal compressors and axial compressors, where rotating impellers or blades compress air.

The in-scope stationary air compressors are classified under subheadings 8414.80.1615, 8414.80.1625, and 8414.80.1635 of the Harmonized Tariff Schedule of the United States (HTSUS). The in-scope portable air compressors are classified under subheading 8414.80.1685 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the covered merchandise is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Injury Test
IV. Diversification of Malaysia's Economy
V. Use of Facts Available and Adverse Inferences
VI. Analysis of Programs
VII. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–552–857]

Stationary and Portable Air Compressors From the Socialist Republic of Vietnam: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of stationary and portable air compressors (air compressors) from the Socialist Republic of Vietnam (Vietnam). The period of investigation (POI) is January 1, 2025, through December 31, 2025. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable October 1, 2026.

FOR FURTHER INFORMATION CONTACT: Henry Wolfe or Laurel Smalley, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0574 or (202) 482–3456, 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 27, 2026.[1] On July 17, 2026, Commerce postponed the preliminary determination of this investigation.[2] Accordingly, the deadline for this preliminary determination is now September 28, 2026.[3]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[4] 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 products covered by this investigation are air compressors from Vietnam. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,[5] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[6] Certain interested parties commented on the scope of this investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[7] Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice. See* the scope of this investigation in Appendix I.

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.[8]

In making these findings, Commerce 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.[9] For further information, *see* the ''Use of Facts Otherwise Available and Adverse Inferences'' section in the Preliminary Decision Memorandum.

Alignment

In accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final

[1] *See Stationary and Portable Air Compressors from the People's Republic of China, Malaysia, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations*, 91 FR 31425 (May 27, 2026) (*Initiation Notice*).

[2] *See Stationary and Portable Air Compressors from the People's Republic of China, Malaysia, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in Countervailing Duty Investigations*, 91 FR 44808 (July 17, 2026).

[3] Commerce's practice dictates that where a deadline falls on a weekend or Federal holiday, the appropriate deadline is the next business day. *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).

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination in the Countervailing Duty Investigation of Stationary and Portable Air Compressors from the Socialist Republic of Vietnam,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] *See Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[6] *See Initiation Notice,* 91 FR 31425.

[7] *See* Memorandum, ''Less-Than-Fair-Value and Countervailing Duty Investigations of Stationary and Portable Air Compressors from the People's Republic of China, Malaysia, and the Socialist Republic of Vietnam: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated concurrently with this notice (Preliminary Scope Decision Memorandum).

[8] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[9] *See* sections 776(a) and (b) of the Act.

countervailing duty (CVD) determination in this investigation with the final determination in the companion less-than-fair-value (LTFV) investigation of air compressors from Vietnam based on a request made by MAT Industries, LLC. (the petitioner).[10] Consequently, the final CVD determination will be issued on the same date as the final LTFV determination, which is currently scheduled to be issued no later than February 10, 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. Pursuant to section 705(c)(5)(A)(ii) of the Act, if the individual estimated countervailable subsidy rates established for all exporters and producers individually examined are zero, *de minimis,* or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated subsidy rate for all other producers and/or exporters.

In this investigation, Commerce has preliminarily calculated a *de minimis* individual estimated countervailable subsidy rate for Hybest-Vietnam, Limited Liability Company (Hybest Vietnam) and an estimated countervailable subsidy rate based entirely under section 776 of the Act for Hongkong Sun Rise Trading Limited (HK Sunrise). Because the only individually calculated rates in this proceeding are zero, *de minimis,* or based entirely on facts otherwise available under section 776 of the Act, we are preliminarily assigning the estimated simple average rate calculated for Hybest Vietnam and HK Sunrise to all other producers and exporters of the subject merchandise, pursuant to section 705(c)(5)(A)(i) of the Act.

For a full description of the methodology underlying Commerce's analysis, *see* the Preliminary Decision Memorandum.

[10] *See* Petitioner's Letter, ''Petitioner's Request to Align Countervailing Duty Investigation Final Determinations with Antidumping Duty Investigation Final Determinations,'' dated September 2, 2026.

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent *ad valorem*)
Faraday Products Co., Ltd.	*74.39
Fusheng Da Nang Branch (Production & Sales)	*74.39
Fusheng (Vietnam) Industrial Co., Ltd.	*74.39
Jinfeida (Viet Nam) Co., Ltd. ..	*74.39
Hongkong Sun Rise Trading Limited	*74.39
Hybest-Vietnam, Limited Liability Company	*0.35
TTI (Vietnam)	*74.39
Tu-Seiki Air Compressor Joint Stock Company	*74.39
Victor Auto Appliance Company Limited	*74.39
All Others	*37.20

*This rate is based on facts available with an adverse inference.
** *De minmis.*

Suspension of Liquidation

With the exception of entries from Hybest Vietnam, 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 Appendix I to this notice entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above. Because we preliminarily determine that the CVD rate in this investigation for Hybest Vietnam is *de minimis,* we will not direct CBP to suspend liquidation of Hybest Vietnam's entries of the subject merchandise from Vietnam.

Pursuant to section 703(d)(1)(B) of the Act and 19 CFR 351.107(e), Commerce will instruct CBP to require a cash deposit equal to the estimated company-specific countervailable subsidy rate or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondents listed above will be equal to the company-specific estimated individual countervailable subsidy rates determined in this preliminary determination; (2) if both the producer and exporter of the subject merchandise have company-specific estimated subsidy rates determined in this preliminary determination, and their rates differ, then the applicable cash deposit rate will be the higher of these two rates; (3) if either the producer or the exporter, but not both, of the subject merchandise have a company-specific estimated subsidy rate determined in this preliminary determination, the applicable cash deposit rate will be that company's company-specific rate; and (4) the cash deposit rate for all other producers and exporters will be equal to the estimated all-others subsidy rate.

Disclosure

Commerce intends to disclose to parties to the proceeding its calculations and analysis performed in this preliminary determination within five days of its public announcement of the preliminary determination, or if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

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

All interested parties will have the opportunity to submit scope case and rebuttal briefs on the preliminary decision regarding the scope of the LTFV and CVD investigations. The deadlines to submit scope case and rebuttal briefs are provided in the Preliminary Scope Decision Memorandum. For all scope case and rebuttal briefs, parties must file identical documents simultaneously on the records of the ongoing LTFV and CVD investigations. No new factual information or business proprietary information may be included in either scope case or rebuttal briefs.

Non-scope related case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation.[11] A timeline for the

[11] *See* 19 CFR 351.309(c)(1)(i); *see also* 19 CFR 351.303 (for general filing requirements).

submission of case briefs and written comments will be notified to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[12] Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[13]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[14] Further, we request that interested parties limit their 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).[15]

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 in the **Federal Register**. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

U.S. International Trade Commission (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 air compressors from Vietnam are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act, and 19 CFR 351.205(c).

Dated: September 28, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation consists of certain stationary and portable air compressors, whether electric, gas, or battery powered, including electric motor and gasoline engine powered air compressors with either oil free or oil lubricated reciprocating pumps, and with an integrated pressure vessel that ranges in size from 1 to 80 gallons. The compressors may be either direct drive or belt driven.

Direct drive air compressors included in the scope have a motor connected directly to the compressor element. Belt driven air compressors included in the scope have a motor connected to the compressor crankshaft with a belt. Direct drive air compressors are more often portable but can be stationary, while belt driven air compressors are either portable or stationary.

Covered air compressors have a power level designation between 373 watts (0.5 HP) and 22.37 kilowatts (30 HP). Specifically, portable air compressors often range in power from 0.5 HP (373 watts) to 15HP (11.19 KW). Reciprocating stationary air compressors range in power from 0.5 HP (373 watts) to 25HP (18.64 KW). However, a portable or stationary air compressor with a different power level, within the range of 373 watts to 22.37 KW, and otherwise meeting the language of the scope, is covered by the scope. The scope includes only certain reciprocating (piston) compressors, which use a piston moving back and forth in a cylinder to compress the air. The scope also includes unfinished compressors exported from the subject countries. Subject merchandise also includes finished and unfinished compressors that are further processed in a third country or in the United States, including, but not limited to, assembly or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope air compressors. The additional parts used to complete ''unfinished compressors'' in a third country are subject to the scope of the investigation.

For the purposes of this scope, ''unfinished compressors'' are compressors which require additional fabrication such as labeling, and packaging, and kitting operations adding accessories.

Specifically included in the scope are compressors which are imported as part of a package with accessories or other products, or kit. Such accessories include but are not limited to hoses, fittings, tool kits, oils, nail guns, pneumatic paint sprayers, air ratchet wrenches, air grease guns, air drills, air hammers, air sanders, air inflators, and air impact drivers. If such accessories or other products are imported separately from the air compressor, such products are not subject to the scope of the investigation.

Specifically excluded from the scope are AC, DC, and battery powered inflators without an integrated air tank or air reservoir that have an output of 1 CFM or less.

The scope excludes rotary compressors. Types of rotary compressors excluded from the scope are rotary screw, rotary vane, and scroll compressors. The scope also excludes dynamic compressors. Types of dynamic compressors excluded from the scope are centrifugal compressors and axial compressors, where rotating impellers or blades compress air.

The in-scope stationary air compressors are classified under subheadings 8414.80.1615, 8414.80.1625, and 8414.80.1635 of the Harmonized Tariff Schedule of the United States (HTSUS). The in-scope portable air compressors are classified under subheading 8414.80.1685 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the covered merchandise is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope Comments
IV. Alignment
V. Injury Test
VI. Use of Facts Otherwise Available and Adverse Inferences
VII. Subsidies Valuation
VIII. Benchmarks and Interest Rates
IX. Analysis of Programs
X. Recommendation

[FR Doc. 2026–20164 Filed 9–30–26; 8:45 am]

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[12] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[13] *See* 19 CFR 351.309(c)(2) and (d)(2).

[14] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[15] *See APO and Service Final Rule.*

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

Background

Every five years, pursuant to the Tariff Act of 1930, as amended (the Act), the U.S. Department of Commerce

(Commerce) and the U.S. International Trade Commission automatically initiate and conduct reviews to determine whether revocation of an antidumping duty or countervailing duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for November 2026

Pursuant to section 751(c) of the Act, the following Sunset Reviews are scheduled for initiation in November 2026 and will appear in that month's *Notice of Initiation of Five-Year Sunset Reviews* (Sunset Review).

	Commerce contact
Antidumping Duty Proceedings	
Mobile Access Equipment and Subassemblies from China, A–570–139 (1st Review)	Mary Kolberg, (202) 482–6276.
Potassium Permanganate from China, A–570–001 (6th Review)	Thomas Martin, (202) 482–3936.
Polyester Textured Yarn from Indonesia, A–560–838 (1st Review)	Emily Kutsko, (202) 482–6276.
Polyester Textured Yarn from Malaysia, A–557–823 (1st Review)	Emily Kutsko, (202) 482–6276.
Polyester Textured Yarn from Thailand, A–549–843 (1st Review)	Emily Kutsko, (202) 482–6276.
Polyester Textured Yarn from Vietnam, A–552–832 (1st Review)	Emily Kutsko, (202) 482–6276.
Countervailing Duty Proceedings	
Mobile Access Equipment and Subassemblies from China, C–570–140 (1st Review)	Mary Kolberg, (202) 482–1785.

Suspended Investigations

No Sunset Reviews of suspended investigations are scheduled for initiation in November 2026.

Commerce's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. The *Notice of Initiation of Five-Year (Sunset) Review* provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), Commerce will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service lists, it is requested that those seeking recognition as interested parties to a proceeding contact Commerce in writing within 10 days of the publication of the Notice of Initiation.

Note that if Commerce receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue.

Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[1] An electronically-filed document must be received successfully in its entirety via Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS) by 5:00 p.m. Eastern Time on the day on which it is due. For further information on procedures for filing information with Commerce through ACCESS, refer to User Guide found at *https://access.trade.gov/help.*

In prior proceedings we have encouraged interested parties to provide an executive summary of their comments, including footnotes. In these sunset reviews, we request that interested parties provide, at the beginning of their comments, an executive summary for each issue raised in their comments. Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the decision memorandum that will accompany the notice to be published in the **Federal Register**. Finally, we request that interested parties include footnotes for relevant citations in the public executive summary of each issue.

Notification to Interested Parties

This notice is not required by statute but is published as a service to the international trading community.

Dated: September 29, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–20159 Filed 9–30–26; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule,* 88 FR 67069 (September 29, 2023).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–233]

Stationary and Portable Air Compressors From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of stationary and portable air compressors (air compressors) 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 October 1, 2026.

FOR FURTHER INFORMATION CONTACT: Jonathan Hall-Eastman or Maria Teresa Aymerich, 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) 482–6467 or (202) 482–0499, 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

in the **Federal Register** on May 27, 2026.[1] On July 17, 2026, Commerce postponed the preliminary determination of this investigation.[2] Accordingly, the deadline for this preliminary determination is now September 28, 2026.[3]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[4] 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 products covered by this investigation are air compressors 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,[5] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[6] Certain interested parties commented on the scope of this investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[7] Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice. See* the scope of this investigation in Appendix I.

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.[8]

In making these findings, Commerce 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.[9] For further information, *see* the ''Use of Facts Otherwise Available and Adverse Inferences'' section in the Preliminary Decision Memorandum.

Alignment

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 less-than-fair-value (LTFV) investigation of air compressors from China based on a request made by MAT Industries, LLC. (the petitioner).[10] Consequently, the final CVD determination will be issued on the same date as the final LTFV determination, which is currently scheduled to be issued no later than February 10, 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 mandatory respondent Suzhou Alton Electrical & Mechanical Industry Co., Ltd. (Suzhou Alton). Therefore, the only rate that is not zero, *de minimis,* or based entirely on facts otherwise available is the rate calculated for mandatory respondent FNA (Zhejiang) Co., Ltd. (FNZ). Consequently, Commerce assigned the rate calculated for FNZ as the rate for all other producers and exporters.

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent *ad valorem*)
FNA (Zhejiang) Co., Ltd.	3.84
Shanghai Aote E-Commerce Co., Ltd.	* 112.29
Shanghai Greeloy Industry Co., Ltd.	* 112.29
Suzhou Alton Electrical & Mechanical Industry Co., Ltd.	* 112.29
Suzhou Honbase Machinery Manufactur	* 112.29
Taizhou Huanyang Electric & Machinery Co., Ltd.	* 112.29
Yancheng Dafeng Zhenlian Machinery	* 112.29
All Others	3.84

* 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

[1] *See Stationary and Portable Air Compressors from the People's Republic of China, Malaysia, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations,* 91 FR 31425 (May 27, 2026) (*Initiation Notice*).

[2] *See Stationary and Portable Air Compressors from the People's Republic of China, Malaysia, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in Countervailing Duty Investigations,* 91 FR 44808 (July 17, 2026).

[3] Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. *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).

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination in the Countervailing Duty Investigation of Stationary and Portable Air Compressors from the Socialist Republic of Vietnam,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[6] *See Initiation Notice,* 91 FR 31425.

[7] *See* Memorandum, ''Less-Than-Fair-Value and Countervailing Duty Investigations of Stationary and Portable Air Compressors from the People's Republic of China, Malaysia, and the Socialist Republic of Vietnam: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated concurrently with this notice (Preliminary Scope Decision Memorandum).

[8] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[9] *See* sections 776(a) and (b) of the Act.

[10] *See* Petitioner's Letter, ''Petitioner's Request to Align Countervailing Duty Investigation Final Determinations with Antidumping Duty Investigation Final Determinations,'' dated September 2, 2026.

estimated all-others rate, as follows: (1) the cash deposit rate for the respondents listed above will be equal to the company-specific estimated individual countervailable subsidy rates determined in this preliminary determination; (2) if both the producer and exporter of the subject merchandise have company-specific estimated subsidy rates determined in this preliminary determination, and their rates differ, then the applicable cash deposit rate will be the higher of these two rates; (3) if either the producer or the exporter, but not both, of the subject merchandise have a company-specific estimated subsidy rate determined in this preliminary determination, the applicable cash deposit rate will be that company's company-specific rate; and (4) the cash deposit rate for all other producers and exporters will be equal to the estimated all-others subsidy rate.

Disclosure

Commerce intends to disclose to parties to the proceeding its calculations and analysis performed in this preliminary determination within five days of its public announcement of the preliminary determination, or if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

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

All interested parties will have the opportunity to submit scope case and rebuttal briefs on the preliminary decision regarding the scope of the LTFV and CVD investigations. The deadlines to submit scope case and rebuttal briefs are provided in the Preliminary Scope Decision Memorandum. For all scope case and rebuttal briefs, parties must file identical documents simultaneously on the records of the ongoing LTFV and CVD investigations. No new factual information or business proprietary information may be included in either scope case or rebuttal briefs.

Non-scope related case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation.[11] A timeline for the submission of case briefs and written comments will be notified to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, must be filed not later than five days after the date for filing case briefs.[12] Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[13]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[14] Further, we request that interested parties limit their 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).[15]

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 in the **Federal Register**. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

U.S. International Trade Commission (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 air compressors from China are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act, and 19 CFR 351.205(c).

Dated: September 28, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation consists of certain stationary and portable air compressors, whether electric, gas, or battery powered, including electric motor and gasoline engine powered air compressors with either oil free or oil lubricated reciprocating pumps, and with an integrated pressure vessel that ranges in size from 1 to 80 gallons. The compressors may be either direct drive or belt driven.

Direct drive air compressors included in the scope have a motor connected directly to the compressor element. Belt driven air compressors included in the scope have a motor connected to the compressor crankshaft with a belt. Direct drive air compressors are more often portable but can be stationary, while belt driven air compressors are either portable or stationary.

Covered air compressors have a power level designation between 373 watts (0.5 HP) and 22.37 kilowatts (30 HP). Specifically, portable air compressors often range in power from 0.5HP (373 watts) to 15HP (11.19KW). Reciprocating stationary air compressors range in power from 0.5HP (373 watts) to 25HP (18.64KW). However, a portable or stationary air compressor with a different power level, within the range of 373 watts to 22.37 KW, and otherwise meeting the language of the scope, is covered by the scope. The scope includes only certain reciprocating (piston) compressors, which use a piston moving back and forth in a cylinder to compress the air. The scope also includes unfinished compressors exported

[11] *See* 19 CFR 351.309(c)(1)(i); *see also* 19 CFR 351.303 (for general filing requirements).

[12] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[13] *See* 19 351.309(c)(2) and (d)(2).

[14] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[15] *See APO and Service Final Rule.*

from the subject countries. Subject merchandise also includes finished and unfinished compressors that are further processed in a third country or in the United States, including, but not limited to, assembly or any other processing that would not otherwise remove the merchandise from the scope of this investigation if performed in the country of manufacture of the in-scope air compressors. The additional parts used to complete ''unfinished compressors'' in a third country are subject to the scope of the investigation.

For the purposes of this scope, ''unfinished compressors'' are compressors which require additional fabrication such as labeling, and packaging, and kitting operations adding accessories.

Specifically included in the scope are compressors which are imported as part of a package with accessories or other products, or kit. Such accessories include but are not limited to hoses, fittings, tool kits, oils, nail guns, pneumatic paint sprayers, air ratchet wrenches, air grease guns, air drills, air hammers, air sanders, air inflators, and air impact drivers. If such accessories or other products are imported separately from the air compressor, such products are not subject to the scope of the investigation.

Specifically excluded from the scope are AC, DC, and battery powered inflators without an integrated air tank or air reservoir that have an output of 1 CFM or less.

The scope excludes rotary compressors. Types of rotary compressors excluded from the scope are rotary screw, rotary vane, and scroll compressors. The scope also excludes dynamic compressors. Types of dynamic compressors excluded from the scope are centrifugal compressors and axial compressors, where rotating impellers or blades compress air.

The in-scope stationary air compressors are classified under subheadings 8414.80.1615, 8414.80.1625, and 8414.80.1635 of the Harmonized Tariff Schedule of the United States (HTSUS). The in-scope portable air compressors are classified under subheading 8414.80.1685 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the covered merchandise 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. Analysis of China's Financial System
VII. Diversification of China's Economy
VIII. Use of Facts Otherwise Available and Adverse Inferences
IX. Subsidies Valuation Information
X. Interest Rates and Benchmarks
XI. Analysis of Programs
XII. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders with August anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable October 1, 2026.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders with August anniversary dates. All deadlines for the submission of various types of information, certifications, comments, or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Respondent Selection

In the event that Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based either on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review (POR) or questionnaires in which we request the quantity and value (Q&V) of sales, shipments, or exports during the POR. Where Commerce selects respondents based on CBP data, we normally intend to place the CBP data on the record within five days of publication of the initiation notice. Where Commerce selects respondents based on Q&V data, Commerce intends to place the Q&V questionnaire on the record of the review within five days of publication of the initiation notice. In either case, we intend to make our respondent selection decision within 35 days of the **Federal Register** publication of the initiation notice. Comments regarding the CBP data (and/or Q&V data (where applicable)) and respondent selection should be submitted within seven days after the placement of the CBP data/submission of the Q&V data on the record of the review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event that Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Tariff Act of 1930, as amended (the Act), the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that determinations concerning whether particular companies should be ''collapsed'' (*e.g.,* treated as a single entity for purposes of calculating AD rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of the review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of the AD proceeding (*e.g.,* investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to the review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection.

Parties are requested to: (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Q&V questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of the proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Notice of No Sales

With respect to AD administrative reviews, we intend to rescind the review where there are no suspended entries for a company or entity under review and/or where there are no suspended entries under the company-specific case number for that company or entity. Where there may be suspended entries, if a producer or exporter named in this notice of initiation had no exports, sales, or entries during the POR, it may notify Commerce of this fact within 30 days of publication of this initiation notice in the **Federal Register** for Commerce to consider how to treat suspended entries under that producer's or exporter's company-specific case number.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of a particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.[1] Section 773(e) of the Act states that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial responses to section D of the questionnaire.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single AD deposit rate. It is Commerce's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a Separate Rate Application or Certification, as described below. In addition, all firms that wish to qualify for separate rate status in the administrative reviews of AD orders in which a Q&V questionnaire is issued must complete, as appropriate, either a Separate Rate Application or Certification, and respond to the Q&V questionnaire.

For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce's website at *https://www.trade.gov/non-market-economy-separate-rate-applications-and-certifications* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 14 calendar days after publication of this **Federal Register** notice. In addition to filing a Separate Rate Certification with Commerce no later than 14 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding[2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on Commerce's website at *https://www.trade.gov/non-market-economy-separate-rate-applications-and-certifications* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Application, refer to the instructions contained in the application. Separate Rate Applications are due to Commerce no later than 14 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

Exporters and producers must file a timely Separate Rate Application or Certification if they want to be considered for individual examination.

[1] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[2] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[3] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

Furthermore, exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Certification Eligibility

Commerce may establish a certification process for companies whose exports to the United States could contain both subject and non-subject merchandise. Companies under review that were deemed to not be eligible to participate in the certification program of that proceeding may submit a Certification Eligibility Application to establish that they maintain the necessary systems to track their sales to the United States of subject and non-subject goods.

All firms listed below that are not currently eligible to certify but wish to establish certification eligibility are required to submit a Certification Eligibility Application. The Certification Eligibility Application will be available on Commerce's website at *https://www.trade.gov/sites/default/files/2026-02/Certification-Eligibility-Application.pdf?v=1777492320626.* Certification Eligibility Applications must be filed according to Commerce's regulations and are due to Commerce no later than 30 calendar days after the publication of the **Federal Register** notice.

Exporters and producers that are not currently eligible to certify, who submit a Certification Eligibility Application, and are subsequently selected as mandatory respondents must respond to all parts of the questionnaire as mandatory respondents for Commerce to consider their Certification Eligibility Application.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following AD and CVD orders and findings. We intend to issue the final results of these reviews not later than August 31, 2027.

	Period to be reviewed
AD Proceedings	
CANADA: Utility Scale Wind Towers, A–122–867	8/1/25–7/31/26
CS Wind Canada Inc.	
Marmen Inc.	
Marmen Énergie Inc.	
Marmen Energy Co.	
INDIA: Certain High Chrome Cast Iron Grinding Media, A–533–930 [4]	12/6/25–5/31/26
AIA Engineering Limited	
AIA Engineering Ltd.	
Vega Industries	
Vega Industries (Middle East) F.Z.E.	
Vega Industries Ltd., USA	
Welcast Steel Limited	
Welcast Steels Ltd.	
INDIA: Finished Carbon Steel Flanges, A–533–871	8/1/25–7/31/26
Adinath International	
Aditya Forge Limited	
Allena Group	
Alloyed Steel	
Balkrishna Steel Forge Pvt. Ltd.	
Bansidhar Chiranjilal	
Bebitz Flanges Works Private Limited	
BFN Forgings Private Limited	
Brai Technoforge Pvt.Ltd.	
C. D. Industries	
Cetus Engineering Private Limited	
CHW Forge	
CHW Forge Pvt. Ltd.	
Citizen Metal Depot	
Corum Flange	
DN Forge Industries	
Echjay Forgings Limited	
Echjay Industries Pvt. Ltd.	
Falcon Valves and Flanges Private Limited	
Heubach International	
Hindon Forge Pvt. Ltd.	
Jai Auto Pvt. Ltd.	
Jiten Steel Industries	
Kinnari Steel Corporation	
Koram Inc.	
Laframboise Group Ltd.	
M F Rings and Bearing Races Ltd.	
Mascot Metal Manufactures	
Munish Forge Limited	
Munish Forge Private Limited	
Norma (India) Limited	
OM Exports	
Pantech Stainless & Alloy Industries Sdn Bhd	
Pantech Steel Industries Sdn Bhd	
Pradeep Metals Limited	
Punjab Steel Works (PSW)	
R. D. Forge Private Limited	

	Period to be reviewed
R. N. Gupta & Company Limited	
Raaj Sagar Steel	
Ravi Ratan Metal Industries	
Renin Piping Products	
Rolex Fittings India Pvt. Ltd.	
Rollwell Forge Engineering Components And Flanges	
Rollwell Forge Pvt. Ltd.	
SHM (ShinHeung Machinery)	
Siddhagiri Metal & Tubes	
Sizer India	
Steel Shape India	
Sudhir Forgings Pvt. Ltd.	
Technotrak Engineers	
Tirupati Forge	
Uma Shanker Khandelwal & Co.	
Umashanker Khandelwal Forging Limited	
USK Exports Private Limited	
INDONESIA: Utility Scale Wind Towers, A–560–833	8/1/25–7/31/26
GE Indonesia	
GE Renewable Energy	
General Electric Indonesia	
Korindo Wind	
Nordex SE	
PT. Kenertec Power System	
PT. Siemens Gamesa Renewable Energy	
JAPAN: Tin Mill Products, A–588–854	8/1/25–7/31/26
JFE Shoji Trade Corporation	
JFE Steel Corporation	
Kanematsu Corporation	
Marubeni-Itochu Steel, Inc.	
Mitusi and Co., Steel Ltd.	
Mitsubishi Electric Trading Co.	
Nichias Corporation	
Nippon Steel Corporation	
Nippon Steel Trading Corporation	
NK Plus Tec Co. Ltd.	
NOK Corporation	
Sumitomo Corporation Global Metals	
Toyo Kohan Co.	
MALAYSIA: Polyethylene Retail Carrier Bags, A–557–813	8/1/25–7/31/26
Euro SME Sdn Bhd; Euro Nature Green Sdn. Bhd.	
MALAYSIA: Silicon Metal, A–557–820	8/1/25–7/31/26
PMB Silicon Sdn. Bhd.	
MEXICO: Light-Walled Rectangular Pipe and Tube, A–201–836	8/1/25–7/31/26
Aceros Cuatro Caminos S.A. de C.V.; Productos Laminados de Monterrey S.A. de C.V.	
Acro Metal S.A. de C.V.	
Fabricaciones y Servicios de Mexico	
Galvak, S.A. de C.V.	
Grupo Estructuras y Perfiles	
Industrias Monterrey S.A. de C.V.	
Internacional de Aceros, S.A. de C.V.	
Maquilacero S.A. de C.V.; Tecnicas de Fluidos S.A. de C.V.	
Nacional de Acero S.A. de C.V.	
PEASA-Productos Especializados de Acero	
Perfiles LM, S.A. de C.V.	
Regiomontana de Perfiles y Tubos S. de R.L. de C.V.[5]	
Talleres Acero Rey S.A. de C.V.	
Ternium Mexico S.A. de C.V.	
Tuberia Laguna, S.A. de C.V.	
Tuberias Aspe S.A. de C.V.	
Tuberias y Derivados S.A. de C.V.	
REPUBLIC OF KOREA: Large Power Transformers, A–580–867	8/1/25–7/31/26
HD Hyundai Electric Co., Ltd.	
Hyosung Heavy Industries Corporation	
Iljin Electric Co., Ltd.	
LS Electric Co., Ltd.	
REPUBLIC OF KOREA: Low Melt Polyester Staple Fiber, A–580–895	8/1/25–7/31/26
Toray Advanced Materials Korea, Inc.	
REPUBLIC OF KOREA: Utility Scale Wind Towers, A–580–902	8/1/25–7/31/26
CS Wind Corporation	
Dongkuk S&C Co., Ltd.	
Enercon Korea Inc.	
Hyosung Heavy Industries	
Nordex SE	

	Period to be reviewed
Siemens Gamesa Renewable Energy	
Unison Co., Ltd	
Vestas Korea Wind Technology Ltd.	
Win&P., Ltd.	
REPUBLIC OF TÜRKIYE: Certain Brake Drums, A–489–853	1/29/25–7/31/26
Akis Asansor Makina Motor Dokum San	
Akisoglu Dokum San.Ltd.Sti.	
Akkus Dokum San.Ve Tic.Ltd.Sti	
Altun Otomotiv	
Anka Imex Ithalat Ihracat Oto San	
Arikan Dis Ticaret Ltd. Sirketi	
Buyuk Eker Bijon Sanayi Ve Ticaret	
Cansa Dis Ticaret Limited Sirketi	
Ekdöksan Döküm Metal Otomotiv San Tic Ltd Şti	
Eker Bijon Sanayi Ve Tic. A.S	
EKU Fren Kampana Sanayi ve Ticaret Ltd. Şti	
EKU Fren ve Dok. San. A.S	
Genk Otomotiv San. Dis Tic. Ltd. Sti	
Global Dynamic Otomotiv Sanayi Dis	
Insel Endustriyel Urunleri Sanayi	
Kilinc Global Otomotiv San.ve Tic A.Ş	
Luk Dis Ticaret M Messillik A.S	
Mira Tasima Hizmetleri Ins.San.Ve	
Mitlog Lojistik Denizcilik Ve Nakli	
Motor Is Ticari Arac Fren Sistemler	
Safak Dokum Makina Parca Sanayi Ve	
Safak Kahraman Ithalat Ihracat	
Vector Otomotiv A.S.	
SOCIALIST REPUBLIC OF VIETNAM: Certain Paper Shopping Bags,[6] A–552–836	7/1/25–6/30/26
International Packaging Limited Company	
SOCIALIST REPUBLIC OF VIETNAM: Frozen Fish Fillets, A–552–801	8/1/25–7/31/26
An Chau Co., Ltd	
An Giang Agriculture and Food Import-Export Joint Stock Company (also known as Afiex or An Giang Agriculture and Foods Import-Export Joint Stock Company)	
An Giang Fisheries Import and Export Joint Stock Company (also known as Agifish, AnGiang Fisheries Import and Export, An Giang Fisheries Import & Export Joint Stock Company)	
An Hai Fishery Ltd. Co.	
An My Fish Joint Stock Company (also known as Anmyfish, Anmyfishco, or An My Fish Joint Stock)	
An Phat Import-Export Seafood Co., Ltd. (aka An Phat Seafood Co. Ltd. or An Phat Seafood Co., Ltd.)	
An Phu Seafood Corp. (also known as ASEAFOOD or An Phu Seafood Corp.)	
Anchor Seafood Corp.	
Anvifish Joint Stock Company (aka Anvifish, Anvifish JSC, or Anvifish Co., Ltd.)	
Asia Pangasius Company Limited (aka ASIA)	
Asia Commerce Fisheries Joint Stock Company (also known as Acomfish JCS or Acomfish)	
Basa Joint Stock Company (aka BASACO)	
Ben Tre Aquaproduct Import and Export Joint Stock Company (aka Bentre Aquaproduct, Bentre Aquaproduct Import & Export Joint Stock Company or Aquatex Bentre)	
Bentre Forestry and Aquaproduct Import Export Joint Stock Company (aka Bentre Forestry and Aquaproduct Import and Export Joint Stock Company, Ben Tre Forestry and Aquaproduct Import-Export Company or Ben Tre Forestry Aquaproduct Import-Export Company or Ben Tre Frozen Aquaproduct Export Company or Faquimex)	
Ben Tre Seafood Jsc.	
Bien Dong Hau Giang Seafood Joint Stock Company (aka Bien Dong HG or Bien Dong Hau Giang Seafood Joint Stock Co.)	
Bien Dong Seafood Company Ltd. (aka Bien Dong, Bien Dong Seafood, Bien Dong Seafood Co. Ltd., Biendong Seafood Co., Ltd., or Bien Dong Seafood Limited Liability Company)	
Binh An Seafood Joint Stock Company (also known as Binh An or Binh An Seafood Joint Stock Co.)	
Binh Dinh Import Export Company (aka Binh Dinh or Binh Dinh Import Export Joint Stock Company)	
Cadovimex II Seafood Import-Export and Processing Joint Stock Company (aka Cadovimex II, Cadovimex II Seafood Import Export and Processing Joint Stock Company, or Cadovimex II Seafood Import-Export)	
Cafatex Corporation (aka Cafatex)	
Can Tho Animal Fishery Products Processing Export Enterprise (aka Cafatex)	
Cantho Import-Export Seafood Joint Stock Company (aka CASEAMEX, Cantho Import Export Seafood Joint Stock Company, Cantho Import-Export Joint Stock Company, Can Tho Import Export Seafood Joint Stock Company, Can Tho Import-Export Seafood Joint Stock Company, or Can Tho Import-Export Joint Stock Company)	
Cavina Seafood Joint Stock Company (also known as Cavina Fish or Cavina Seafood Jsc.)	
Cds Overseas Vietnam Co., Ltd.	
Co May Import Export Company Limited (aka Co May Import-Export Co. Ltd. or Co May Import Export Seafood Joint Stock Company Limited)	
Co May Imp. Exp. Co.	
Colorado Boxed Beef Company (also known as CBBC)	
C.P. Vietnam Corporation	
Coral Triangle Processors (dba Mowi Vietnam Co., Limited (Dong Nai))	
Cuu Long Fish Import-Export Corporation (aka CL Panga Fish)	

	Period to be reviewed
Cuu Long Fish Joint Stock Company (aka CL-Fish, CL–FISH CORP, or Cuu Long Fish Joint Stock Company) Cuu Long Seapro. Da Nang Seaproducts Import-Export Corporation (as known as SEADANANG or Da Nang or Da Nang Seaproducts Import/Export Corp.) Dai Thanh Seafoods Company Limited (aka DATHACO, Dai Thanh Seafoods or Dai Thanh Seafoods Co., Ltd.) Dai Tien Vinh Co., Ltd. Dong A Seafood One Member Company Limited (aka Dong A) Dong Phuong Co., Ltd. Dong Phuong Import Export Seafood Company Limited (as known as Dong Phuong Export Seafood Limited, Dong Phuong Seafood Company Limited, or aFishDeal) Dragonwaves Frozen Food Factory Co., Ltd. East Sea Seafoods LLC or East Sea Seafoods Limited Liability Company (aka ESS LLC, ESS, ESS JVC, or East Sea Seafoods Joint Venture Co., Ltd.) Europe Joint Stock Company (aka Europe Trading Co., Ltd. Or Europe JSC or EJS CO.) Fatifish Company Limited (aka FATIFISH or FATIFISHCO) GF Seafood Corp. Gia Minh Co., Ltd. Go Dang An Hiep One Member Limited Company Go Dang Ben Tre One Member Limited Liability Company GODACO Seafood Joint Stock Company (aka GODACO, GODACO Seafood, GODACO_SEAFOOD, or GODACO Seafood J.S.C.) Gold Future Imp. Exp./Gold Future Imp. Exp. Development Co. Ltd. Golden Quality Seafood Corporation (aka Golden Quality, GoldenQuality, or GoldenQuality Seafood Corporation) Green Farms Seafood Joint Stock Company (aka Green Farms, Green Farms Seafood JSC, GreenFarm Sea-Foods Joint Stock Company, GreenFarm SeaFoods Joint Stock Company, or Green Farms Seafoods Joint Stock Company) GreenFeed Vietnam Corporation Gri-dynamics Trading Production Co. Ha Noi Can Tho Seafood Jsc. Hai Huong Seafood Joint Stock Company (aka HHFish, HH Fish, or Hai Huong Seafood) Hai Thuan Nam Co Ltd. Hai Trieu Co., Ltd. Hasa Seafood Corp. (Hasaco) Hiep Thanh Seafood Joint Stock Company (also known as Hiep Thanh or Hiep Thanh Seafood Joint Stock Co.) Hoa Phat Seafood Import-Export and Processing J.S.C. (aka HOPAFISH, Hoa Phat Seafood Import-Export and Processing Joint Stock Company, Hoa Phat Seafood Import-Export and Processing JSC) Hoang Long Seafood Processing Company Limited (aka HLS, Hoang Long, Hoang Long Seafood, HoangLong Seafood, or Hoang Long Seafood Processing Co., Ltd.) Hong Ngoc Seafood Co., Ltd. Hungca Co., Ltd. HungCa 6 Corporation (aka HungCa 6) Hung Phuc Thinh Food Jsc. Hung Phuc Thinh Food Joint Stock Hung Vuong Ben Tre Seafood Processing Company Limited (aka Ben Tre, HVBT, or HVBT Seafood Processing) Hung Vuong Corporation (aka HVC or HV Corp.) Hung Vuong Joint Stock Company Hung Vuong Seafood Joint Stock Company Hung Vuong Mascato Company Limited Hung Vuong-Mien Tay Aquaculture Corporation (aka HVMT or Hung Vuong Mien Tay Aquaculture Joint Stock Company) Hung Vuong-Sa Dec Co., Ltd. (aka Hung Vuong Sa Dec Company Limited) Hung Vuong-Vinh Long Co. Ltd. (aka Hung Vuong Vinh Long Company Limited) Indian Ocean One Member Company Limited (aka Indian Ocean Co., Ltd. International Development & Investment Corporation (aka IDI, International Development and Investment Corporation, I.D.I International Development and Investment Corporation or IDI International Development & Investment Corporation) Lian Heng Investment Co., Ltd. (aka Lian Heng or Lian Heng Investment) Lian Heng Trading Co., Ltd. (aka Lian Heng or Lian Heng Trading) Loc Kim Chi Seafood Joint Stock Company (also known as Loc Kim Chi) Mekong Seafood Connection Co., Ltd. Minh Phu Hau Giang Seafood Corp. Minh Phu Seafood Corp. Minh Qui Seafood Co. Ltd. Minh Tam Seafoods Import Export Company Limited (aka Minh Tam or Minh Tam Seafoods) Nam Viet Corporation (aka NAVICO) Nam Phuong Seafood Co., Ltd. (aka Nam Phuong, or NAFISHCO, Nam Phuong Seafood, or Nam PhuongSeafood Company Ltd.) New Food Import, Inc. Ngoc Ha Co. Ltd. Food Processing and Trading (also known as Ngoc Ha or Ngoc Ha Co., Ltd. Foods Processing and Trading) Ngoc Tri Seafood Joint Stock Nguyen Tran Seafood Company (also known as Nguyen Chan J–S Co) Nha Trang Seafoods, Inc. (aka Nha Trang Seafoods, Nha Trang Seafoods-F89, or Nha Trang Seaproduct Company)	

	Period to be reviewed
NTACO Corporation (aka NTACO or NTACO Corp.)	
NTSF Seafoods Joint Stock Company (aka NTSF or NTSF Seafoods)	
Phu Thanh Co., Ltd.	
Phu Thanh Hai Co., Ltd. (also known as PTH Seafood)	
Phuc Tam Loi Fisheries Imp.	
PREFCO Distribution, LLC	
Pufong Trading and Service Co.	
QMC Foods, Inc	
Qn Seafood Co., Ltd.	
Quang Minh Seafood Company Limited (also known as Quang Minh, Quang Minh Seafood Co., Ltd., or Quang Minh Seafood Co.)	
Quirch Foods, LLC.	
QVD Dong Thap Food Co., Ltd. (aka Dong Thap or QVD DT)	
QVD Food Company Ltd. (aka QVD, QVD Food Co., Ltd., or QVD Aquaculture)	
Riptide Foods	
SA KYFoods Corporation	
Saigon- Mekong Fishery Co., Ltd. (also known as SAMEFICO or Saigon Mekong Fishery Co., Ltd.)	
Sao Kim Import Export Seafood	
Seafood Joint Stock Company No. 4 (aka SEAPRIEXCO No. 4)	
Seafood Joint Stock Company No. 4 Branch Dongtam Fisheries Processing Company (aka DOTASEAFOODCO or Seafood Joint Stock Company No. 4—Branch Dong Tam Fisheries Processing Company)	
Seavina Joint Stock Company (aka Seavina)	
Sobi Co., Ltd.	
Song Bien Co., Ltd.	
Southern Fishery Industries Company, Ltd. (aka South Vina, South Vina Co., Ltd., Southern Fishery Industries Co., Ltd., Southern Fisheries Industries Company, Ltd., or Southern Fisheries Industries Company Limited)	
Sunrise Corporation	
Tam Le Food Co., Ltd.	
T & T Logistics International Trans.	
Taika Seafood Corporation	
Tan Thanh Loi Frozen Food Co., Ltd.	
Tasifish Import Export Joint Stock	
TG Fishery Holdings Corporation (also known as TG or Tg Fishery Holdings Corp.)	
Thanh Binh Dong Thap One Member Company Limited (aka Thanh Binh Dong Thap or Thanh Binh Dong Thap Ltd.)	
Thanh Dat Food Service and Trading	
Thanh Hung Co., Ltd. (aka Thanh Hung Frozen Seafood Processing Import Export Co., Ltd. or Thanh Hung)	
Thanh Phong Fisheries Corp.	
Thien Ma Seafood Co., Ltd (aka THIMACO, Thien Ma, Thien Ma Seafood Company, Ltd., or Thien Ma Seafoods Co., Ltd.)	
The Great Fish Company, LLC	
Thinh Hung Co., Ltd.	
Thuan An Production Trading and Service Co., Ltd. (aka TAFISHCO, Thuan An Production Trading and Services Co., Ltd., or Thuan An Production Trading & Service Co., Ltd.)	
Thuan Hung Co., Ltd. (aka THUFICO)	
Thuan Phuoc Seafoods and Trading Corporation	
To Chau Joint Stock Company (aka TOCHAU, TOCHAU JSC, or TOCHAU Joint Stock Company)	
Trang Thuy Seafood Co., Ltd.	
Truong Phat Seafood Jsc.	
Van Y Corp.	
Van Duc Food Export Joint Stock Company (aka Van Duc)	
Van Duc Tien Giang Food Export Company (aka VDTG)	
Viet Hai Seafood Company Limited (aka Viet Hai, Viet Hai Seafood Co., Ltd., Viet Hai Seafood Co., Vietnam Fish-One Co., Ltd., or Fish One)	
Viet Long Seafood Co., Ltd.	
Viet Phat Aquatic Products Co., Ltd.	
Viet Phu Foods and Fish Corporation (aka Vietphu, Viet Phu, Viet Phu Food and Fish Corporation, or Viet Phu Food & Fish Corporation)	
Viet Phu Foods & Fish Co., Ltd.	
Viet Tiep Trading Services Limited	
Vietnam Seaproducts Joint Stock Company (aka Seaprodex or Vietnam Seafood Corporation—Joint Stock Company)	
Vif Seafood Factory	
Vinh Hoan Corporation (aka Vinh Hoan, Vinh Hoan Co., or Vinh Hoan Corp.)	
Vinh Long Import-Export Company (aka Vinh Long, Imex Cuu Long, Vinh Long Import/Export Company)	
Vinh Phuoc Food Company Limited (also known as Vinh Phuoc or VP Food)	
Vinh Quang Fisheries Corporation (aka Vinh Quang, Vinh Quang Fisheries Corp., Vinh Quang Fisheries Joint Stock Company, or Vinh Quang Fisheries Co., Ltd.)	
SOCIALIST REPUBLIC OF VIETNAM: Seamless Refined Copper Pipe and Tube, A–552–831	8/1/25–7/31/26
Hailing (Vietnam) Copper Manufacturing Company Ltd.	
Jintian Copper Industrial (Vietnam) Company Ltd.	
LS Metal Vina Limited Liability Company	
Toan Phat Copper Tube Joint Stock Company	
SOCIALIST REPUBLIC OF VIETNAM: Utility Scale Wind Towers, A–552–825	8/1/25–7/31/26

	Period to be reviewed
CS Wind Corporation	
CS Wind Vietnam Co., Ltd.	
GE Renewable Energy	
GE Wind Energy LLC	
Nordex SE	
Siemens Gamesa Renewable Energy	
Southern Renewable and Green Energy Company Limited	
Vestas American Wind Technology, Inc.	
SPAIN: Finished Carbon Steel Flanges,[7] A–469–815	6/1/25–5/31/26
ULMA Advanced Forged Solutions	
ULMA Forja, S.Coop	
SPAIN: Ripe Olives, A–469–817	8/1/25–7/31/26
Aceitunera del Norte de Cáceres, S.C.L.	
Agro Sevilla Aceitunas, S.Coop.And.	
Angel Camacho Alimentación, S.L.	
SPAIN: Utility Scale Wind Towers, A–469–823	8/1/25–7/31/26
Acciona Energia	
Acciona Windpower S.A.	
Industrial Barranquesa S.A.	
Gamesa Energy Transmission S.A.	
GE Renewable Energy	
GRI Renewable Industries S.L.	
Haizea Wind Group	
Iberdrola, S.A.	
Iberdrola Renovables Energia S.A.	
Nordex SE	
Nordex Energy Spain S.A.	
Siemens Gamesa Renewable Energy Inc.	
Vestas Eolica S.A.U.	
Vestas Eolica, S.A.	
Vestas Manufacturing Spain S.L.U.	
Vestas Control Systems Spain S.L.U.	
Windar Renovables, S.A.	
THAILAND: Steel Propane Cylinders, A–549–839	8/1/25–7/31/26
Sahamitr Pressure Container Public Company Limited	
THAILAND: Boltless Steel Shelving Units Prepackaged for Sale,[8] A–549–846	6/1/25–5/31/26
Wire Master Industries (Thailand) Co.	
Wire Master Industry (Thailand) Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Brake Drums, A–570–174	1/29/25–7/31/26
Anhui Changfeng Trading Co., Ltd	
Anhui Haiguang Trading Co., Ltd	
Anhui Volcano Vehicle Parts Co., Ltd	
Caiec Trailer Master Co., Ltd.	
Changyi Qiyang Mechanical	
Chongqing Millennium	
ConMet (Weifang) Mechanical Co., Ltd	
Dalian Honfriend Auto Parts Co., Ltd	
Deye International Limited	
Dongguan Chenggen Import & Export Co., Ltd	
FTA Test Area Welson Imp&Exp	
Guangzhou Joyhand Import&Export Co	
Hebei Ankesu Imp Exp Trade Co Ltd	
Hebei Iruijin Auto Parts Co., Ltd	
Hebei OE Auto Spare Parts Co., Ltd	
Hebei Yingsheng Automabile Parts Co	
Hefei Yisheng Trailer Machinery Co., Ltd	
Henan Broad Top Metalwork LLC	
Henan Valiant Braking System Co	
Hubei Xinxing Quanli Machinery Co., Ltd	
International Machinery And Equipment	
Jiaxing Jman Mechanical Design Co.	
Jiaxing Stone Wheel Co., Ltd	
Jining Huida Construction Machinery	
Kara CVS Inc.	
Laizhou Haichen Machinery Co., Ltd	
Laizhou Sanli Auto Replacement	
Liaoning Hechuang CV Parts MFG Co	
Liaoning Shengbang Chuanglian International Trade Co., Ltd	
Lizhouland Inc	
Longkou Aoda Auto Parts Co., Ltd	
Longkou Fuyang Mechanic Parts Co., Ltd	
Longkou Haimeng Machinery Co., Ltd	
Longkou Jiaodong Machine Parts Co.	
Longyao County Yiheng Auto Parts Co., Ltd	

	Period to be reviewed
Longyao Gucheng Automobile Parts Factory	
Mass Parts LLC	
Ningbo Qingchen International Trade Co., Ltd	
Ningbo Shimaotong International Co. Panasia CVS (HK) Limited	
Qingdao Binke Auto Parts Co.,Ltd.	
Qingdao Jasmine International Trade Co., Ltd	
Qingdao Jianfeng International Trade Co., Ltd	
Qingdao Leeda Auto Parts Co., Limited	
Qingdao Tordon Brake Co., Ltd	
Qiqihar Beimo Auto Parts Manufacturing Co., Ltd	
Raw King Brake Parts Co., Ltd	
Rayloc Recest E-Commerce (Shanghai) Co., Ltd	
Richland Global Sources, Inc	
Shandong Best Machinery	
Shandong ConMet Mechanical Co., Ltd	
Shandong ConMet Mechanical Co., Ltd.	
Shandong Haoxin Co., Ltd	
Shandong Hongma Engineering Co., Ltd	
Shandong Hongma Engineering Machinery Co., Ltd	
Shandong Lingang Nonferrous Metals Co., Ltd	
Shandong Longji Machinery Co., Ltd	
Shandong North Autotech Co., Ltd	
Shandong Taijiu Power Machinery Co.	
Shandong Xinchang Environmental Science Co., Ltd	
Shanghai Aote E-Commerce Co., Ltd	
Shanghai Waizongfu International Trading Co., Ltd	
Shanghai Winsun Auto Parts Co., Ltd	
Shanxi Tang Rong Machinery Mfg Co.	
Shenyang Honbase Machinery Co., Ltd	
Shenzhen Jiali Trading Co., Ltd	
Shijiazhuang Hua Nuo I/E Co., Ltd.	
Suzhou Jianghexingyao International Trade Co., Ltd	
Suzhou Kaihongbo Technology Co., Ltd	
Suzhou Qian Shunxiang International Trade Co., Ltd	
Tianjin Haresco International	
Tianjin Textile Group Import And Export Inc.	
Trade Tianjin Heng Rong Wei Ye International Trade Co., Ltd	
Weifang Airui Brake Systems Co., Ltd	
Weifang Changxin Machinery	
Weifang Haoxin ConMet Mechanical	
Xiamen Tinmy Industrial Co., Ltd	
Xianghe Xumingyuan Auto Parts Company	
Xianghe Zichen Auto Parts Co., Ltd.	
Xingtai Xunchiyoute Auto Parts Co.	
Yancheng Terbon Auto Parts Co.	
Yantai Hongtian Autoparts Co., Ltd	
Yantai March International Trade	
Yantai Mefine Machine Group Co., Ltd	
Yantai Newtek International Trading Co., Ltd	
Yantai Winhere Auto-Part Manufacturing Co., Ltd	
Zhejiang Firsd Group Co., Ltd.	
Zhejiang New Sorl Auto Parts Co., Ltd	
Zhengzhou Custom Eng. Parts Ltd	
Zhengzhou Dinghong Machinery & Equipment Co., Ltd	
Zhumadian CIMC Huajun Casting Co., Ltd	
Zhumadian Hengjiu Machinery	
Zibo Jizhou Trading Co., Ltd	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Low Speed Personal Transportation Vehicles, A–570–176	11/1/24–7/31/26
Alwayz Electric Vehicle (Chuzhou) Co., Ltd.	
Anhui Forerunner Electronic Technology Co., Ltd.	
Anhui Hopper Industrial Vehicle Co., Ltd.	
Anhui Huaxin Electric Technology Co., Ltd.	
Anhui Shuncha Machinery Co., Ltd.	
Anhui Technology Imp. & Exp. Co., Ltd.	
Anhui Telee Vehicle Co., Ltd.	
Anyang Hongmeng Machinery Co., Ltd.	
Baike Vehicle Vietnam Co. Ltd.	
Binzhou Road Conqueror Power Co., Ltd.	
Changzhou Pengzhan Cross-Border E-Commerce Co., Ltd.	
Chengdu Rich Trading Imp. & Exp. Co., Ltd.	
Chongqing Bronico Electronic & Technology Co., Ltd.	
Chongqing Onetouch Business Service Co., Ltd.	
Chongqing Xuhu International Trade Co., Ltd.	
Dachi Intelligent Automobile (Rizhao) Co., Ltd.	

	Period to be reviewed
Delei Industrial Development Co., Ltd.	
Dezhou Dylante Vehicle Co., Ltd.	
Dezhou Lebin Automobile Co., Ltd.	
Dongguan ERS Machinery Co., Ltd.	
Dongguan Excar Electric Vehicle Co., Ltd.	
Dongguan Grand Dragon Sports Co., Ltd.	
Dongguan Jiemao E-Commerce Co., Ltd.	
Dongguan KWC Machinery Co., Ltd.	
Dongguan Machinery Imp. & Exp. Co., Ltd.	
Dongguan Maosheng New Energy Technology Co., Ltd.	
Dongguan Park Sports Goods Co., Ltd.	
Dongguan Royal Machinery Co., Ltd.	
Dongguan Ruida Machinery Co., Ltd.	
Dongguanshi Panghonghong Ke Ji You Xian Gong Si	
Eda Tech Co. Ltd.	
Edacar EV Co. Ltd.	
Feiteng Electric Vehicle Co. Ltd.	
Foshan Lisheng Electric Vehicle Co., Ltd.	
Foshan Shunde Green Motor Technology Co., Ltd.	
Greenman Electric Vehicles Co., Ltd.	
Greenmotor Vehicle Co., Ltd.	
Guangdong Dongguan Oriental Machinery Imp. & Exp. Co., Ltd.	
Guangdong Liwang New Energy Co., Ltd.	
Guangdong Lvtong New Energy Electric Vehicle Technology Co., Ltd.	
Guangdong Marshell Electric Vehicle Co., Ltd.	
Guangdong Yatian Industrial Co., Ltd.	
Guangdong Yitong New Energy Technology Co., Ltd	
Guangzhou BorCart Electric Vehicle Co., Ltd	
Guangzhou Camqi Electric Vehicle Co., Ltd.	
Guangzhou Fuyun Bags & Outdoors Co., Ltd.	
Guangzhou Huiye E-Commerce Co., Ltd.	
Guangzhou Oriental Founder Chemical Co., Ltd.	
Guangzhou Rariro Vehicle Co., Ltd	
Guangzhou Ruike Electric Vehicle Co., Ltd.	
Guangzhou Sachs Bikes Technology Co., Ltd.	
Guangzhou You 2 Trading Co., Ltd.	
Guangzhou Zhanfeng Smart Card Co., Ltd.	
Haike EV Co., Ltd.	
Hainan Kandi Holding New Energy Technology Co., Ltd.	
Hainan Yuda Trading & Logistics Co., Ltd.	
Hebei Machinery Imp. & Exp. Co., Ltd.	
Hefei Huanxin Technology Development Co., Ltd.	
Henan Camp Industrial Co., Ltd.	
Henan Volga Energy Technology Co., Ltd.	
Henan Wealth Machinery Co., Ltd.	
Henan Zhongzhou Machinery Equipment Co., Ltd.	
Hengyu Electric Vehicle Viet Nam Co., Ltd.	
Holdhand Industrial Co., Ltd.	
Huzhou Meiwen Imp. & Exp. Co., Ltd.	
Jiangsu Baodiao Locomotive Co., Ltd.	
Jiangsu Elegance Vehicle Co., Ltd.	
Jiangsu Giant Electric Vehicle Co., Ltd.	
Jiangsu Imagine Electric Co., Ltd.	
Jiangsu Import Sports Medical Equipment Co., Ltd.	
Jiangsu Linhai Power Machinery Group Co., Ltd.	
Jiangsu Maple New Energy Electric Vehicle Co., Ltd.	
Jiangsu Ruipaiying Imp. & Exp. Co., Ltd.	
Jiangsu Trail-Blazer Manufacturing Co., Ltd.	
Jiaozuo Newest Machinery Co., Ltd.	
Jiaxing Learoad Special Vehicle Co., Ltd.	
Jilu Henghua Technology Co., Ltd.	
Jin Kung Industrial Shandong Corp.	
Jinan Gongming Machine Equipment Co., Ltd.	
Jinan Hongteng Machinery Equipment Co., Ltd.	
Jinhua Dailymoving Medical Technology Co., Ltd.	
Jinhua Fulong Vehicle Industry Co., Ltd.	
Jinhua Huagang Athletic Equipment Co., Ltd.	
Jinhua Jiaxin Automobile Co., Ltd.	
Jinhua Sigma Industrial & Trading Co., Ltd.	
Jinhua Suncart Vehicle Co., Ltd.	
Jinshun Imp. & Exp. (Xuzhou) Co., Ltd.	
JN EV Parts (Xiamen) Co., Ltd.	
Kangdi Electric Vehicle (Hainan) Co., Ltd.	
Keyang Electric Machinery Co., Ltd.	

	Period to be reviewed
Kinghike Vehicle Co., Ltd. Leoch Battery PTE LTD Letex Ltd. Linhai International Co., Ltd. Liuzhou Wuling Automobile Industry Co., Ltd. Lomon Technology Ltd. Longxiang Trading Co. Ltd. Meiyuda International Trade (Ningbo) Co., Ltd. Minland Energy Technology (Vietnam) Co. Ltd. Nanjing Skywork Intelligent Technology Co., Ltd. Ningbo Joystar International Trade Co., Ltd. Ningbo Qianjie Enterprise Operation Management Co., Ltd. Ningbo Rebon E-Commerce Co., Ltd. Ningbo Renlong Imp. & Exp. Co., Ltd. Ningbo Wentai Sports Equipment Co., Ltd. Ningbo Wins Time Imp. & Exp. Ltd. Ningbo Yuhong Imp. & Exp. Co., Ltd. Ningbo Zeny Products E-Commerce Co., Ltd. North Machinery (Shandong) Co., Ltd. Polestar New Energy Vehicle Co., Ltd. Qingdao Flying Eagle Rubber & Plastic Co., Ltd. Qingdao Fullrun Tyre Co., Ltd. Qingdao Hotsale International Trade Co., Ltd. Qingdao Oriental Shimao Imp. & Exp. Co., Ltd. Qingdao Pop Gain International Trading Co., Ltd. Qingdao Raysince Industrial Co., Ltd. Qingdao Wetruth New Energy Vehicle Co., Ltd. Qingdao Xinjiang Vehicle Co., Ltd. Qingdao Xinyongan Industrial Co., Ltd. Rizhao Greaterman Fitness Inc. Rizhao Rainfield Electronic Commerce Co., Ltd. SAIC GM Dong Yue Motors Co., Ltd. Saintyol Sports Co., Ltd. Serfay International Co., Ltd. Shaan Xi Succeed Trading Co., Ltd. Shandong Beemotor New Energy Vehicle Co., Ltd. Shandong Golf Trading Co., Ltd. Shandong Gopo International Trading Co., Ltd. Shandong Haike Automobile Sales Co., Ltd. Shandong Hightop Group Shandong Hiseas International Trade Co., Ltd. Shandong Jinma Holding Co., Ltd. Shandong Kerong International Co., Ltd. Shandong Keyu Special Automobile Manufacturing Co., Ltd. Shandong Light Industrial Products Imp. & Exp. Co., Ltd. Shandong Machinery Imp. & Exp. Co., Ltd. Shandong Mico Carts Co., Ltd. Shandong Odes Imp. & Exp. Ltd. Shandong Odes Industry Co., Ltd. Shandong Qiaoke New Energy Auto Industry Co., Ltd Shandong San Ding Machinery Co., Ltd. Shandong Senbo Machinery Co., Ltd. Shandong Shengwo New Energy Vehicle Co., Ltd. Shandong Shenzhou Machinery Co., Ltd. Shandong Tianzong Food Truck Co., Ltd. Shandong Yano Imp. & Exp. Co., Ltd. Shandong Yongli New Energy Vehicle Industry Co., Ltd. Shanghai Dachi Auto Power Co., Ltd Shanghai Guanshang International Co., Ltd. Shanghai Helios New Energy Technology Co., Ltd. Shanghai Jianghuai Environmental Equipment Co., Ltd. Shanghai Suoto Pump International Co., Ltd. Shanghai Yixing Power Technology Co., Ltd. Shangrao City Zihe Trade Co., Ltd. Shanxi Century Metal Industries Inc. Shanxi Industry Technology Trading Co., Ltd. Shanxi Weiyida Electric Technology Co., Ltd. Sharefer Smart Technology (Changzhou) Co., Ltd. Shenzhen Aoxiang Industrial Development Co., Ltd. Shenzhen Chuangyin Co., Ltd. Shenzhen Fudakin Technology Co., Ltd. Shenzhen Fulin International Logistics Co., Ltd. Shenzhen Guoshitie Trade Co., Ltd. Shenzhen Topbeauty Technology Co., Ltd.	

	Period to be reviewed
Shenzhen Xinzeyou Trade Co., Ltd.	
Shenzhen Zehui Technology Co., Ltd.	
Sichuan Nuole Electric Technology Co., Ltd.	
Smart Navigation Business Co., Ltd.	
Suntop Tire (Wuxi) Co., Ltd.	
Suzhou Alwayz Electric Vehicle Manufacturing Co., Ltd.	
Suzhou Eagle Electric Vehicle Manufacturing Co., Ltd.	
Suzhou Jinpeng Electromechanical Equipment Co., Ltd.	
Suzhou Lexsong Electromechanical Equipment Co., Ltd.	
Suzhou Ouloda Intelligent Technology Co., Ltd.	
Suzhou Rainbow Intelligent Technology Co., Ltd.	
Suzhou Sanyo Electro-Mechanical Co., Ltd.	
Suzhou Waltz Intelligent Technology Co., Ltd.	
Suzhou Wintao Intelligent Technology Co., Ltd.	
T & D Industrial Co., Ltd.	
Taian Xingchuang Trading Co., Ltd.	
Taishan City Anyi Technology Co., Ltd.	
Taiwan Golden Bee Co., Ltd.	
Taiwan Max E-Bike Co. Ltd.	
Taizhou Nebula Power Co., Ltd.	
Taizhou Qianxin Vehicle Co., Ltd.	
Taizhou Yoki Carts Co., Ltd.	
Tianjin Bedier Imp. & Exp. Co., Ltd.	
Tianjin Zhongyi Electric Vehicle Co., Ltd.	
Timeco (Shanghai) Industrial Co., Ltd.	
Top Goal Enterprise Ltd.	
Top Goal International Group Ltd.	
Top Golf Co., Ltd.	
Toptom International Co., Ltd.	
Weihai Baixian Trading Co., Ltd.	
Welift Machinery (Changzhou) Co., Ltd.	
Winbo Dongjian Automotive Technology Co., Ltd.	
Windus International Inc.	
Wuhan Winway Enterprise Co., Ltd.	
Wuhu Volibear New Energy Co., Ltd.	
Wuxi Fine Century Trading Co., Ltd.	
Wuxi Pegasus Technology Co., Ltd.	
Wuxi Yaxi Electric Vehicle Sales Co., Ltd.	
Xiamen Dalle New Energy Automobile Co., Ltd	
Xiamen Delle Technology Co. Ltd.	
Xiamen Sunshine Marine Co., Ltd.	
Xingtel Xiamen Electronics Co., Ltd.	
Xuchang Fengyida Machinery Co., Ltd.	
Xuzhou Feito Imp. & Exp. Co., Ltd.	
Xuzhou Thunder EV Smart Technology Co., Ltd.	
Yangzhou Whanlong Electric Vehicle Co., Ltd.	
Yiwu Maideng Outdoor Products Co., Ltd.	
Yongkang Beiqin Industry and Trade Co., Ltd.	
Yongkang Hangyu Vehicle Co., Ltd.	
Yongkang Huitian Industrial and Trading Co., Ltd.	
Yongkang Jinghang Sightseeing Vehicle Co., Ltd.	
Yunsum Industry Inc.	
Zhejiang Aoli Motor Co., Ltd.	
Zhejiang Applestone Vehicle Co., Ltd.	
Zhejiang CFMOTO Power Co., Ltd.	
Zhejiang Greenpee Imp. & Exp. Co., Ltd.	
Zhejiang Kandi Smart Battery Swap Technology Co. Ltd.	
Zhejiang Kandi Technologies Group Co. Ltd.	
Zhejiang Kuangdi Industry & Trade Co., Ltd.	
Zhejiang Taotao Vehicles Co., Ltd.	
Zhengzhou Well-Known Instrument Equipment Co., Ltd.	
Zhian Supply Chain Co., Ltd.	
Zhibang International Freight Forwarding Co., Ltd.	
Zhongshan Etech Electric Vehicle Co., Ltd.	
Zhuhai ZKHY New Energy Electric Vehicle Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Metal Lockers and Parts Thereof, A–570–133	8/1/25–7/31/26
Da Wu Supply Chain Management Co., Ltd.	
Fourever International Ltd.	
Hangzhou Evernew Machinery & Equipment Company, Ltd.	
Hangzhou Yide Supply Chain Management Co., Ltd.	
Kunshan Dongchu Precision Machinery Co., Ltd.	
Ningbo Safewell Group Smart Security Products Co., Ltd.	
Ningbo Safewell Safes	
Pinghu Chenda Storage Office Co., Ltd.	

	Period to be reviewed
Safewell Group Holdings, Ltd.	
Shenzhen Mascot International	
Sunmetals Products De Mexico Sa De Cv	
Tianjin Jia Mei Metal Furniture Ltd.	
Xingyi Metalworking Technology (Zhejiang) Co., Ltd.	
Xpedition LLC DBA Safewell Gr	
Zhejiang Focus-On Import & Export Co., Ltd.	
Zhejiang Safewell Security Technology Co., Ltd.	
Zhejiang Xingyi Metal Products Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Passenger Vehicle and Light Truck Tires, A–570–016	8/1/25–7/31/26
Actyon Tyre Resources Co., Limited	
Briway Tire Co., Ltd.	
Crown International Corporation	
Dynamic Tire Corp.; Husky Tire Corp; ; Sailun Group (Hong Kong) Co., Limited.;	
Sailun Group Co., Ltd.; Sailun Tire International Corp.; and Seatex International Inc.	
Fleming Limited	
Guangrao Taihua International Trade Co., Ltd.	
Haohua Orient International Trade Ltd.	
Jilin Jixing Tire Co., Ltd.	
Liaoning Permanent Tyre Co., Ltd.	
Macho Tire Corporation Limited	
Maxon Int'l Co., Limited	
Prinx Chengshan (Shandong) Tire Co., Ltd.	
Qingdao Crown Chemical Co., Ltd.	
Qingdao Fullrun Tyre Corp., Ltd.	
Qingdao Keter International Co., Limited	
Qingdao Lakesea Tyre Co., Ltd.	
Qingdao Landwinner Tyre Co., Ltd.	
Qingdao Nama Industrial Co., Ltd.	
Qingdao Nexen Tire Corporation	
Qingzhou Detai International Trading Co., Ltd.	
Riversun Industry Limited	
Shandong Changfeng Tyres Co., Ltd.	
Shandong Duratti Rubber Corporation Co., Ltd.	
Shandong Guofeng Rubber Plastics Co., Ltd.	
Shandong Qilun Rubber Co., Ltd	
Shandong Yongtai Group Co., Ltd.	
Shandong Yonking Rubber Co., Ltd.	
Shengtai Group Co., Ltd.	
Sumitomo Rubber Industries Ltd.; Sumitomo Rubber (Hunan) Co., Ltd.; and Sumitomo	
Rubber (Changshu) Co., Ltd.	
Techking Tires Limited	
Weihai Zhongwei Rubber Co., Ltd.	
Windforce Tyre Co., Limited	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Pea Protein, A–570–154	8/1/25–7/31/26
Anhui Xiaoshan Hope Medical Devices	
Bioway Industrial Group Ltd.	
Bioway Organic Group Ltd.	
Bioway (Xi'an) Organic Ingredients Co., Ltd.	
Chuzhou Ligu Bio Science And Tech Co., Ltd.	
Dongguan Fenggang Yuxing Food Factory	
Fenchem Biotek Ltd.	
Flyloong Biotechnology (Qingdao) Co., Ltd.	
Focusherb LLC	
Hainan Zhongxin Chemical Co., Ltd.	
Hangzhou Natur Foods Co., Ltd.	
Hengyuan Biotechnology Co., Ltd.	
Ishaan Bio Limited	
Jianyuan International Co., Ltd	
Jinxiang Jinxiyuan Food Co., Ltd	
Jinyuan Import & Export Co., Ltd.	
Jiujiang Tiantai Food Co., Ltd.	
KTL Pharmaceutical Co., Ltd.	
Kubon (Cambodia) Biotechnology Co., Ltd.	
Kunshan Jinfu Trading Co., Ltd.	
LCH Mega Maju Industry	
Linyi Yuwang Vegetable Protein Co., Ltd.	
M/S Du-Hope International Group	
Nanjing NHC Nutraceuticals Co., Ltd.	
Naturz Organics (Dalian) Co., Ltd.	
Ningbo Bachi Trading Co., Ltd	
Nutracean Co., Ltd.	
Nutritech Asia Group Qingdao, Ltd.	
Nutrivita Forte Ltd.	

	Period to be reviewed
Qingdao Yingshen Industrial Co., Ltd.	
Richtek Ltd.	
Shandong Jianyuan Bioengineering	
Shandong Sanjia Investment Holding Group Co., Ltd.	
Shandong Xiangsiyuan Trade Co., Ltd.	
Shandong Yuwang Ecological Food Industry Co., Ltd.	
Shanghai Elim Organic Food Co., Ltd.	
Shanghai Freeman Lifescience Co., Ltd.	
Shanxi Coolflying Bio-Tech Co., Ltd.	
Sugarbush Shenzhen Biotechnology Co., Ltd.	
Wellgreen Technology Co., Ltd.	
Wenzhou Tengce E-Commerce Co., Ltd	
Xiamen Yotoyo Foods Co., Ltd.	
Yantai Hongben Import Export Co., Ltd.	
Yantai Oriental Protein Tech Co., Ltd.	
Yantai Shuangta Food Co., Ltd.	
Yantai T.Full Biotech Co., Ltd.	
Yantai Wanpy International Trade Co.	
Yantai Yiyuan Bioengineering Co., Ltd.	
Yantai Zhongzhen Trading Co., Ltd.	
Yosin Biotechnology (Yantai) Co., Ltd.	
Yosin Import and Export (Yantai) Co., Ltd.	
Zhaoyuan Junbang Trading Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Steel Nails, A–570–909	8/1/25–7/31/26
JISCO Corporation	
Nanjing Caiqing Hardware Co., Ltd.	
Nanjing Yuechang Hardwares Co., Ltd.	
Qingdao Jisco Co., Ltd.	
Shandong Qingyun Hongyi Hardware Co., Ltd.	
Shanghai Curvet Hardware	
Shanghai Yueda Nails (Chuzhou) Ltd.	
Shanghai Yueda Nails Co., Ltd.	
Shanxi Hairui Trade Co., Ltd.	
Suntec Industries Co., Ltd.	
Tianjin Jinchi Metal Products Co., Ltd.	
Tianjin Jinghai County Hongli Industry & Business Co., Ltd.	
Xi'an Metals and Minerals Import & Export Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Hydrofluorocarbon Blends And Components Thereof, A–570–028	8/1/25–7/31/26
Dongyang Weihua Refrigerants Co., Ltd.	
Global Fluorine Chemical Factory	
Hangzhou JM Chemical Co., Ltd.	
Zhejiang Yonghe Refrigerant Co., Ltd.	
Zhejiang Zhongyi Exp & Imp. Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Laminated Woven Sacks, A–570–916	8/1/25–7/31/26
Nantong Unipack International Co., Ltd.	
Shanghai Zhongliang International Trading Co., Ltd.	
Shining Star Plastic Co., Ltd.	
Shuangzhou (Shanghai) Packaging Products Co., Ltd.	
Zibo Ai Fudi Plastic Packaging Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Polyethylene Retail Carrier Bags, A–570–886	8/1/25–7/31/26
Dongguan Nozawa Plastics Products Co., Ltd. and United Power Packaging, Ltd. (collectively Nozawa)	
UKRAINE: Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe, A–823–819	8/1/25–7/31/26
Interpipe Europe S.A.; Interpipe Ukraine LLC; LLC Interpipe Niko Tube; PJSC Interpipe Niznedneprovsky Tube Rolling Plant	
UNITED ARAB EMIRATES: Circular Welded Carbon-Quality Steel Pipe,[9] A–520–807	12/1/24–11/30/25
TSI Metal Industries L.L.C.	
CVD Proceedings	
CANADA: Utility Scale Wind Towers, C–122–868	1/1/25–12/31/25
CS Wind Canada Inc.	
Marmen Inc.	
Marmen Énergie Inc.	
Marmen Energy Co.	
INDIA: Finished Carbon Steel Flanges, C–533–872	1/1/25–12/31/25
Adinath International	
Aditya Forge Limited	
Allena Group	
Alloyed Steel	
Balkrishna Steel Forge Pvt. Ltd.	
Bansidhar Chiranjilal	
Bebitz Flanges Works Private Limited	
BFN Forgings Private Limited	
Brai Technoforge Pvt. Ltd.	
C. D. Industries	

	Period to be reviewed
Cetus Engineering Private Limited	
CHW Forge	
CHW Forge Pvt. Ltd.	
Citizen Metal Depot	
Corum Flange	
DN Forge Industries	
Echjay Forgings Limited	
Echjay Industries Pvt. Ltd.	
Falcon Valves and Flanges Private Limited	
Heubach International	
Hindon Forge Pvt. Ltd.	
Jai Auto Pvt. Ltd.	
Jiten Steel Industries	
Kinnari Steel Corporation	
Koram Inc.	
Laframboise Group Ltd.	
M F Rings and Bearing Races Ltd.	
Mascot Metal Manufactures	
Munish Forge Limited	
Munish Forge Private Limited	
Norma (India) Limited	
OM Exports	
Pantech Stainless & Alloy Industries Sdn Bhd	
Pantech Steel Industries Sdn Bhd	
Punjab Steel Works (PSW)	
Pradeep Metals Limited	
Raaj Sagar Steel	
Ravi Ratan Metal Industries	
R. D. Forge Private Limited	
R. N. Gupta & Company Limited	
Renin Piping Products	
Rolex Fittings India Pvt. Ltd.	
Rollwell Forge Engineering Components And Flanges	
Rollwell Forge Pvt. Ltd.	
SHM (ShinHeung Machinery)	
Siddhagiri Metal & Tubes	
Sizer India	
Steel Shape India	
Sudhir Forgings Pvt. Ltd.	
Technotrak Engineers	
Tirupati Forge	
Uma Shanker Khandelwal and Co.	
Umashanker Khandelwal Forging Limited	
USK Exports Private Limited	
INDIA: Glycine,[10] C–533–884	1/1/25–12/31/25
Mulji Mehta Enterprises	
Mulji Mehta Pharma	
MALAYSIA: Utility Scale Wind Towers, C–557–822	1/1/25–12/31/25
CS Wind Malaysia Sdn. Bhd.	
GE Renewable Energy	
GE Renewables Malaysia Sdn. Bhd.	
Nordex SE	
Siemens Gamesa Renewable Energy, S.A.	
REPUBLIC OF TÜRKIYE: Certain Brake Drums, C–489–854	12/3/24–12/31/25
Akis Asansor Makina Motor Dokum San. Tic. Ltd. Sti	
Akisoglu Dokum San. Ltd. Sti.	
Akkus Dokum San. Ve Tic. Ltd. Sti	
Altun Otomotiv	
Anka Imex Ithalat Ihracat Oto San	
Arikan Dis Ticaret Ltd. Sirketi	
Buyuk Eker Bijon Sanayi Ve Ticaret	
Cansa Dis Ticaret Limited Sirketi	
Ekdöksan Döküm Metal Otomotiv San Tic Ltd Şti	
Eker Bijon Sanayi Ve Tic. A.S	
EKU Fren Kampana Sanayi ve Ticaret Ltd. Şti	
EKU Fren ve Dok. San. A.S	
Genk Otomotiv San. Dis Tic. Ltd. Sti	
Global Dynamic Otomotiv Sanayi Dis	
Insel Endustriyel Urunleri Sanayi	
Kilinc Global Otomotiv San.ve Tic A.Ş	
Luk Dis Ticaret M Messillik A.S	
Mira Tasima Hizmetleri Ins. San. Ve	
Mitlog Lojistik Denizcilik Ve Nakli	
Motor Is Ticari Arac Fren Sistemler	

	Period to be reviewed
Safak Dokum Makina Parca Sanayi Ve	
Safak Kahraman Ithalat Ihracat	
Vector Otomotiv A.S.	
SOCIALIST REPUBLIC OF VIETNAM: Utility Scale Wind Towers, C–552–826	1/1/25–12/31/25
CS Wind Corporation	
CS Wind Vietnam Co., Ltd.	
GE Renewable Energy	
GE Wind Energy LLC	
Nordex SE	
Siemens Gamesa Renewable Energy	
Southern Renewable and Green Energy Company Limited	
Vestas American Wind Technology, Inc.	
SPAIN: Ripe Olives, C–469–818	1/1/25–12/31/25
Aceitunera del Norte de Cáceres, S.C.L.	
Agro Sevilla Aceitunas S.Coop.And.	
Angel Camacho Alimentación, S.L.; Cuarterola S.L.; Cucanoche S.L.; Grupo Angel Camacho, S.L.[11]	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Brakes Drums, C–570–175	12/3/24–12/31/25
Anhui Changfeng Trading Co., Ltd	
Anhui Haiguang Trading Co., Ltd	
Anhui Volcano Vehicle Parts Co., Ltd	
Beijing Wilbury International, Inc.	
CAIEC Trailer Master Co., Ltd./Trailer Master CVS Inc	
Changyi Qiyang Mechanical	
Chongqing Millennium	
ConMet (Weifang) Mechanical Co., Ltd	
Dalian Honfriend Auto Parts Co., Ltd	
Danaher Auto Spare Parts Co., Ltd.	
Deye International Limited	
Dongguan Chenggen Import & Export Co., Ltd	
FTA Test Area Welson Imp&Exp	
Guangzhou Joyhand Import&Export Co	
Hebei Ankesu Imp Exp Trade Co Ltd	
Hebei Iruijin Auto Parts Co., Ltd	
Hebei OE Auto Spare Parts Co., Ltd	
Hebei Yingsheng Automabile Parts Co., Ltd	
Hefei Yisheng Trailer Machinery Co., Ltd	
Henan Broad Top Metalwork LLC	
Henan Valiant Braking System Co	
HTS (Tianjin) Supply Chain Co., Ltd	
Huainan Chuangsu Import And Export Co., Ltd	
Hubei Xinxing Quanli Machinery Co., Ltd	
International Machinery And Equipment	
Jiaxing Jman Mechanical Design Co.	
Jiaxing Stone Wheel Co., Ltd	
Jining Huida Construction Machinery	
Kara CVS Inc.	
Laizhou Haichen Machinery Co., Ltd	
Laizhou Sanli Auto Replacement	
Liaoning Hechuang CV Parts MFG Co	
Lizhouland Inc	
Longkou Aoda Auto Parts Co., Ltd	
Longkou Haimeng Machinery Co., Ltd	
Longkou Jiaodong Machine Parts Co.	
Mass Parts LLC	
Ningbo Qingchen International Trade Co., Ltd	
Ningbo Shimaotong International Co., Ltd	
PanAsia CVS (HK) Limited	
Qingdao Jasmine International Trade Co., Ltd	
Qingdao Leeda Auto Parts Co., Limited	
Qingdao Tordon Brake Co., Ltd	
Raw King Brake Parts Co., Ltd	
Rayloc	
Recest E-Commerce (Shanghai) Co., Ltd	
Richland Global Sources, Inc	
Shandong Best Machinery	
Shandong ConMet Mechanical, Ltd./Weifang ConMet Mechanical Products Co., Ltd/Shandong ConMet Mechanical Co., Ltd.	
Shandong Haoxin Co., Ltd	
Shandong Hongma Engineering Co., Ltd	
Shandong Longji Machinery Co., Ltd	
Shandong Taijiu Power Machinery Co., Ltd.	
Shandong Xinchang Environmental Science Co., Ltd	
Shanghai Waizongfu International Trading Co., Ltd	
Shanghai Winsun Auto Parts Co., Ltd	

	Period to be reviewed
Shanxi Tang Rong Machinery Mfg Co.	
Shenyang Honbase Machinery Co., Ltd	
Shenzhen Jiali Trading Co., Ltd	
Shenzhen Lechuan Trading Co Ltd	
Shijiazhuang Hua Nuo I/E Co., Ltd.	
Suzhou Jianghexingyao International Trade Co., Ltd	
Suzhou Kaihongbo Technology Co., Ltd	
Tianjin Haresco International Trade	
Tianjin Textile Group Import And Export Inc.	
Weifang Changxin Machinery	
Weifang Haoxin ConMet Mechanical	
Xiamen Tinmy Industrial Co., Ltd	
Xianghe Zichen Auto Parts Co., Ltd.	
Xingtai Xunchiyoute Auto Parts Co.	
Yancheng Terbon Auto Parts Co., Ltd.	
Yantai Hongtian Autoparts Co., Ltd	
Yantai March International Trade	
Yantai Mefine Machine Group Co., Ltd	
Yantai Newtek International Trading Co., Ltd	
Yantai Winhere Auto-Part Manufacturing Co., Ltd	
Zhejiang Firsd Group Co., Ltd.	
Zhejiang New Sorl Auto Parts Co., Ltd	
Zhengzhou Dinghong Machinery & Equipment Co., Ltd	
Zhumadian CIMC Huajun Casting Co., Ltd	
Zhumadian Hengjiu Machinery	
Zibo Jizhou Trading Co., Ltd	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Low Speed Personal Transportation Vehicles, C–570–177	9/7/24–12/31/25
Dongguan Excar Electric Vehicle Co., Ltd	
Dongguan Excar Electric Vehicle Co., Ltd.	
Guangdong Lvtong New Energy Electric Vehicle Technology Co., Ltd.	
Guangzhou Ruike Electric Vehicle Co., Ltd	
Kangdi Electric Vehicle (Hainan) Co., Ltd	
Shandong Yongli New Energy Vehicle Industry Co., Ltd.	
Shanghai Dachi Auto Power Co., Ltd.	
Shenzhen Aoxiang Industrial Development Co., Ltd.	
Yangzhou Whanlong Electric Vehicle Co., Ltd	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Metal Lockers and Parts Thereof, C–570–134	1/1/25–12/31/25
Da Wu Supply Chain Management Co., Ltd.	
Fourever International Ltd.	
Hangzhou Evernew Machinery & Equipment Company, Ltd.	
Hangzhou Yide Supply Chain Management Co., Ltd.	
Hangzhou Xline Machinery	
Kunshan Dongchu Precision Machinery Co., Ltd.	
Ningbo Safewell Group Smart Security Products Co., Ltd.	
Ningbo Safewell Safes	
Pinghu Chenda Storage Office Co., Ltd.	
Safewell Group Holdings, Ltd.	
Shenzhen Mascot International	
Sunmetals Products De Mexico Sa De Cv	
Tianjin Jia Mei Metal Furniture Ltd.	
Xingyi Metalworking Technology (Zhejiang) Co., Ltd.	
Xpedition LLC DBA Safewell Gr	
Zhejiang Focus-On Import & Export Co., Ltd.	
Zhejiang Safewell Security Technology Co., Ltd.	
Zhejiang Xingyi Metal Products Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Passenger Vehicle and Light Truck Tires, C–570–017	1/1/25–12/31/25
Qingdao Keter International Co., Limited	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Pea Protein, C–570–155	1/1/25–12/31/25
Amy (Hong Kong) On Line Co., Ltd.	
Arc Food Technologies Limited	
Bioway Industrial Group Ltd.	
Bioway Organic Group Ltd.	
Bioway (Xi'an) Organic Ingredients Co., Ltd.	
Chuzhou Ligu Bio Science And Tech Co.	
Dongguan Fenggang Yuxing Food Factory	
Fenchem Biotek Ltd	
Flyloong Biotechnology (Qingdao) Co., Ltd.	
Focusherb LLC	
Hainan Zhongxin Chemical Co., Ltd.	
Hengyuan Biotechnology Co., Ltd.	
Ishaan Bio Private Limited	
Jianyuan International Co., Ltd.	
Jinyuan Import & Export Co., Ltd.	
KTL Pharmaceutical Co., Ltd.	

	Period to be reviewed
Kubon (Cambodia) Biotechnology Co., Ltd. Kunshan Jinfu Trading Co., Ltd. LCH Mega Maju Industry Linyi Yuwang Vegetable Protein Co., Ltd. Nanjing NHC Nutraceuticals Co., Ltd. Naturz Organics (Dalian) Co., Ltd. Nutracean Co., Ltd. Nutritech Asia Group Qingdao, Ltd. Qingdao Runhuixin Industrial Co., Ltd. Qingdao Yingshen Industrial Co., Ltd. Shandong Jiaming International Trade Co., Ltd. Shandong Jianyuan Bioengineering Co. Shandong Yuwang Ecological Food Industry Co., Ltd. Shanghai Elim Organic Food Co., Ltd. Shanghai Freeman Lifescience Co., Ltd. Shanxi Coolflying Bio-Tech Co., Ltd. Sugarbush Shenzhen Biotechnology Co., Ltd. Wellgreen Technology Co., Ltd. Xiamen Yotoyo Foods Co., Ltd. Yantai Hongben Import Export Co., Ltd Yantai Oriental Protein Tech Co., Ltd.; Jiujiang Tiantai Food Co., Ltd.; Shandong Sanjia Investment Holding Group Co., Ltd.; Yantai Yiyuan Bioengineering Co., Ltd.; and Yantai Zhongzhen Trading Co., Ltd. Yantai T.Full Biotech Co., Ltd. Yantai Wanpy International Trade Yosin Biotechnology (Yantai) Co., Ltd. Yosin Import and Export (Yantai) Co., Ltd. Zhaoyuan Junbang Trading Co., Ltd.; Yantai Shuangta Food Co. Ltd.	

Suspension Agreements

None.

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an AD order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), Commerce, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant ''gap'' period of the order (*i.e.,* the period following the expiry of provisional measures and before definitive measures were put into place), if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce's regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce's regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also

[4] Commerce inadvertently omitted these companies from the initiation notice published on August 10, 2026 (91 FR 51436). Inclusion of the companies listed here serves as a correction notice.

[5] We received a request for review of Regiomontana de Perfiles y Tubos S.A. de C.V. However, Commerce previously determined that Regiomontana de Perfiles y Tubos S. de R.L. de C.V. is the successor-in-interest to Regiomontana de Perfiles y Tubos S.A. de C.V. *See Light-Walled Rectangular Pipe and Tube from Mexico: Final Results of Antidumping Duty Administrative Review; 2018–2019,* 86 FR 33646 (June 25, 2021).

[6] Commerce inadvertently omitted this company from the initiation notice published on September 4, 2026 (91 FR 56836). Inclusion of the company here serves as a correction notice.

[7] In the initiation notice that was published on August 10, 2026 (91 FR 51436), the companies listed above should have been listed separately. This serves as a correction notice.

[8] In the initiation notice that was published on August 10, 2026 (91 FR 51436), the companies listed above should have been listed separately. This serves as a correction notice.

[9] In the notice of initiation of administrative review published on May 4, 2026 (91 FR 23941), we initiated a review with respect to ''TSI Metal Industries L.L.C.'' However, the incorrect POR of 12/1/21–11/30/22 was listed. We are correcting that error in this notice.

[10] In the initiation notice that was published on August 10, 2026 (91 FR 51436), the companies listed above should have been listed separately. This serves as a correction notice.

[11] Commerce previously determined that Angel Camacho Alimentación, S.L.; Cuarterola S.L.; Cucanoche S.L.; and Grupo Angel Camacho, S.L. are cross-owned. *See Ripe Olives from Spain: Final Results of Countervailing Duty Administrative Review; 2023,* 91 FR 48062 (July 30, 2026).

provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule,*[12] available at *https://www.govinfo.gov/content/pkg/FR-2013-07-17/pdf/2013-17045.pdf,* prior to submitting factual information in this segment. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[13]

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule.*[14] Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by Commerce.[15] In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, standalone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule,* available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

Notification to Interested Parties

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: September 29, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–20160 Filed 9–30–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–223]

Truck Bed Covers From the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that truck bed covers from the People's Republic of China (China) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2025, through December 31, 2025.

DATES: Applicable October 1, 2026.

FOR FURTHER INFORMATION CONTACT: Christopher Maciuba or Jerry Xiao, 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) 482–0413 or (202) 482–2273, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on March 20, 2026.[1] On July 14, 2026, Commerce postponed the preliminary determination of this investigation, and the revised deadline is now September 23, 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 included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Investigation

The products covered by this investigation are truck bed covers 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 (scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record for this investigation, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision

[12] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* the frequently asked questions regarding the *Final Rule,* available at *https://www.trade.gov/sites/default/files/2026-08/FAQ%20for%20Certifications.pdf?v=1788270933909.*

[13] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule,* 88 FR 67069 (September 29, 2023).

[14] *See* section 782(b) of the Act; *see also Final Rule;* and the frequently asked questions regarding the *Final Rule,* available at *https://www.trade.gov/sites/default/files/2026-08/FAQ%20for%20Certifications.pdf?v=1788270933909.*

[15] *See* 19 CFR 351.302.

[1] *See Truck Bed Covers from the People's Republic of China: Initiation of a Less-Than-Fair-Value Investigation,* 91 FR 13568 (March 20, 2026) (*Initiation Notice*).

[2] *See Truck Bed Covers from The People's Republic of China: Postponement of Preliminary Determination in the Less- Than-Fair-Value Investigation,* 91 FR 43084 (July 14, 2024).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Truck Bed Covers from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice*, 91 FR at 13569.

Memorandum.[6] Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice.* Interested parties may address our preliminary scope determination in scope case briefs; the briefing schedule is provided in the Preliminary Scope Decision Memorandum.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Because China is a non-market economy, within the meaning of section 771(18) of the Act, Commerce has calculated normal value in accordance with section 773(c) of the Act. Furthermore, pursuant to sections 776(a) and (b) of the Act, Commerce preliminarily has relied upon facts otherwise available, with adverse inferences, for the China-wide entity. For a full description of the methodology underlying Commerce's preliminary determination, *see* the Preliminary Decision Memorandum.

Combination Rates

In the *Initiation Notice,*[7] Commerce stated that it would calculate producer/exporter combination rates for the respondents that are eligible for a separate rate in this investigation. Policy Bulletin 05.1 describes this practice.[8]

Separate Rates

We have preliminarily granted a separate rate to certain companies that we did not select for individual examination.[9] In calculating the rate for non-individually examined separate rate respondents in an non-market economy LTFV investigation, Commerce normally looks at section 735(c)(5)(A) of the Act, which pertains to the calculation of the all-others rate in a market economy LTFV investigation, for guidance. Pursuant to section 735(c)(5)(A) of the Act, normally this rate shall be an amount equal to the weighted-average of the estimated weighted-average dumping margins established for those companies individually examined, excluding any zero and *de minimis* dumping margins, and any dumping margins based entirely under section 776 of the Act.

Commerce calculated individual estimated weighted-average dumping margins for Hangzhou Golden Sun Autoparts Co., Ltd. (Golden Sun) and Wenzhou Tianmao Automobile Parts Co., LTD (Tianmao) [10] that are not zero, *de minimis,* or based entirely on facts otherwise available. Therefore, we assigned a margin to the non-examined, separate rate companies based on a weighted-average dumping margin based on the publicly ranged U.S. sales values reported by Golden Sun and Tianmao.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Producer	Exporter	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Hangzhou Golden Sun Autoparts Co., Ltd.	Hangzhou Golden Sun Autoparts Co., Ltd.	51.35	51.17
Wenzhou Tianmao Automobile Parts Co., LTD/ Wenzhou Chaoming Auto Parts Co., Ltd..	Wenzhou Tianmao Automobile Parts Co., LTD/ Wenzhou Chaoming Auto Parts Co., Ltd..	46.95	46.77
Foshan Yudian Automotive Products Co., Ltd	Foshan Yudian Automotive Products Co., Ltd	49.56	49.38
Jiaxing Kscar Auto Accessories Co., Ltd.	Jiaxing Kscar Auto Accessories Co., Ltd.	49.56	49.38
Ningbo Kuatu Electronic Technology Co., Ltd	Ningbo Surpass Auto Parts Co., Ltd	49.56	49.38
Hefei Bopar Auto Technology Co., Ltd.	Hefei Bopar Auto Technology Co., Ltd.	49.56	49.38
Ningbo Diroan Auto Accessories Co., Ltd.	Ningbo Diroan Auto Accessories Co., Ltd.	49.56	49.38
Winbo Dongjian Automotive Technology Co., Ltd.	Dongjian Group (Hong Kong) Co., Limited	49.56	49.38
Winbo Dongjian Automotive Technology Co., Ltd.	Winbo Dongjian Automotive Technology Co., Ltd.	49.56	49.38
Cixi City Liyuan Auto Parts Co., Ltd.	Hongkong Lyworth Trading Limited Co., Ltd.	49.56	49.38
Scarman International Trading Co., Ltd.	Hongkong Lyworth Trading Limited Co., Ltd.	49.56	49.38
Kunshan Macauto Automobile Parts Industry Co., Ltd.	Kunshan Macauto Automobile Parts Industry Co., Ltd.	49.56	49.38
Wenzhou L-Ray Auto Parts Co., Ltd.	Wenzhou L-Ray Auto Parts Co., Ltd.	49.56	49.38
Ningbo Scarman International Trading Co., Ltd.	Ningbo Scarman International Trading Co., Ltd.	49.56	49.38
Cixi City Liyuan Auto Parts Co., Ltd.	Ningbo Scarman International Trading Co., Ltd.	49.56	49.38
Wenzhou Tianmao Automobile Parts Co., Ltd.	Ruian Lingsheng Auto Parts Co., Ltd.	49.56	49.38
Changzhou Sunwood International Trading Co., Ltd.	Changzhou Sunwood International Trading Co., Ltd.	49.56	49.38
China-Wide Entity*		*107.58	107.41

*This rate is based on facts available with adverse inferences.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation 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**, as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the weighted average amount by which normal value exceeds U.S. price, as indicated in the chart above as follows: (1) for the producer/exporter combinations listed in the table above, the cash deposit rate is equal to the estimated weighted-average dumping margin listed for that combination in the table; (2) for all combinations of Chinese producers/

[6] *See* Memorandum, ''Less-Than-Fair-Value and Countervailing Duty Investigations of Truck Bed Covers from the People's Republic of China: Preliminary Scope Determination Memorandum,'' dated concurrently with this preliminary determination (Preliminary Scope Decision Memorandum).

[7] *See Initiation Notice,* 91 FR at 13572.

[8] *See* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries,'' (April 5, 2005) (Policy Bulletin 05.1), available on Commerce's website at *https://www.trade.gov/enforcement-and-compliance-policy-bulletins-0.*

[9] *See* Preliminary Decision Memorandum.

[10] Commerce is preliminary treating Tianmao and Wenzhou Chaoming Auto Parts Co., Ltd. as a single entity; *see* Memorandum, ''Preliminary Determination of Affiliation and Single Entity Determination for Wenzhou Tianmao and Wenzhou Chaoming,'' dated concurrently with this memorandum.

exporters of merchandise under consideration that have not established eligibility for their own separate rates, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the China-wide entity; and (3) for all third-county exporters of merchandise under consideration not listed in the table above, the cash deposit rate is the cash deposit rate applicable to the Chinese producer/exporter combination (or the China-wide entity) that supplied that third-country exporter.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of domestic subsidy pass-through and export subsidies determined in a companion countervailing duty (CVD) proceeding when CVD provisional measures are in effect. Accordingly, where Commerce has made a preliminary affirmative determination for domestic subsidy pass-through or export subsidies, Commerce has offset the calculated estimated weighted-average dumping margin by the appropriate rate(s).[11] Any such adjusted rates may be found in the ''Preliminary Determination'' section's chart of estimated weighted-average dumping margins above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, Commerce will direct CBP to begin collecting cash deposits at a rate equal to the estimated weighted-average dumping margins calculated in this preliminary determination unadjusted for the passed-through domestic subsidies or for export subsidies at the time the CVD provisional measures expire.

These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose to interested parties the calculations performed in connection with this preliminary determination within five days of its public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

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 information relied upon in making its final determination.

Public Comment

Non-scope 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 final verification report is issued in this investigation.[12] 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.[13] 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.[14]

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.[15] 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).[16]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Oral presentations at the hearing will be limited to issues raised in the briefs.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioners. Pursuant to 19 CFR 351.210(e)(2), Commerce requires that requests by respondents for postponement of a final antidumping determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On September 14, 2026, pursuant to 19 CFR 351.210(e), Golden Sun requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[17] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) the preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

[11] *See Truck Bed Covers from China: Preliminary Affirmative Countervailing Duty Determination,* 91 FR 48367 (July 31, 2026), and accompanying Preliminary Decision Memorandum.

[12] *See* 19 CFR 351.309(c)(1)(i).

[13] *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*).

[14] *See* 19 351.309(c)(2) and (d)(2).

[15] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[16] *See APO and Service Final Rule.*

[17] *See* Golden Sun's Letter, ''Golden Sun's Request to Postpone Final Determination,'' dated September 14, 2026.

U.S. International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its preliminary determination of sales at LTFV. 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 the subject merchandise are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: September 23, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

Scope of the Investigation

The scope of the investigation covers truck bed covers, which are protective shields made of aluminum, steel, fiberglass, carbon fiber, plastic, and/or water-resistant fabric that are sized to span the open-top area of a pickup truck. When fully assembled and installed, truck bed covers have a width between 45 and 75 inches (actual) and a length between 55 and 100 inches (actual), and can be used to secure the cargo area of a pickup truck and/or repel water.

Truck bed covers typically encompass four general configurations—*i.e.,* folding, roll-up, one-piece, and retractable. Folding truck bed covers consist of two or more interconnected, hinged panels which may be made from a rigid material or a soft material with a rigid frame. Roll-up truck bed covers can be made of soft material with rigid crossbars, or rigid material such as slats, which allow the cover to roll forward for access to the truck bed, and which can be secured with straps, buckles, or other fasteners. One-piece truck bed covers are rigid covers that open from the tailgate end of the truck bed using a hinge or pivot, typically with the assistance of struts for opening and closing. Retractable truck bed covers are made of interconnected rigid slats or one-piece aluminum-reinforced polycarbonate that retract into a recessed canister to allow access to the truck bed. Retractable truck bed covers may be manually operated or electrically powered with a motor, and electric models may include additional features such as fob keys, Bluetooth connectivity, or LED lights.

The scope of the investigation includes not only the cover material (*i.e.,* the protective shield made of aluminum, steel, fiberglass, carbon fiber, plastic, and/or water-resistant fabric), but also any accompanying hardware for the mounting or storage of the truck bed cover (*e.g.,* rails, canisters, latches, straps, clasps, clamps, nuts, bolts, washers, screws, hitch pins, weather strips/seals/gaskets) or other parts (*e.g.,* locks, struts, drain tubes, motors), provided that such hardware or other parts are entered with and invoiced with the cover material. Truck bed covers are included within the scope whether or not they are accompanied with such hardware or other parts. Moreover, any hardware for the mounting or storage of the truck bed cover (*e.g.,* rails, canisters, latches, straps, clasps, clamps, nuts, bolts, washers, screws, hitch pins, weather strips/seals/gaskets) or other parts (*e.g.,* locks, struts, drain tubes, motors) are covered within the scope if such items are separately entered as a truck bed cover mounting or installation kit.

Excluded from the scope are truck caps (also known as camper shells, toppers, or canopies), which are enclosures that can be mounted on truck bed rails to extend the height of a truck bed by at least 12 inches (actual), thus creating a fully-enclosed, lockable storage area for cargo.

Also excluded from the scope of the investigation are any products already covered by the scope of any extant antidumping and/or countervailing duty orders, including *Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order,* 76 FR 30650 (May 26, 2011), and *Aluminum Extrusions from the People's Republic of China: Countervailing Duty Order,* 76 FR 30653 (May 26, 2011).

The products subject to the investigation are currently classifiable under subheading 8708.29.5160 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Affiliation and Single Entity Treatment
V. Discussion of the Methodology
VI. Adjustment Under Section 777(A)(f) of the Act
VII. Adjustment to Cash Deposit Rates for Export Subsidies in the Companion Countervailing Duty Investigation
VIII. Currency Conversion
IX. Recommendation

[FR Doc. 2026–20163 Filed 9–30–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–949]

Large Diameter Graphite Electrodes From India: 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 graphite electrodes) from India. 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 October 1, 2026.

FOR FURTHER INFORMATION CONTACT: Robert Galantucci, 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) 482–2923.

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] On September 1, 2026, Resonac Graphite America Inc. and Tokai Carbon GE LLC (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 India.[3]

In accordance with sections 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. Because the critical circumstances allegation in this case was submitted after the *Preliminary Determination,* Commerce must issue its preliminary findings of critical circumstances no later than 30 days after the allegation was filed.[4]

[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 India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination,* 91 FR 48081 (July 30, 2026) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[3] *See* Petitioners' Letter, ''Allegation of Critical Circumstances,'' dated September 1, 2026 (Petitioners' Allegation).

[4] *See* 19 CFR 351.206(c)(2)(ii).

Critical Circumstances Allegation

The petitioners allege that there was a massive increase in imports of large graphite electrodes from India and provided monthly import data for the period of October 2025 through July 2026.[5] The petitioners state that a comparison of total imports, by quantity, for the base period of October 2025 through February 2026, with the comparison period of March 2026 through July 2026, shows that imports from India increased by more than 15percent, 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 Subsidies and Countervailing Measures (SCM Agreement) of the World Trade Organization.[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 Graphite India Limited (GIL), HEG Limited (HEG), 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: Advance Authorization Program; Duty Drawback Program; Export Promotion of Capital Goods Scheme; and Remission of Duties and Taxes on Export Products.[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

Commerce compared the import volumes of GIL's and HEG's reported shipments of subject merchandise for the five months immediately preceding and the five months following the filing of the petition. Because the petition was filed on February 24, 2026, and in order to determine whether there was a massive surge in imports for the mandatory respondents, Commerce compared the total volume of shipments during the period of October 2025 through February 2025 (the base period) with the volume of shipments during the period of March 2025 through July 2021 (the comparison period).[12] We preliminarily determine that imports from both GIL and HEG increased by more than 15 percent between the base and comparison periods.[13]

To determine whether imports were massive for all other exporters or producers, Commerce's normal practice is to subtract shipments reported by the cooperating mandatory respondents from import data for subject merchandise.[14] However, this analysis was not possible in this investigation because, for several months of the base and comparison periods, the quantity of shipments reported by GIL and HEG exceeded the quantity of shipments reported in the third-party import data submitted in the Petitioners' Allegation.[15] Therefore, we find that the third-party import data on the record are not reliable to determine whether imports of covered merchandise were massive between the base and comparison periods for all other exporters and producers. Consequently, we relied upon an average of GIL's and HEG's shipments during the base and comparison period.[16] Based on these data, we find that there was an increase in imports of more than 15 percent between the base and comparison periods. We therefore preliminarily determine that there was a massive surge in imports between the base and comparison periods for all other producers and exporters from India.

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 Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. A timeline for the submission of case briefs and written comments will be provided to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[17] Interested parties who submit

[5] *See* Petitioners' Allegation at 6.

[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 Preliminary Determination* PDM at 13–25.

[12] *See* HEG's Letter, ''Critical Circumstances Allegation Rebuttal Factual Information,'' dated September 11, 2026 (HEG Critical Circumstances Data) at Exhibit CC–1; *see also* GIL's Letter, ''Graphite India Limited's Monthly Quantity and Value Shipment Data,'' dated September 16, 2026 (GIL Critical Circumstances Data) at Exhibit QV–1.

[13] *See* Memorandum, ''Critical Circumstances Analysis,'' dated concurrently with this notice.

[14] *See, e.g., Antidumping Duty Investigation on Refillable Stainless Steel Kegs from Mexico: Preliminary Affirmative Determination of Critical Circumstances,* 84 FR 18796, 18798 (May 2, 2019).

[15] *See* Petitioners' Allegation at Attachments 2–3; *see also* GIL Critical Circumstances Data at Exhibit QV–1; and HEG Critical Circumstances Data at Exhibit CC–1.

[16] *See, e.g., Certain Cold-Rolled Steel Flat Products from the Russian Federation: Affirmative Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances, and Postponement of Final Determination,* 81 FR 12072 (March 8, 2016), and accompanying PDM at 13–14, unchanged in *Certain Cold-Rolled Steel Flat Products from the Russian Federation: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part,* 81 FR 49950 (July 29, 2016), and accompanying IDM at 7–9.

[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*).

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)(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.[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 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 GIL, HEG, 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 India 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.

[18] *See* 19 351.309(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.*

Dated: September 28, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–20162 Filed 9–30–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG047]

Fisheries of the Exclusive Economic Zone Off Alaska; Application for an Exempted Fishing Permit

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

ACTION: Notice; receipt of application for exempted fishing permit.

SUMMARY: This notice announces NMFS' receipt of an application from SeaShare, Inc. and Glacier Fish Co. and the public comment period for an exempted fishing permit (EFP). If issued, this permit would allow the applicants to retain Pacific halibut up to a poundage limit and donate it through the Prohibited Species Donation (PSD) Program, after Pacific halibut deck sorting and after sampling by a fisheries observer. This EFP would exempt one catcher/processor vessel from complying with regulations that prohibit the retention of Pacific halibut and donation of Pacific halibut prohibited species. The EFP would place a poundage limit on the allowable retention of Pacific halibut. Effective dates of the EFP would be from May 1, 2027, to December 31, 2028. This experiment would allow retention of Pacific halibut to test an additional way to donate dead Pacific halibut to hunger relief causes that would otherwise be discarded at sea. If successful, this would promote the food-supply and conservation objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Comments on this EFP application must be submitted to NMFS on or before October 16, 2026. The North Pacific Fishery Management Council (Council) will consider the application at its meeting from October 5 through 13, 2026.

ADDRESSES: The Council meeting will be held in Anchorage, Alaska. The agenda for the Council meeting is available at *http://www.npfmc.org.* In addition to submitting public comments during the Council meeting through the Council website, you may submit comments on this document, identified by NOAA–NMFS–2026–2641, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit *https://www.regulations.gov* and type NOAA–NMFS–2026–2641 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Gretchen Harrington, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Records Office. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

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

Electronic copies of the EFP application and the basis for a categorical exclusion under the National Environmental Policy Act are available from *https://www.regulations.gov* or from the NMFS Alaska Region website at *https://www.fisheries.noaa.gov/region/alaska.*

FOR FURTHER INFORMATION CONTACT: Maggie Chan, (907) 243–0669 or *Maggie.chan@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands Management Area (BSAI) under the Fishery Management Plan (FMP) for Groundfish of the BSAI (BSAI FMP). The Council prepared the BSAI FMP under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* Regulations governing the BSAI groundfish fisheries appear at 50 CFR parts 600 and 679. The FMP and the EFP-implementing regulations at §§ 600.745(b) and 679.6 allow the NMFS Regional Administrator to authorize, for limited experimental purposes, fishing that would otherwise be prohibited. Under the Magnuson-Stevens Act, fishing is defined to include, among other things, ''the catching, taking, or harvesting of fish.''

16 U.S.C. 1802(16)(A). Procedures for issuing EFPs are contained in the implementing regulations.

Background and Need for Exempted Fishing Permit

Current regulations prohibit trawl catcher/processor vessels from retaining and donating Pacific halibut under the PSD Program. In the Bering Sea trawl limited access (TLAS) yellowfin sole fishery, incidentally caught Pacific halibut are sorted on deck and then discarded at sea, following regulations for the Pacific halibut deck sorting program at § 679.102. Pacific halibut that are unable to be sorted and discarded on deck within the time limits indicated on the Observer Sampling Station Inspection Report are then sorted in the vessel's factory and provided to the fisheries observer for sampling before they are discarded at sea, as required by regulations.

This EFP proposes to allow a portion of the Pacific halibut that remain in the catch, after Pacific halibut deck sorting and after sampling by a fisheries observer, to be retained, processed, and donated through the PSD Program, instead of being discarded at sea as required by regulation. Regulatory exemptions are requested, as described below, to allow the proposed EFP to test the logistical and operational requirements required for the donation of Pacific halibut for hunger relief purposes from one trawl catcher/processor vessel.

Exempted Fishing Permit

On August 21, 2026, Ms. Hannah Lindoff with SeaShare, Inc. and Mr. Glenn Merrill with Glacier Fish Co. submitted an application for an EFP to test the operational and logistical requirements needed for one trawl catcher/processor to donate Pacific halibut under the PSD Program. The proposed EFP aims to test donation of Pacific halibut on one trawl catcher/processor vessel in the TLAS yellowfin sole fishery in the Bering Sea. Gear and fishing operations will be conducted in compliance with current management regulations subject to exemptions under the EFP.

The EFP applicants requested to retain and donate a maximum of 5,000 net pounds of headed and gutted Pacific halibut, or 3.0 metric tons of round weight equivalent, to the PSD Program for hunger relief purposes through SeaShare, Inc, a NMFS-authorized distributor under the PSD program. The proposed EFP does not seek any exemptions from existing Pacific halibut Prohibited Species Catch limits established by regulation, nor from applicable requirements for Pacific halibut deck sorting. Those limits and requirements would continue to apply. The proposed EFP also does not seek any changes in catch monitoring or catch accounting.

Exemption

To meet the proposed EFP's objective, two exemptions to Alaska Region regulations are necessary:

- 50 CFR 679.21(a)(2)(ii), which prohibits the retention of prohibited species catch. If granted, the exemption would allow one trawl catcher/processor vessel to retain, for donation only, up to 5,000 net pounds, or 3.0 mt round weight equivalent, of headed and gutted Pacific halibut.
- 50 CFR 679.26(a)(2), which allows the donation of Pacific halibut delivered by catcher vessels using trawl gear to shoreside processors and stationary floating processors, thereby prohibiting a catcher/processor vessel from participating in the PSD program.

Permit Conditions, Review, and Effects

If issued, the EFP vessel will comply with observer requirements at § 679.50, deck sorting requirements at § 679.102, and PSD Program requirements at § 679.26. The EFP vessel will work with NMFS on necessary communication and monitoring protocols.

If issued, the EFP would contain several conditions. Within 6 months of the end of EFP fishing, the applicant would be required to submit to NMFS a final report that describes how well EFP objectives were accomplished, including any problems and successes, total amount of retained Pacific halibut, and total amount of donated Pacific halibut during the EFP. The Alaska Fisheries Science Center (AFSC) reviewed a draft EFP application that was submitted on August 21, 2026. The AFSC determined that the scientific design is valid and provided minor comments. All AFSC feedback has been incorporated in the final EFP application submitted to NMFS on September 15, 2026.

The activities that would be conducted under this EFP are limited in size, magnitude, and duration with no potential for significant individual or cumulative impacts, as detailed in the draft categorical exclusion for this action (see **ADDRESSES**).

In accordance with §§ 679.6 and 600.745, NMFS has determined that the application warrants further consideration and has forwarded the application to the Council to initiate consultation. The Council is scheduled to consider the EFP application during its October 2026 meeting, which will be held in Anchorage, Alaska. The applicants have been invited to speak in support of the application.

Public Comments

Interested persons may comment on the application during the October 2026 Council meeting during public testimony. Information regarding the meeting is available at the Council's website at *http://www.npfmc.org.* Comments may also be submitted directly to NMFS (see **ADDRESSES**) by the end of the comment period (see **DATES**). Copies of the application and categorical exclusion are available for review from NMFS (see **ADDRESSES**).

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

Dated: September 28, 2026.

Shannon Bettridge,

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

[FR Doc. 2026–20125 Filed 9–30–26; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add products to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and delete product(s) previously furnished by such agencies.

DATES: Comments must be received on or before: October 31, 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.

Additions

In accordance with 41 CFR 51–2.4(b), Government personnel within the contracting activity have identified this

as a product requirement not applicable to other Federal entities and has requested the Committee consider granting a purchase or distribution preference if the product is added to the Procurement List. *See* 71 FR 69536 (Dec. 1, 2006). If the Committee grants this request, the products will not be available through the U.S. AbilityOne Commission's Commercial Distribution Program. The Committee will consider this request along with relevant comments received from interested parties.

The following product(s) are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Product(s)

NSN(s)—Product Name(s):
650025301N—Kit, First Aid, Stop the Bleed, Personal Bleed Control Kit, Intermediate TMT Configuration
650025302N—Resupply Pack, First Aid, Stop the Bleed, Personal Bleed Control Kit, Intermediate TMT Configuration
650025310N—Kit, First Aid, Stop the Bleed, Personal Bleed Control Kit, Intermediate CAT Configuration
650025320N—Kit, First Aid, Stop the Bleed, Personal Bleed Control Kit, Intermediate SOFTT–W Configuration
Authorized Source of Supply: Alphapointe, Kansas City, MO
Mandatory For: DEPT OF DEFENSE
Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT

Deletions

The following product(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s): 7105–00–269–9275—Table, Folding Legs, 36″ x 24″, Olive Drab
Authorized Source of Supply: Pennyroyal Regional Mental Health-Mental Retardation Board, Inc., Hopkinsville, KY
Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–20089 Filed 9–30–26; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes product(s) and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date deleted from the Procurement List:* November 01, 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:

Deletions

On August 27, 2026 (91 FR 55325), 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): 7510–01–660–3733—Toner Cartridge, Remanufactured, Standard Yield, Black, HP LaserJet 4345
Authorized Source of Supply: TRI Industries NFP, Vernon Hills, IL
Contracting Activity: GENERAL SERVICES ADMINISTRATION, GSA/FAS ADMIN SVCS ACQUISITION BR(2)

Service(s)

Service Type: Bursting/Packaging Commemorative Stamps
Mandatory For: USPS, Customer Products and Fulfillment CMC, Aurora, CO, 3300 South Parker Road, Suite 400, Aurora, CO
Authorized Source of Supply: MDI Government Services, Inc., Minneapolis, MN
Contracting Activity: US Postal Service, U.S. Postal Service, Washington, DC

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–20090 Filed 9–30–26; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Grant a Joint Ownership Agreement With an Exclusive Patent License

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Notice of intent.

SUMMARY: Pursuant to the Bayh-Dole Act and implementing regulations, the Department of the Air Force hereby gives notice of its intent to grant a joint ownership agreement with an Exclusive Patent License to Wright State University having a place of business at 3640 Colonel Glenn Highway, Dayton, Ohio 45435.

DATES: Written objections must be filed no later than fifteen (15) calendar days after the date of publication of this Notice.

ADDRESSES: Submit written objections to Robert Barnes, Air Force Research Laboratory, Information & Spectrum Warfare Directorate, 2241 Avionics Circle, Bldg. 620, Wright Patterson Wright Patterson AFB, Ohio 45433; Phone: (937) 713–8511; or Email: *AFRL.RY.ORTA@us.af.mil* or *Robert.Barnes.36.ctr@us.af.mil.* Include Docket No. AFD2461/50370–0019–01 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Robert Barnes, Air Force Research Laboratory, Information & Spectrum Warfare Directorate, 2241 Avionics Circle, Bldg. 620, Wright-Patterson AFB, OH 45433; Phone: (937) 713–8511; or Email: *AFRL.RY.ORTA@us.af.mil* or *Robert.Barnes.36.ctr.@us.af.mil.*

SUPPLEMENTARY INFORMATION:

Abstract of patent application(s):

The present invention relates to diffusion barriers for metal/dielectric interfaces, as well as methods of making and using same. Diffusion barriers for metal/dielectric interfaces having the

required abruptness to allow operation above 500 °C and a process. The process is compatible for MOS device process technology, where the devices are either processed or operated at HT, therefore, requires a diffusion barrier that can be deposited via a physical vapor deposition process and can also ensure an abrupt metal/dielectric interface with negligible diffusion of metals into the dielectric and dielectric into the metal.

Intellectual property:

U.S. Application No. US Application Serial Number 19/056,139 [Attorney Docket AFD2461/50370–0019–01] filed 18 February 2025, claiming the benefit of Provisional Application Serial Number 63/554,974, filed 17 February 2024, and entitled Diffusion Barrier for Metal/Dielectric Interface.

The Department of the Air Force may grant the prospective license unless a timely objection is received that sufficiently shows the grant of the license would be inconsistent with the Bayh-Dole Act or implementing regulations. A competing application for a patent license agreement, completed in compliance with 37 CFR 404.8 and received by the Air Force within the period for timely objections, will be treated as an objection and may be considered as an alternative to the proposed license.

(Authority: 35 U.S.C. 209; 37 CFR 404.)

Crystle C. Poge,

Air Force Federal Register Liaison Officer.

[FR Doc. 2026–20092 Filed 9–30–26; 8:45 am]

BILLING CODE 3911–44–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Department of the Air Force Scientific Advisory Board; Notice of Federal Advisory Committee Meeting

AGENCY: Department of the Air Force Scientific Advisory Board, Department of the Air Force.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice in accordance with chapter 10 of title 5, United States Code, to announce that the following meeting of the Department of the Air Force Scientific Advisory Board will take place.

DATES: Closed to the public. 13 October 2026 from 8:00 a.m.–4:00 p.m. Eastern Time and 16 October 2026 from 8:00 a.m.–4:00 p.m. Eastern Time.

ADDRESSES: The meeting will be held at The Mark Center, 4800 Mark Center Drive, Alexandria, VA.

FOR FURTHER INFORMATION CONTACT: Mr. Vince Bullard, (703) 697–1191 (Voice), *vinson.bullard@us.af.mil* (Email). Mailing address is 1060 Air Force Pentagon Rm 5E815, Washington, DC 20330–1060. Website: *https://www.scientificadvisoryboard.af.mil/.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of chapter 10 of title 5, United States Code ((commonly known as the ''Federal Advisory Committee Act'' or ''FACA''), section 552b of title 5, United States Code (popularly known as the ''Government in the Sunshine Act''), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting

The purpose of this Department of the Air Force Scientific Advisory Board meeting is to provide dedicated time for members to begin collaboration on research and formally commence the Department of the Air Force Scientific Advisory Board's FY27 Secretary of the Air Force directed studies.

In accordance with section 1009(d) of title 5, United States Code and 41 CFR 102–3.155, the Administrative Assistant of the Air Force, in consultation with the Air Force General Counsel, has agreed that the public interest requires this meeting of the United States Department of the Air Force Scientific Advisory Board be closed to the public because it will involve discussions involving classified matters covered by section 552b(c)(1) of title 5, United States Code.

Written Statements: Any member of the public wishing to provide input to the United States Department of the Air Force Scientific Advisory Board should submit a written statement in accordance with 41 CFR 102–3.140(c), section 1009(a)(3) of title 5, United States Code, and the procedures described in this paragraph. Written statements can be submitted to the Designated Federal Officer at the address detailed above at any time. The Designated Federal Officer will review all submissions with the Department of the Air Force Scientific Advisory Board Chairperson and ensure they are provided to members of the Department of the Air Force Scientific Advisory Board. Written statements received after the meeting that is the subject of this notice may not be considered by the Scientific Advisory Board until the next scheduled meeting.

(Authority: 35 U.S.C. 209; 37 CFR 404.)

Crystle C. Poge,

Air Force Federal Register Liaison Officer.

[FR Doc. 2026–20069 Filed 9–30–26; 8:45 am]

BILLING CODE 3911–44–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2026–0331; OMB Control Number 0750–0002]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Covered Defense Telecommunications Equipment or Services

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by November 2, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://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.

You may also submit comments, identified by docket number and title, by the following method: Federal eRulemaking Portal: *https://www.regulations.gov.* Follow the instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Mr. Reginald T. Lucas, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 204, Covered Defense Telecommunications Equipment or Services; OMB Control Number 0750–0002.

Type of Request: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On Occasion.

Number of Respondents: 3,446.

Responses per Respondent: 50, approximately.

Annual Responses: 172,320.

Average Burden per Response: 0.36 hour, approximately.

Annual Burden Hours: 62,085.

Needs and Uses: The collection of information is necessary to protect against foreign interference with DoD telecommunications, which could jeopardize our military communications, the lives of our warfighters, and our national security. The collection of information is essential to the mission of the agencies to ensure DoD does not purchase prohibited equipment, systems, and services, and can respond appropriately if any such purchases are not identified until after delivery or use. This requirement supports implementation of section 1656(b) of the National Defense Authorization Act for Fiscal Year 2018. Section 1656 prohibits DoD from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service to carry out the nuclear deterrence mission and homeland defense mission that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as a part of any system. This requirement is implemented in the Defense Federal Acquisition Regulation Supplement (DFARS) through the solicitation provision at 252.204–7017, Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services—Representation, and the contract clause at 252.204–2018, Prohibition on Acquisition of Covered Defense Telecommunications Equipment or Services. This clearance covers the following requirements:

- DFARS 252.204–7017 requires that if an offeror provides an affirmative representation under the solicitation provision at 252.204–7016, Covered Defense Telecommunications Equipment or Services—Representation, that offeror is required to represent whether it will or will not provide under the contract covered defense telecommunications equipment or services.
- DFARS 252.204–7018 requires contractors to report covered telecommunications equipment, systems, and services identified during performance of a contract.

DoD Clearance Officer: Mr. Reginald T. Lucas. Requests for copies of the information collection proposal should be sent to Mr. Lucas at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Kimberly R. Ziegler,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2026–20176 Filed 9–30–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2026–0496; OMB Control Number 0704–0246

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS) Part 245, Government Property, Related Clauses and Forms

AGENCY: Defense Acquisition Regulations System; Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of DoD's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use under Control Number 0704–0246 through January 31, 2027. DoD proposes that OMB approve an extension of the information collection requirement, to expire three years after the approval date.

DATES: DoD will consider all comments received by November 30, 2026.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0246, using either of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0246 in the subject line of the message.

Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: David Johnson, 202–913–5764.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 245, Government Property, Related Clauses and Forms; OMB Control Number 0704–0246.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Number of Respondents: 771.

Responses per Respondent: 24.5, approximately.

Annual Responses: 18,891.

Average Burden per Response: 0.17 hour, approximately.

Annual Burden Hours: 3,266.

Needs and Uses: DoD uses the information collected through the requirements of the DFARS part 245 clauses for management and oversight of Government-furnished property (GFP).

The clause at DFARS 252.245–7005 strengthens the accountability and end-to-end traceability of Government property within DoD. Paragraph (b)(1) of the clause requires reporting of GFP requirements under the GFP module of the Procurement Integrated Enterprise Environment (PIEE) eBusiness platform. DFARS clause 252.245–7005, paragraph (j), provides procedures for disposal of scrap. The DD Form 1639, Scrap Warranty, is completed by individuals or firms that purchase Government property for its material content from a Government contractor. The DD Form 1639, addressed in paragraph (j)(2) of the clause, is used for the sole purpose of having the purchasers warrant that the property they have purchased will be used only as scrap. DFARS 252.245–7005, paragraph (k), provides procedures for sale of surplus contractor inventory.

The clause at DFARS 252.245–7003, Contractor Property Management System Administration, requires certain contractors to respond in writing to an initial or final determination from the administrative contracting officer that

identifies weaknesses in the contractor's property management system.

Kimberly R. Ziegler,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2026–20173 Filed 9–30–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket DARS–2026–0463; OMB Control Number 0704–0245]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS) Part 247, Transportation and Related Clauses

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed revision and extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of DoD's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use through January 31, 2027. DoD proposes that OMB approve an extension of the information collection requirement, to expire three years after the approval date.

DATES: DoD will consider all comments received November 30, 2026.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0245, using either of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0245 in the subject line of the message.

Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: David Johnson, 202–913–5764.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 247, Transportation and Related Clauses at 252.247; OMB Control Number 0704–0245.

Affected Public: Businesses or other for-profit and not-for profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Number of Respondents: 2,348.

Responses per Respondent: 6.98, approximately.

Annual Responses: 16,379.

Annual Burden per Response: 1.06 hours, approximately.

Annual Burden Hours: 17,288.

Needs and Uses: DoD contracting officers use this information to verify that prospective contractors have adequate insurance prior to award of stevedoring contracts; to provide appropriate price adjustments to stevedoring contracts; to assist the Maritime Administration in monitoring compliance with requirements for use of U.S.-flag vessels in accordance with the Cargo Preference Act of 1904 (10 U.S.C. 2631); and to provide appropriate and timely shipping documentation and instructions to contractors.

The clause at DFARS 252.247–7000, Hardship Conditions, is prescribed at DFARS 247.270–4(a) for use in all solicitations and contracts for the acquisition of stevedoring services. Paragraph (a) of the clause requires the contractor to notify the contracting officer of unusual conditions associated with loading or unloading a particular cargo, for potential adjustment of contract labor rates; and to submit any associated request for price adjustment to the contracting officer within 10 working days of the vessel sailing time.

The clause at DFARS 252.247–7002, Revision of Prices, is prescribed at DFARS 247.270–4(b) for use in solicitations and contracts when using negotiation to acquire stevedoring services. Paragraph (c) of the clause provides that, at any time, either the contracting officer or the contractor may deliver to the other a written demand that the parties negotiate to revise the prices under the contract. Paragraph (d) of the clause requires that, if either party makes such a demand, the contractor must submit relevant data upon which to base negotiations.

The clause at DFARS 252.247–7007, Liability and Insurance, is prescribed at DFARS 247.270–4(c) for use in all solicitations and contracts for the acquisition of stevedoring services. Paragraph (f) of the clause requires the contractor to furnish the contracting officer with satisfactory evidence of insurance.

The clause at DFARS 252.247–7023, Transportation of Supplies by Sea, is prescribed at DFARS 247.574(b) for use in all solicitations and contracts except those for direct purchase of ocean transportation services. Paragraph (b) of the clause requires the contractor to notify the Government of its intent to transport supplies by sea in the performance of the contract. Paragraph (e) of the clause requires the contractor to submit any requests for use of other than U.S.-flag vessels in writing to the contracting officer. Paragraph (f) of the clause requires the contractor to submit one copy of the rated on board vessel operating carrier's ocean bill of landing. Paragraph (g) of the clause, if the contract exceeds the simplified acquisition threshold, requires the contractor to represent, with its final invoice, that: (1) no ocean transportation was used in the performance of the contract; (2) only U.S.-flag vessels were used for all ocean shipments under the contract; (3) the contractor had the written consent of the contracting officer for all non-U.S.-flag ocean transportation; or (4) shipments were made on non-U.S.-flag vessels without the written consent of the contracting officer. Contractors must flow down these requirements to noncommercial subcontracts and certain types of commercial subcontracts. Subcontracts at or below the simplified acquisition threshold are excluded from the requirements of paragraph (g) stated above. Paragraph (i) of the clause requires the contractor, after award, to notify the contracting officer if the contractor learns that supplies will be transported by sea and the contractor did not anticipate transporting any supplies by sea at the time of contract award.

The provision at DFARS 252.247–7026, Evaluation Preference for Use of Domestic Shipyards — Applicable to Acquisition of Carriage by Vessel for DoD Cargo in the Coastwise or Noncontiguous Trade, is prescribed at DFARS 247.574(d) for use in solicitations that require a covered vessel for carriage of cargo for DoD. Paragraph (c) of the provision requires the offeror to provide information with

its offer, addressing all covered vessels for which overhaul, repair, and maintenance work has been performed during the period covering the current calendar year, up to the date of proposal submission, and the preceding four calendar years.

The clause at DFARS 252.247–7028, Application for U.S. Government Shipping Documentation/Instructions, is prescribed at DFARS 247.207(2) for inclusion in all solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial products and commercial services, when shipping under Bills of Lading and Domestic Route Order under FOB origin contract, Export Traffic Release regardless of FOB terms, or foreign military sales shipments. Paragraph (a) of the clause requires contractors to complete DD Form 1659, Application for U.S. Government Shipping Documentation/Instructions to request shipping instructions, unless an automated system is available (paragraph (b) of the clause).

Kimberly R. Ziegler,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2026–20172 Filed 9–30–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2026–0398; OMB Control Number 0704–0386

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS) Part 219, Small Business Programs

AGENCY: Defense Acquisition Regulations System; Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of DoD's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use under Control Number 0704–0386 through January 31, 2027. DoD proposes that OMB approve an extension of the information collection requirement, to expire three years after the approval date.

DATES: DoD will consider all comments received by November 30, 2026.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0386, using either of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0386 in the subject line of the message.

Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Joy Dishaw, at 703–509–3255.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 219, Small Business and Associated Clauses in Part 252; OMB Control Number 0704–0386.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Number of Respondents: 41.

Responses per Respondent: 1.

Annual Responses: 41.

Average Burden per Response: 1 hour.

Annual Burden Hours: 41.

Needs and Uses: DoD uses this information to improve administration under the small business subcontracting program and to evaluate a contractor's past performance and compliance with its subcontracting plan. The clause at DFARS 252.219–7003, Small Business Subcontracting Plan (DoD Contracts), is prescribed for use in solicitations and contracts that include the clause at FAR 52.219–9, Small Business Subcontracting Plan. Paragraph (e) of the clause at DFARS 252.219–7003 includes a written notification requirement for contractors who have identified specific small business concerns in their approved small business subcontracting plans. Paragraph (e) requires the contractor to notify the contracting officer, in writing, of any substitutions of a specifically identified small business concern with a firm that is not a small business.

Kimberly R. Ziegler,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2026–20175 Filed 9–30–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2026–0397; OMB Control Number 0704–0252]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS) Part 237, Service Contracting, and Related Clauses and Forms

AGENCY: Defense Acquisition Regulations System; Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of DoD's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use under Control Number 0704–0252 through January 31, 2027. DoD proposes that OMB approve an extension of the information collection requirement, to expire three years after the approval date.

DATES: DoD will consider all comments received by November 30, 2026.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0252, using either of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

• *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0252 in the subject line of the message.

Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Jon Snyder, at 703–945–5341.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 251, Use of Government Sources by Contractors, and Related Clause at 252.251; OMB Control Number 0704–0252.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Number of Respondents: 1,148.

Responses Per Respondent: 5.2, approximately.

Annual Responses: 5,924.

Average Burden Per Response: 0.5 hour.

Annual Burden Hours: 2,962.

Needs and Uses: This information collection permits contractors to place orders from Government supply sources, including Federal Supply Schedules, requirements contracts, and Government stock. Contractors are required to provide a copy of their written authorization to use Government supply sources with their order. The authorization is used by the Government source of supply to verify that a contractor is authorized to place such orders and under what conditions. The clause at DFARS 252.251–7000, Ordering from Government Supply Sources, requires a contractor to provide a copy of the authorization when placing an order under a Federal Supply Schedule, a Personal Property Rehabilitation Price Schedule, or an enterprise software agreement.

Kimberly R. Ziegler,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2026–20174 Filed 9–30–26; 8:45 am]

BILLING CODE 6001–fr–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: EC26–175–000.

Applicants: Roccasecca BESS LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Roccasecca BESS LLC.

Filed Date: 9/24/26.

Accession Number: 20260924–5213.

Comment Date: 5 p.m. ET 10/15/26.

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER26–1952–000.

Applicants: Macquarie Energy LLC.

Description: Amended Request for Limited Waiver of Tariff Provisions, et al. of Macquarie Energy LLC.

Filed Date: 9/25/26.

Accession Number: 20260925–5213.

Comment Date: 5 p.m. ET 10/16/26.

Docket Numbers: ER26–3001–001.

Applicants: North Allegheny Wind, LLC.

Description: Tariff Amendment: Response to Deficiency Letter and Revised Market-Based Rate Tariff to be effective 7/1/2026.

Filed Date: 9/28/26.

Accession Number: 20260928–5141.

Comment Date: 5 p.m. ET 10/19/26.

Docket Numbers: ER26–3009–001.

Applicants: Alton Post Office Solar, LLC.

Description: Tariff Amendment: Response to Deficiency Letter and Revised Market-Based Rate Tariff to be effective 7/1/2026.

Filed Date: 9/28/26.

Accession Number: 20260928–5105.

Comment Date: 5 p.m. ET 10/19/26.

Docket Numbers: ER26–3011–001.

Applicants: AM Wind Repower LLC.

Description: Tariff Amendment: Response to Deficiency Letter and Revised Market-Based Rate Tariff to be effective 7/1/2026.

Filed Date: 9/28/26.

Accession Number: 20260928–5111.

Comment Date: 5 p.m. ET 10/19/26.

Docket Numbers: ER26–3013–001.

Applicants: Aspen Road Solar 1, LLC.

Description: Tariff Amendment: Response to Deficiency Letter and Revised Market-Based Rate Tariff to be effective 7/1/2026.

Filed Date: 9/28/26.

Accession Number: 20260928–5126.

Comment Date: 5 p.m. ET 10/19/26.

Docket Numbers: ER26–3864–000.

Applicants: Talen Keystone LLC.

Description: Tariff Amendment: Notice of Cancellation of Market-Based Rate Tariff to be effective 9/26/2026.

Filed Date: 9/25/26.

Accession Number: 20260925–5169.

Comment Date: 5 p.m. ET 10/16/26.

Docket Numbers: ER26–3865–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Revised GIA, Service Agreement No. 7661; AF1–147/AG1–221/AH1–223 to be effective 8/26/2026.

Filed Date: 9/25/26.

Accession Number: 20260925–5177.

Comment Date: 5 p.m. ET 10/16/26.

Docket Numbers: ER26–3866–000.

Applicants: The Potomac Edison Company.

Description: 205(d) Rate Filing: Potomac Edison submits an amended Construction Agmt—SA No. 6349 to be effective 11/28/2026.

Filed Date: 9/28/26.

Accession Number: 20260928–5033.

Comment Date: 5 p.m. ET 10/19/26.

Docket Numbers: ER26–3867–000.

Applicants: The Potomac Edison Company.

Description: 205(d) Rate Filing: Potomac Edison submits an amended IA—SA No. 4452 to be effective 11/28/2026.

Filed Date: 9/28/26.

Accession Number: 20260928–5035.

Comment Date: 5 p.m. ET 10/19/26.

Docket Numbers: ER26–3868–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: GIA, First Revised SA No. 7465; Project Identifier No. AG1–054/AG2–236 to be effective 8/28/2026.

Filed Date: 9/28/26.

Accession Number: 20260928–5037.

Comment Date: 5 p.m. ET 10/19/26.

Docket Numbers: ER26–3869–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 205(d) Rate Filing: 2026–09–28_SA 4868 Entergy Arkansas-Big Cypress Energy GIA (S1094) to be effective 9/23/2026.

Filed Date: 9/28/26.

Accession Number: 20260928–5055.

Comment Date: 5 p.m. ET 10/19/26.

Docket Numbers: ER26–3870–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 205(d) Rate Filing: 2026–09–28_SA 4864 METC–DTE GIA (S1136) to be effective 9/14/2026.

Filed Date: 9/28/26.

Accession Number: 20260928–5067.

Comment Date: 5 p.m. ET 10/19/26.

Docket Numbers: ER26–3871–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: Revisions for Repricing Modifications during Real-Time Balancing Market Outages to be effective 12/31/9998.

Filed Date: 9/28/26.

Accession Number: 20260928–5075.

Comment Date: 5 p.m. ET 10/19/26.

Docket Numbers: ER26–3872–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of ISA SA No. 6100; Queue No. AE2–112/AF1–036 I to be effective 11/28/2026.

Filed Date: 9/28/26.

Accession Number: 20260928–5081.

Comment Date: 5 p.m. ET 10/19/26.

Docket Numbers: ER26–3873–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 205(d) Rate Filing: 2026–09–28_SA 4865 METC–DTE GIA (S1138) to be effective 9/15/2026.

Filed Date: 9/28/26.

Accession Number: 20260928–5097.

Comment Date: 5 p.m. ET 10/19/26.

Docket Numbers: ER26–3874–000.

Applicants: Duane Arnold Energy, LLC.

Description: 205(d) Rate Filing: Duane Arnold Energy, LLC—Application for MBR Authorization to be effective 11/28/2026.

Filed Date: 9/28/26.

Accession Number: 20260928–5100.

Comment Date: 5 p.m. ET 10/19/26.

Docket Numbers: ER26–3875–000.

Applicants: Enbridge Solar (Cowboy II), LLC.

Description: Initial Rate Filing: Filing of Shared Facilities Agreement and Request for Waiver to be effective 11/27/2026.

Filed Date: 9/28/26.

Accession Number: 20260928–5132.

Comment Date: 5 p.m. ET 10/19/26.

Take notice that the Commission received the following Electric Securities filings:

Docket Numbers: ES26–77–000.

Applicants: Oklahoma Gas and Electric Company.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Oklahoma Gas and Electric Company.

Filed Date: 9/25/26.

Accession Number: 20260925–5225.

Comment Date: 5 p.m. ET 10/16/26.

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 28, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–20110 Filed 9–30–26; 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: PR26–80–000.

Applicants: Columbia Gas of Ohio, Inc.

Description: 284.123 Rate Filing: Application to Revise SOC eff 8–27–2026 to be effective 8/27/2026.

Filed Date: 9/25/26.

Accession Number: 20260925–5127.

Comment Date: 5 p.m. ET 10/16/26.

Docket Numbers: RP26–1275–000.

Applicants: Tuscarora Gas Transmission Company.

Description: Compliance filing: 2026 Fuel & Line Loss Report to be effective N/A.

Filed Date: 9/24/26.

Accession Number: 20260924–5102.

Comment Date: 5 p.m. ET 10/6/26.

Docket Numbers: RP26–1276–000.

Applicants: Alliance Pipeline L.P.

Description: 4(d) Rate Filing: APL 2026 Fuel Filing to be effective 11/1/2026.

Filed Date: 9/24/26.

Accession Number: 20260924–5158.

Comment Date: 5 p.m. ET 10/6/26.

Docket Numbers: RP26–1277–000.

Applicants: Eastern Gas Transmission and Storage, Inc.

Description: 4(d) Rate Filing: EGTS—2026 Annual EPCA to be effective 11/1/2026.

Filed Date: 9/25/26.

Accession Number: 20260925–5032.

Comment Date: 5 p.m. ET 10/7/26.

Docket Numbers: RP26–1278–000.

Applicants: Eastern Gas Transmission and Storage, Inc.

Description: 4(d) Rate Filing: EGTS—2026 Annual TCRA to be effective 11/1/2026.

Filed Date: 9/25/26.

Accession Number: 20260925–5036.

Comment Date: 5 p.m. ET 10/7/26.

Docket Numbers: RP26–1279–000.

Applicants: Carolina Gas Transmission, LLC.

Description: 4(d) Rate Filing: CGT—2026 FRQ and TDA Report to be effective 11/1/2026.

Filed Date: 9/25/26.

Accession Number: 20260925–5039.

Comment Date: 5 p.m. ET 10/7/26.

Docket Numbers: RP26–1280–000.

Applicants: Adelphia Gateway, LLC.

Description: 4(d) Rate Filing: Adelphia Gateway Non-Conforming and Negotiated Rate Agreement to be effective 11/1/2026.

Filed Date: 9/25/26.

Accession Number: 20260925–5045.

Comment Date: 5 p.m. ET 10/7/26.

Docket Numbers: RP26–1281–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: 4(d) Rate Filing: Negotiated Rate Agreement Update (Shell Nov 2026) to be effective 11/1/2026.

Filed Date: 9/25/26.

Accession Number: 20260925–5112.

Comment Date: 5 p.m. ET 10/7/26.

Docket Numbers: RP26–1282–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: 4(d) Rate Filing: Non-Conforming—Wharton West to be effective 11/1/2026.

Filed Date: 9/25/26.

Accession Number: 20260925–5140.

Comment Date: 5 p.m. ET 10/7/26.

Docket Numbers: RP26–1283–000.

Applicants: East Tennessee Natural Gas, LLC.

Description: Compliance filing: Ridgeline In-service Compliance Filing to be effective 11/1/2026.

Filed Date: 9/25/26.

Accession Number: 20260925–5167.

Comment Date: 5 p.m. ET 10/7/26.

Docket Numbers: RP26–1284–000.

Applicants: East Tennessee Natural Gas, LLC.

Description: 4(d) Rate Filing: Ridgeline In-Service NC & NRA Filing to be effective 11/1/2026.

Filed Date: 9/25/26.

Accession Number: 20260925–5171.

Comment Date: 5 p.m. ET 10/7/26.

Docket Numbers: RP26–1285–000.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: Compliance filing: Penalty Revenue Crediting Report from January through June 2026 to be effective N/A.

Filed Date: 9/28/26.
Accession Number: 20260928–5047.
Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: RP26–1286–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: Compliance filing: Operational Purchase and Sale Report 2026 to be effective N/A.
Filed Date: 9/28/26.
Accession Number: 20260928–5050.
Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: RP26–1287–000.
Applicants: Young Gas Storage Company, Ltd.
Description: Compliance filing: Operational Purchase and Sale Report 2026 to be effective N/A.
Filed Date: 9/28/26.
Accession Number: 20260928–5053.
Comment Date: 5 p.m. ET 10/13/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: PR26–61–002.
Applicants: DCP Guadalupe Pipeline, LLC.
Description: Amendment Filing: SOC and Amended Exhibit B schedules 1–5 to be effective 7/1/2026.
Filed Date: 9/25/26.
Accession Number: 20260925–5059.
Comment Date: 5 p.m. ET 10/9/26.
Protest Date: 5 p.m. ET 10/9/26.

Docket Numbers: RP26–1108–001.
Applicants: NGO Transmission, Inc.
Description: Compliance filing: Supplemental Filing to be effective 1/1/2027.
Filed Date: 9/25/26.
Accession Number: 20260925–5035.
Comment Date: 5 p.m. ET 10/7/26.

Docket Numbers: RP26–1171–001.
Applicants: Gillis Hub Pipeline, LLC.
Description: Compliance filing: NAESB 4.0 Compliance Filing to be effective 1/1/2027.
Filed Date: 9/25/26.
Accession Number: 20260925–5172.
Comment Date: 5 p.m. ET 10/7/26.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: September 28, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–20106 Filed 9–30–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2943–007]

The City of Columbus, Ohio; Notice of Application for Surrender of Exemption Accepted for Filing, Soliciting Comments, 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. *Application Type:* Surrender of Exemption.

b. *Project No:* 2943–007.

c. *Date Filed:* July 6, 2026.

d. *Applicant:* The City of Columbus, Ohio.

e. *Name of Project:* O'Shaughnessy Dam Hydroelectric Facility.

f. *Location:* The project is located on the Scioto River, in Delaware County, Ohio. The project does not occupy federal lands.

g. *Filed Pursuant to:* Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2705, 2708.

h. *Applicant Contact:* Erik Schuller, Chief Dam Safety Engineer, 910 Dublin Road, Columbus, OH 43215, 614–645–6141, *erschuller@columbus.gov*.

i. *FERC Contact:* Kimberlee Harding, 202–502–6675, *kimberlee.harding@ferc.gov*.

j. *Cooperating agencies:* With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *Water Quality Certification:* A water quality certificate under section 401 of the Clean Water Act is required for this proposal from the Ohio Environmental Protection Agency. The applicant must file no later than 60 days following the date of issuance of this notice either: (1) a copy of the request for water quality certification submitted to the Ohio Environmental Protection Agency; or (2) a plan and schedule for submitting a request to the certifying authority; or (3) a copy of the water quality certification or evidence of waiver of water quality certification.

l. *Deadline for filing comments, motions to intervene, and protests:* October 28, 2026 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support 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, MD 20852. The first page of any filing should include the docket number P–2943–007. Comments emailed to Commission staff are not considered part of the Commission record.

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 whose name appears 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. *Description of Request:* The exemptee has determined that significant repairs are required to restore operation to the project and these repairs are cost prohibitive. Therefore, the exemptee has determined that surrendering the exemption is in the best interest of its customers. The exemptee is proposing to decommission the project by sealing off the intakes and backfilling all major components with cementitious materials and securing the site by placing fill within the existing structure walls. The dam would remain in place because it is necessary for maintaining the water supply for the City of Columbus, Ohio.

n. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

o. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

p. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments 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 comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (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, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

r. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

(Authority: 18 CFR 2.1.)

Dated: September 28, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–20105 Filed 9–30–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–582–000]

Florida Gas Transmission Company, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on September 18, 2026, Florida Gas Transmission Company, LLC (FGT), 1300 Main St., Houston, Texas 77002, filed in the above referenced docket, a prior notice request pursuant to sections 157.205, 157.208, 157.210, and 157.216 of the Commission's regulations under the Natural Gas Act (NGA), and FGT's blanket certificate issued in Docket No. CP82–553–000, for authorization to abandon three segments totaling approximately 1.59 miles of one 24-inch-diameter and two 30-inch-diameter mainline pipelines, including appurtenant facilities, and to relocate and construct three generally parallel replacement segments totaling approximately 1.58 miles of 24-inch-diameter and 30-inch-diameter mainline pipelines with appurtenant facilities on its existing mainline system in East Baton Rouge Parish, Louisiana, to avoid conflicts with the Brooks Lake Diversion Canal Project, a joint venture waterway diversion project (Brooks Lake Relocation Project).[1] The estimated cost for the project is $26,000,000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

Any questions concerning this request should be directed to Iain Russell, Senior Manager of Certificates, Florida Gas Transmission Company, LLC, 1300 Main St., Houston, Texas 77002, by phone at (713) 989–2615, or by fax (713) 989–1205, or by email at *iain.russell@energytransfer.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on November 27, 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.*

[1] The Brooks Lake Diversion Canal Project is part of the joint venture Comite River Diversion Canal Project under the Water Resources Development Act of 1986 Public Law 99–662, by the United States Army Corps of Engineers, Louisiana Department of Transportation and Development, Amite River Basin Commission, and East Baton Rouge Parish, to provide flood protection for the Lower Comite and Lower Amite River basins in the greater Baton Rouge Metropolitan Area in East Baton Rouge Parish, Louisiana.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[2] any person [3] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[4] and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on November 27, 2026. Filings that do not meet requirements of 18 CFR 157.205(e)(2) [5] will not be considered protests by the Commission.[6] A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [7] and the regulations under the NGA [8] by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on November 27, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on November 27, 2026. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP26–582–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [9]

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP26–582–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail at: Iain Russell, Senior Manager of Certificates, Florida Gas Transmission Company, LLC, 1300 Main St., Houston, Texas 77002, or by email (with a link to the document) at *iain.russell@energytransfer.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

(Authority: 18 CFR 2.1)

Dated: September 28, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–20108 Filed 9–30–26; 8:45 am]

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[2] 18 CFR 157.205.

[3] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[4] 18 CFR 157.205(e).

[5] 18 CFR 157.205(e)(2).

[6] *Cheniere Creole Trail Pipeline, L.P.,* 195 FERC ¶ 61,208, at P 8 n.16 (2026).

[7] 18 CFR 385.214.

[8] 18 CFR 157.10.

[9] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15094–002]

Ohio Power and Light, LLC; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for an original license to construct, operate, and maintain the Robert C. Byrd Locks and Dam Hydroelectric Project No. 15094 (project). The proposed 28.5-megawatt project would be located at the United States Army Corps of Engineer's (Corps) Robert C. Byrd Locks and Dam facility on the Ohio River in Mason County, West Virginia. The proposed project would affect 18.3 acres of federal land administered by the Corps. Commission staff has prepared an Environmental Assessment (EA) for the proposed project.[1]

The EA contains staff's analysis of the potential environmental impacts of the proposed project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (*http://www.ferc.gov/*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed on or before 5:00 p.m. Eastern Time on October 28, 2026.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 10,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy via the U.S. Postal Service to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–15094–002.

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 at *OPP@ferc.gov.*

For further information, contact Andy Bernick at (202) 502–8660 or by email at *andrew.bernick@ferc.gov.*

(Authority: 18 CFR 2.1.)

Dated: September 28, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–20107 Filed 9–30–26; 8:45 am]

BILLING CODE 6717–01–P

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1767861985.

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1317; FR ID 370345]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before November 2, 2026.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility;

(b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–1317.
Title: Resilient Networks.
Form No.: N/A.
Type of Review: Extension of a currently-approved collection.
Respondents: Business or other for-profit.
Number of Respondents and Responses: 75 respondents; 1,793 responses.
Estimated Time per Response: 2.85 hours.
Frequency of Response: One-time and annual reporting requirements and third party disclosure requirement.
Obligation To Respond: Mandatory. Statutory authority for this information collection is contained in Sections 1, 4(i), 4(j), 4(o), 201(b), 214(d), 218, 251(e)(3), 301, 303(b), 303(g), 303(j), 303(r), 307, 309(a), 309(j), 316, 332, 403, 615a–1, and 615c of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)–(j) & (o), 201(b), 214(d), 218, 251(e)(3), 301, 303(b), 303(g), 303(j), 303(r), 307, 309(a), 309(j), 316, 332, 403, 615a–1, and 615c.
Total Annual Burden: 5,119 hours.
Total Annual Cost: No cost.
Needs and Uses: The nation's communications networks provide a significant lifeline for those in need during disasters and other emergencies. Major disaster events, including Hurricane Ida, earthquakes in Puerto Rico, severe winter storms in Texas, and active hurricane and wildfire seasons, have demonstrated, however, that the United States' communications infrastructure is susceptible to disruption during disaster events. To address this issue, the Federal Communications Commission adopted a Report and Order in June 2022 to improve the reliability and resiliency of mobile wireless networks. *See* 87 FR 59329 (2022).

In the Report and Order, the Commission introduced the Mandatory Disaster Response Initiative (MDRI) and set forth requirements that the nation's facilities-based mobile wireless providers must take to ensure their compliance the MDRI. Pursuant to the MDRI, these providers must take action related to roaming with other providers, mutual aid agreements, municipal preparedness and restoration and consumer readiness and preparation. These providers must also submit reports to the Commission detailing the timing, duration, and effectiveness of their implementation of the MDRI's provisions on request, perform annual testing of their roaming capabilities and related coordination processes, and issue written denials of roaming requests, among other requirements.

The Commission submits this request to extend the information collection, which seeks to continue collecting information described in the Report and Order, to support its adoption of the MDRI. The collected information is and will be used by the Commission, consumers and consumer groups, service providers to realize significant public safety benefits. For example, consumers and consumer groups use the information to increase consumer education and improve consumer preparedness for disasters and other emergencies. Further, providers use the information to ensure that roaming will work expeditiously in times of emergencies and to better understand their network capabilities related to roaming and ensure their networks roam as effectively as possible when a disaster strikes. Further, the Commission uses information as a basis for potential future improvements to the MDRI and other programs in furtherance of public safety, including by gauging providers' compliance with the MDRI's roaming provision, ensuring accountability by providers who fail to comply and for resolving disputes related to roaming agreements. Thus, the information sought in this collection is necessary and vital to ensuring that the MDRI is effective at protecting the life and property of the public.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–20157 Filed 9–30–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0686, OMB 3060–0944, OMB 3060–1156 and OMB 3060–1163; FR ID 370205]

Information Collections Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written PRA comments should be submitted on or before November 30, 2026. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

OMB Control No.: 3060–0686.

Title: International Section 214 Authorizations, 47 CFR 63.10–63.25, 1.40001, 1.40003.

Form No.: ITC–214—International Section 214 Authorization Application (revising form); ITC–ASG/TC—International Section 214 Authorization Assignment or Transfer of Control of Authorization (revising form); ITC–FCN—International Section 214 Authorization Foreign Carrier Notification (revising form); ITC–STA—International Section 214 Authorization Special Temporary Authority (revising form); ITC–AMD—International Section 214 Authorization Amendment (new form); ITC–MOD—International Section 214 Authorization Modification (new form); ITC–RPT—International Section 214 Authorization Dominant Carrier Quarterly Reports (new form); ITC–WAV—International Section 214 Authorization Waiver Request (new form); ITC–DSC—International Section 214 Authorization Discontinuance of Service (new form); RTL–NEW—List of Routes on which the Carrier has Direct Termination Arrangements (new form); RTL–MOD—Modification to Route List (Addition to or Removal from an Existing List of Routes) (new form); and RTL–WAV—International Route List Waiver Request (new form).

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 186 respondents; 311 responses.

Estimated Time per Response: 1 hour to 120 hours.

Frequency of Response: On occasion, annual and quarterly reporting requirements, third party disclosure requirement, and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for Part 1 of this information collection is contained in 47 U.S.C 151, 154(i), 154(j), 155, 225, 303(r), 309, and 325(e). The statutory authority for Part 63 of this information collection is contained in Sections 1, 4(j), 10, 11, 201–205, 214, 218, 403, and 651 of the Communications Act of 1934, as amended.

Total Annual Burden: 2,066 hours.

Annual Cost Burden: $784,550.

Needs and Uses: The Federal Communications Commission (Commission) is requesting that the Office of Management and Budget (OMB) approve updates of OMB Control No. 3060–0686 to incorporate changes to the standard questions, to account for developments in the national security landscape and improve the collection adopted in the *2020 Executive Branch Review Order,* FCC 20–133 and the *2021 Executive Branch Standard Questions Order,* FCC 21–104. International 214 applicants with reportable foreign ownership are required to answer the questions and file their responses directly with the Committee. Two of the questionnaires and the PII supplement are applicable to international 214 applicants.

OMB Control Number: 3060–0944.

Title: Cable Landing License Act, 47 CFR 1.7000–1.70024, 1.40001, 1.40003, Executive Order 10530.

Form Number: SCL–LIC—Submarine Cable Landing License Application (revising form); SCL–STA—Submarine Cable Landing License Special Temporary Authority (revising form); SCL–FCN—Submarine Cable Landing License Foreign Carrier Affiliation (revising form); SCL–ASG/TC—Submarine Cable Landing License Assignment or Transfer of Control of License (new form); SCL–LPN—Submarine Cable Landing License Landing Point Notification (new form); SCL–MOD—Submarine Cable Landing License Modification (new form); SCL–RPT—Submarine Cable Landing License Quarterly Report (new form); SCL–RWL—Submarine Cable Landing License Renewal (new form); SCL–AMD—Submarine Cable Landing License Amendment (new form); and SCL–WAV—Submarine Cable Landing License Waiver Request (new form).

Type of Review: Revision of a currently approved collection.

Respondents: Business and other for-profit entities and State, Local or Tribal Governments.

Number of Respondents and Responses: 551 respondents; 551 responses.

Estimated Time per Response: 1 to 180 hours.

Frequency of Response: On occasion and annual reporting requirements, quarterly reporting requirement, third party disclosure requirement, and recordkeeping requirement.

Obligation To Respond: Required to obtain or retain benefits. The Commission has statutory authority for this information collection under sections 1, 4(i), 4(j), 201–255, 303(r), 403, 413 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201–255, 303(r), 403, 413, and the Cable Landing License Act of 1921, 47 U.S.C. 34–39, and Executive Order No. 10530, section 5(a) (May 12, 1954) reprinted as amended in 3 U.S.C. 301.

Total Annual Burden: 19,952 hours.

Total Annual Cost: $6,135,395.

Needs and Uses: The Federal Communications Commission (Commission) is requesting that the Office of Management and Budget (OMB) approve revisions to OMB Control No. 3060–0944 to incorporate changes to the rules regulating submarine cable applicants and submarine cable licensees adopted in the *Submarine Cable Second Report and Order,* FCC 26–42, which institute new routine conditions on licensees, a licensing requirement for owners and operators of submarine line terminal equipment, and ten national security standards that submarine cable applicants may agree to follow in order to bypass review by the Executive Branch agencies and thereby expedite application review. The Commission is also requesting approval of revisions to OMB Control No. 3060–0944 to incorporate changes to the standard questions to account for developments in the national security landscape and improve the collection adopted in the *2020 Executive Branch Review Order,* FCC 20–133 and in the *2021 Executive Branch Standard Questions Order,* FCC 21–104. Submarine cable applicants with reportable foreign ownership are required to answer the questions and file their responses directly with the Committee. Two of the questionnaires and the PII supplement are applicable to submarine cables.

OMB Control Number: 3060–1156.

Title: 47 CFR 43.82, Annual International Circuit Capacity Reports

Type of Review: Revision of a currently approved collection.

Respondents: Business and other for-profit entities and State, Local, or Tribal Governments.

Number of Respondents and Responses: 3,269 respondents; 6,538 responses.

Estimated Time per Response: 1 to 20 hours.

Frequency of Response: Annual reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in Sections 1, 4(i), 4(j), 201–255, 303(r), 403, 413 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201–255, 303(r), 403, 413, and the Cable Landing License Act of 1921, 47 U.S.C. 34–39, and Executive Order No. 10530, Section 5(a) (May 12, 1954) reprinted as amended in 3 U.S.C. 301.

Total Annual Burden: 68,649 hours.

Total Annual Cost: $281,400.

Needs and Uses: The Federal Communications Commission (Commission) seeks approval from the Office of Management and Budget (OMB) for the revised information

collection for the annual submarine cable circuit capacity reports required pursuant to the Cable Landing License Act of 1921 and section 43.82 of the Commission's rules. On June 25, 2026, the Commission adopted a Second Report and Order and Second Further Notice of Proposed Rulemaking (Submarine Cable Second Report and Order), FCC 26–42, that modernized the Commission's submarine cable rules, including extending blanket submarine cable licensing to owners and/or operators of submarine line terminal equipment (SLTE). Per the newly-adopted rules, SLTE owners and/or operators are required to comply with some of the routine conditions imposed on submarine cable landing licensees, namely the rules regarding the annual circuit capacity reports. With respect to the annual submarine cable circuit capacity data collection, the Commission adopted a rule requiring SLTE owners and/or operators to comply with the annual circuit capacity reporting requirement under section 43.82 as a condition of the blanket submarine cable license. The Commission found that applying this routine condition to SLTE owners and/or operators will ensure the Commission has comprehensive and current information on SLTEs in furtherance of its national security objectives. Furthermore, these annual circuit capacity reports will strengthen the Commission's insight into the ownership and use of capacity on submarine cables regulated by the Commission and enable the Commission to identify foreign adversary-controlled entities and assess compliance with other rules the Commission adopted in the Second Report and Order for the blanket license.

OMB Control Number: 3060–1163.

Title: 47 CFR 1.5001–1.5004, Regulations Applicable to Broadcast, Common Carrier, and Aeronautical Radio Licensees Under Section 310(b) of the Communications Act of 1934, as amended, 47 CFR 1.40001, 1.40003.

Form No.: ISP–PDR—Section 310(b) Petition for Declaratory Ruling (new form); ISP–AMD—Section 310(b) Petition for Declaratory Ruling Amendment (new form); and ISP–WAV Section 310(b) Petition for Declaratory Ruling Waiver Request (new form).

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 6 respondents; 6 responses.

Estimated Time per Response: 1 hour to 120 hours.

Frequency of Response: On-occasion reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C 151, 154(i), 154(j), 155, 225, 303(r), 309, and 325(e).

Total Annual Burden: 254 hours.

Total Annual Cost: $84,375.

Needs and Uses: The Federal Communications Commission (Commission) is requesting that the Office of Management and Budget (OMB) approve a revision of OMB Control No. 3060–1163 to incorporate changes to the standard questions to account for developments in the national security landscape and improve the collection adopted in the *2020 Executive Branch Review Order,* FCC 20–133 and the *2021 Executive Branch Standard Questions Order,* FCC 21–104. Applicants for a petition for declaratory ruling are required to answer the questions and file their responses directly with the Committee. Petitioners will be required to submit their responses to the Standard Questions and a copy of the section 310(b) petition, directly with the Committee. Broadcast petitioners are required to answer the standard questions involving a broadcast licensee and the Personally Identifiable Information Supplement (PII supplement), and common carrier wireless petitioners are required to answer the standard questions involving a common carrier wireless or common carrier earth station licensee and the PII supplement.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–20158 Filed 9–30–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update listing of financial institutions in liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institution effective as of the Date Closed as indicated in the listing.

SUPPLEMENTARY INFORMATION: This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992, issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions that have been placed in liquidation, please visit the Corporation website at *www.fdic.gov/bank/individual/failed/banklist.html,* or contact the Chief, Receivership Oversight at *RO@fdic.gov* or at Division of Resolutions and Receiverships, FDIC, 600 North Pearl Street, Suite 700, Dallas, TX 75201.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10555	Nano Banc.	Irvine	CA	9/25/2026

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on September 28, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2026–20077 Filed 9–30–26; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by

contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than November 2, 2026.

A. Federal Reserve Bank of St. Louis (Winchell S. Carroll, Jr., Assistant Vice President) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Bank Delight Holding Company, Delight, Arkansas;* to become a bank holding company by acquiring Bank of Delight, Delight, Arkansas.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–20150 Filed 9–30–26; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Savings and Loan Holding Company

The notificants listed below have applied under the Change in Bank Control Act (''Act'') (12 U.S.C. 1817(j)) and of the Board's Regulation LL (12 CFR 238.31) to acquire shares of a savings and loan holding company. The factors that are considered in acting on the notices 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 16, 2026.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001. Comments can also be sent electronically to *KCApplicationComments@kc.frb.org:*

1. *Marissa B. Records, Oklahoma City, Oklahoma;* to become an individual with power to remove or appoint trustees on the G. Jeffrey Records, Jr. 2003 Family Trust, the G. Jeffrey Records, Jr. 2004 Family Trust, the G. Jeffrey Records, Jr. 2004 Family Trust, the G. Jeffrey Records, Jr. 2008 GST Exempt Family Trust, and the G. Jeffrey Records, Jr. 2020 Family Trust, and thereby indirectly acquire voting shares of Midland Financial Co. and Midfirst Bank, all of Oklahoma City, Oklahoma.

2. *Raymond Kido, Paradise Valley, Arizona;* to become a co-trustee of the George J. and Nancy J. Records 1990 Irrevocable Trust and the G. Jeffrey Records Jr. 2020 Family Trust, and thereby indirectly acquire voting shares of Midland Financial Co. and Midfirst Bank, all of Oklahoma City, Oklahoma.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–20149 Filed 9–30–26; 8:45 am]

BILLING CODE 6210–01–P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0204; Docket No. 2026–0133; Sequence No. 1]

Submission for OMB Review; Acquisition 360 Voluntary Survey

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget (OMB); Department of Defense (DOD); General Services Administration (GSA); and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to OMB a request to review and approve an extension of a previously approved information collection requirement regarding the Acquisition 360 Voluntary Survey.

DATES: Submit comments on or before November 2, 2026.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: *FARPolicy@gsa.gov* or call 202–969–4075.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and any Associated Form(s)

9000–0204, Acquisition 360 Voluntary Survey.

B. Need and Uses

This clearance covers the information that actual and potential offerors may submit in accordance with the following Federal Acquisition Regulation (FAR) requirement as stipulated in agency procedures:

FAR 52.201–1, Acquisition 360: Voluntary Survey. This provision encourages actual and potential offerors to provide the Government constructive feedback about the preaward and

debriefing processes, as applicable, used for a specific acquisition using a Government-provided survey at *https://www.acquisition.gov/360*.

The purpose of the Acquisition 360 Survey is to standardize the gathering of feedback regarding preaward and debriefing actions so that agencies can continually consider and improve their performance in early vendor engagement efforts and internal acquisition practices.

C. Common Form

The General Services Administration is the sponsor agency of this common form. All executive agencies covered by the FAR will use this common form. Each executive agency will report their agency burden separately, and the reported information will be available at *Reginfo.gov*.

D. Annual Burden

General Services Administration
Respondents: 2,511.
Total Annual Responses: 2,511.
Total Burden Hours: 419.

E. Public Comment

A 60-day notice was published in the **Federal Register** at 91 FR 27339, on May 14, 2026. No comments were received.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2026–20127 Filed 9–30–26; 8:45 am]

BILLING CODE 6820–EP–P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0001; Docket No. 2026–0166; Sequence No. 1]

Submission for OMB Review; Certain Federal Acquisition Regulation Part 28 Requirements

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget (OMB); Department of Defense (DOD); General Services Administration (GSA); and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding certain Federal Acquisition Regulation (FAR) part 28 requirements.

DATES: Submit comments on or before November 2, 2026.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: *FARPolicy@gsa.gov* or call 202–969–4075.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and any Associated Form(s)

OMB Control No. 9000–0001, Certain Federal Acquisition Regulation Part 28 Requirements, Standard Forms (SF) 24, 25, 25–A, 25–B, 28, 34, 35, 273, 274, 275, 1414, 1415, 1416, and 1418.

B. Need and Uses

This clearance covers the information that offerors or contractors must submit to comply with the following FAR requirements:

- FAR 52.228–1, Bid Guarantee. This provision (or clause) requires offerors or contractors to furnish a bid guarantee in the proper form and amount when a performance bond or a performance and payment bond is also required. (SF 24, Bid Bond; SF 34, Annual Bid Bond).
- FAR 52.228–2, Additional Bond Security. This clause requires contractors to furnish additional bond security under certain circumstances. This clause is used both for construction and other than construction contracts. (SF 1414 Consent of Surety and SF 1415, Consent of Surety and Increase of Penalty).
- FAR 52.228–13, Alternative Payment Protections. This clause requires contractors to submit one of the payment protections listed in the clause by the contracting officer, in construction contracts greater than $35,000 but not exceeding $150,000.
- FAR 52.228–14, Irrevocable Letter of Credit. This clause requires offerors or contractors to provide certain information when they intend to use an irrevocable letter of credit (ILC) in lieu of a required bid bond, or to secure other types of required bonds such as performance and payment bonds. This clause is required in solicitations and contracts when a bid guarantee, or performance bond, or performance and payment bonds are required.
- FAR 52.228–15, Performance and Payment Bonds—Construction. This clause requires contractors to provide performance and payment bonds in construction contracts exceeding $150,000 (SF 25, Performance Bond; SF 25–A, Payment Bond; SF 25–B, Continuation Sheet (for SF's 24, 25, and 25–A); SF 273, Reinsurance Agreement for a Bonds Statute Performance Bond; SF 274, Reinsurance Agreement for a Bonds Statute Payment Bond).
- FAR 52.228–16, Performance and Payment Bonds—Other Than Construction. This clause requires contractors to furnish performance and payment bonds for other than construction contracts exceeding the simplified acquisition threshold only in certain circumstances. (SF 35, Annual Performance Bond; SF 275, Reinsurance Agreement in Favor of the United States; SF 1416, Payment Bond for Other Than Construction Contracts; SF 1418, Performance Bond for Other Than Construction Contracts).
- Standard Form (SF) 28, Affidavit of Individual Surety. This form is used by all executive agencies, including DoD, to obtain information from individuals wishing to serve as sureties to Government bonds. Offerors and contractors may use an individual surety as security for bonds required under a solicitation or contract for supplies or services (including construction). It is an elective decision on the part of the offeror or contractor to use individual sureties instead of other available sources of surety or sureties for Government bonds.

The Government retains the bid guarantees, bonds, or alternative payment protections until the contractor's obligation is fulfilled. The contracting officer uses the information on the SF 28 to determine the acceptability of individuals proposed as sureties.

C. Annual Burden

Respondents: 22,916.
Total Annual Responses: 22,926.
Total Burden Hours: 22,912.

D. Public Comment

A 60-day notice was published in the **Federal Register** at 91 FR 30306, on May 22, 2026. A comment was received; however, it did not change the estimate of the burden.

Comment: The respondent strongly supports extending the information collection, emphasizing that bid, performance, and payment bond information protects taxpayer funds, subcontractors, and suppliers on federal projects. They also support extending the requirement for individual sureties to submit Standard Form 28 to qualify as a surety.

Response: The FAR Council appreciates the feedback received.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2026–20126 Filed 9–30–26; 8:45 am]

BILLING CODE 6820–EP–P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0011; Docket No. 2026–0101; Sequence No. 1]

Submission for OMB Review; Preaward Survey Forms (Standard Forms 1403, 1404, 1405, 1406, 1407, and 1408)

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget (OMB); Department of Defense (DOD); General Services Administration (GSA); and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to OMB a request to review and approve an extension of a previously approved information collection requirement regarding preaward survey forms.

DATES: Submit comments on or before November 2, 2026.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: *FARPolicy@gsa.gov* or call 202–969–4075.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and any Associated Form(s)

9000–0011, Preaward Survey Forms (Standard Forms 1403, 1404, 1405, 1406, 1407, and 1408).

B. Need and Uses

Contracting officers, prior to award, must make an affirmative determination that the prospective contractor is responsible, *i.e.,* capable of performing the contract. Before making such a determination, the contracting officer must have or obtain sufficient information to establish that the prospective contractor: has adequate financial resources; or the ability to obtain such resources; is able to comply with required delivery schedule; has a satisfactory record of performance; has a satisfactory record of integrity; and is otherwise qualified and eligible to receive an award under appropriate laws and regulations. If such information is not readily available to the contracting officer, it is obtained through a preaward survey conducted by the contract administration office or another organization designated by the agency to conduct the surveys. The necessary data is collected from available data or through plant visits, phone calls, and correspondence in detail commensurate with the dollar value and complexity of the procurement. This clearance covers the information that prospective contractors must provide to ensure proper completion of the following preaward survey forms prescribed by the Federal Acquisition Regulation (FAR):

- Standard Form 1403 Preaward Survey of Prospective Contractor (General)
- Standard Form 1404 Preaward Survey of Prospective Contractor (Technical)
- Standard Form 1405 Preaward Survey of Prospective Contractor (Production)
- Standard Form 1406 Preaward Survey of Prospective Contractor (Quality Assurance)
- Standard Form 1407 Preaward Survey of Prospective Contractor (Financial Capability)
- Standard Form 1408 Preaward Survey of Prospective Contractor (Accounting System)

C. Common Form

The General Services Administration is the sponsor agency of this common form. All executive agencies covered by the FAR will use this common form. Each executive agency will report their agency burden separately, and the reported information will be available at *Reginfo.gov*.

D. Annual Burden

General Services Administration

Respondents: 239.
Total Annual Responses: 239.
Total Burden Hours: 5,736.

E. Public Comment

A 60-day notice was published in the **Federal Register** at 91 FR 27051, on May 13, 2026. A respondent submitted comments which were out of scope as they failed to address the subject matter of the May 13, 2026, request for comment. Accordingly, no response is provided.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2026–20128 Filed 9–30–26; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[Docket No. ATSDR–2026–0133]

Availability of Two Draft Toxicological Profiles

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Agency for Toxic Substances and Disease Registry (ATSDR), within the Department of Health and Human Services (HHS), announces the opening of a docket to obtain comments on a draft of the updated Toxicological Profiles for Cadmium and Hexachlorocyclopentadiene. This action provides an opportunity for the public and organizations to submit comments on drafts of the profiles. In particular, ATSDR is interested in any relevant additional information, data, research studies, or reports on the health effects caused by exposure to the substances covered in the profiles for review.

DATES: Written comments must be received on or before December 30, 2026.

ADDRESSES: You may submit comments, identified by Docket No. ATSDR–2026–

0133 by either of the methods listed below. Do not submit comments by email. ATSDR does not accept comments by email.

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Agency for Toxic Substances and Disease Registry, Office of Innovation and Analytics, 4770 Buford Highway, Mail Stop S106–5, Atlanta, GA, 30341–3717. Attn: Docket No. ATSDR–2026–0133.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Robert Robinson, Agency for Toxic Substances and Disease Registry, Office of Innovation and Analytics, 4770 Buford Highway, Mail Stop S106–5, Atlanta, GA, 30341–3717; Email: *ATSDRToxProfileFRNs@cdc.gov;* Phone: 1–800–232–4636.

SUPPLEMENTARY INFORMATION: ATSDR has prepared a draft of the updated Toxicological Profiles for Cadmium and Hexachlorocyclopentadiene based on current understanding of the health effects and availability of new studies and other information since its initial release. All toxicological profiles issued as ''Drafts for Public Comment'' represent the result of ATSDR's evidence-based evaluations of the available literature to provide important toxicological information on priority hazardous substances to the public and health professionals. ATSDR considers key studies for these substances during the profile development process, using a systematic review approach. To that end, ATSDR is seeking public comments and additional information, data, research studies or reports on the health effects of these substances. ATSDR will evaluate the quality and relevance of such data or studies for possible inclusion in the profile.

Legislative Background

The Superfund Amendments and Reauthorization Act of 1986 (SARA) (42 U.S.C. 9601 *et seq.*) amended the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund) (42 U.S.C. 9601 *et seq.*) by establishing certain requirements for ATSDR and the U.S. Environmental Protection Agency (EPA) regarding the hazardous substances most commonly found at facilities on the CERCLA National Priorities List. Among these statutory requirements is a mandate for the Administrator of ATSDR to prepare toxicological profiles for each substance included on the priority list of hazardous substances (also called the Substance Priority List (SPL)). This list identifies 275 hazardous substances that ATSDR has determined pose the most significant potential threat to human health. The SPL is available online at *https://www.atsdr.cdc.gov/programs/substance-priority-list.html.* ATSDR is also mandated to revise and publish updated toxicological profiles, as necessary, to reflect updated health effects and other information.

In addition, CERCLA provides ATSDR with the authority to prepare toxicological profiles for substances not found on the SPL. CERCLA authorizes ATSDR to establish and maintain an inventory of literature, research, and studies on the health effects of toxic substances (CERCLA section 104(i)(1)(B); 42 U.S.C. 9604(i)(1)(B)); to respond to requests for health consultations (CERCLA section 104(i)(4); 42 U.S.C. 9604(i)(4)); and to support the site-specific response actions conducted by the agency (CERCLA section 104(i)(6); 42 U.S.C. 9604(i)(6)).

Availability

The draft toxicological profiles are available online at *http://www.regulations.gov,* Docket No. ATSDR–2026–0133 and at *https://www.atsdr.cdc.gov/toxicological-profiles/about/index.html.*

Public Participation

Interested people or organizations are invited to participate by submitting written views, recommendations, and data. Please note that comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on *https://www.regulations.gov.* Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. ATSDR will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. If you submit comments with reference to studies that are not publicly available such as unpublished research, those studies must be attached with your comment for review. Otherwise ATSDR may be unable to respond to portions of your comment referring to any material that is not publicly available. Do not submit comments by email. ATSDR does not accept comments by email. Please note that we will not be able to accommodate extension requests because it would not allow the agency to proceed with timely finalization of the document.

Donata Green,

Associate Director, Office of Policy, Planning and Partnerships, Agency for Toxic Substances and Disease Registry.

[FR Doc. 2026–20068 Filed 9–30–26; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10174]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by November 2, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment.

Information Collections

1. *Type of Information Collection Request:* Revision with change of currently approved collection; *Title of Information Collection:* Collection of Prescription Drug Event Data from Contracted Part D Providers for Payment; *Use:* CMS fundamental goal is to have the least burdensome data submission requirements necessary to acquire the data needed for accurate Medicare Part D payment and appropriate program oversight. CMS believes that claims data provide the most reliable approach to ensuring that payment calculations are accurate. Without claims-level data, we cannot verify the accuracy of payments related to reinsurance, risk corridors, low-income subsidies, CGDP reconciliation, MDP reconciliation, IRASA, and Selected Drug Subsidy.

This claims-level information is reported by Part D sponsors to CMS on the PDE record. CMS limits there data collection to only those critical data elements necessary for accurate payment-related calculations, along with other elements required for validation of the PDE record, quality monitoring, and program integrity and oversight.

The information users will be pharmacy benefit managers (PBMs), third party administrators and pharmacies, PDPs, MA–PDs, Fallbacks, and other plans that offer coverage of outpatient prescription drugs under the Medicare Part D benefit to Medicare beneficiaries. The statutorily required data is used primarily for payment and is used for claim validation as well as for other legislated functions such as quality monitoring, program integrity and oversight. In addition, the PDE data are used to support operations and program development *Form Number:* CMS–10174 (OMB control number: 0938–0982); *Frequency:* Yearly; *Affected Public:* Private sector, Federal Government profits; *Number of Respondents:* 994; *Total Annual Responses:* 1,627,798,686; *Total Annual Hours:* 11,208. (For policy questions regarding this collection contact Shelly Winston at (443) 934–3621.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2026–20104 Filed 9–30–26; 8:45 am]

BILLING CODE 4169–69–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–0008]

Advisory Committee; Antimicrobial Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of Federal advisory committee.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of the Antimicrobial Drugs Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Antimicrobial Drugs Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until the October 7, 2028, expiration date.

DATES: Authority for the Antimicrobial Drugs Advisory Committee will expire on October 7, 2026, unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Advisory Committee Oversight and Management Staff, Office of the Chief Scientist, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 3215, Silver Spring, MD 20993–0002, (301) 796–8220, *ACOMSSubmissions@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 41 CFR 102–3.65 and approval by the Department of Health and Human Services and by the General Services Administration, FDA is announcing the renewal of the Antimicrobial Drugs Advisory Committee (the Committee). The Committee is a discretionary Federal advisory committee established to provide advice to the Commissioner. The Committee advises the Commissioner or designee in discharging responsibilities as they relate to helping to ensure safe and effective drugs for human use and as required, any other product for which FDA has regulatory responsibility.

The Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of infectious diseases and disorders and makes appropriate recommendations to the Commissioner.

The Committee shall consist of a core of at least six voting members including the Chair. Subject to legal and regulatory requirements, members and the Chair are selected by and serve at the discretion of the Commissioner or designee. Each member, including the Chair, will be selected from among authorities knowledgeable in the fields of infectious disease, internal medicine, microbiology, pediatrics, epidemiology or statistics, and related specialties.

Members may be invited to serve for terms of up to four years, or for less time in the discretion of the Commissioner or designee. Non-Federal members of this committee will serve as Special Government Employees or representatives. Federal members will serve as Regular Government Employees or Ex-Officios.

In addition to the voting members, the Commissioner or designee may identify consumer and/or industry

representatives to join the Committee (or serve as alternate representatives) as non-voting representative member(s), via a process consistent with legal and regulatory requirements. Individuals currently employed at FDA-regulated companies, such as pharmaceutical and medical device manufacturers, shall not be selected to serve as members of the Committee unless this Committee is expected to address issues for which inclusion of an industry representative is required by statute. If this Committee includes an industry representative, the Commissioner or designee will determine whether to invite them to participate in meetings on a case-by-case basis, according to applicable legal and regulatory requirements.

The Commissioner or designee shall have the authority to select members of other scientific and technical FDA advisory committees to serve temporarily as voting members and to designate Special Government Employees to serve temporarily as voting members when: (1) expertise is required that is not available among current voting standing members of the Committee (when additional voting members are added to the Committee to provide needed expertise, a quorum will be based on the combined total of regular and added members), or (2) to comprise a quorum when, because of unforeseen circumstances, a quorum is or will be lacking.

A quorum for the Committee is a majority of the current voting members present at the time, provided that FDA may specify a quorum that is less than a majority of the current voting members because of the size of the Committee and the variety in the types of issues that it will consider, or other reason determined appropriate in accordance with legal and regulatory requirements. 21 CFR 14.22(d).

If functioning as a medical device panel, an additional non-voting representative member of consumer interests and an additional non-voting representative member of industry interests will be included in addition to the voting members.

Members appointed to an advisory committee serve for the duration of the committee, or until their terms expire, they resign, or they are removed from membership by the Commissioner or designee. Committee members' terms may be ended prior to their date of expiration, for reasons determined to be good cause. Good cause includes excessive absenteeism from committee meetings, a demonstrated bias that interferes with the ability to render objective advice, failure to abide by established procedures, or violation of other applicable rules and regulations.

Further information regarding the most recent charter and other information can be found at *https://www.fda.gov/advisory-committees/antimicrobial-drugs-advisory-committee-formerly-known-anti-infective-drugs-advisory-committee/antimicrobial-drugs-advisory-committee-formerly-known-anti-infective-drugs-advisory-committee* or by contacting the Advisory Committee Oversight and Management Staff (see **FOR FURTHER INFORMATION CONTACT**). Because the committee's name and description of duties remain unchanged, 21 CFR 14.100 will not be amended.

Renewal Requirements and Justification: The Commissioner has determined that renewal of the Antimicrobial Drugs Advisory Committee is in the public interest. This determination is based on the Committee's essential role in providing independent expert advice on the safety and effectiveness of marketed and investigational human drug products for use in the treatment of infectious diseases and disorders, the continued need for specialized expertise in this therapeutic area, and the Committee's demonstrated value in supporting FDA's regulatory mission. The following information supports this determination in accordance with applicable legal and regulatory requirements.

Public Interest Determination

Pursuant to 41 CFR 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 CFR 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee.

Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: The overall budget for this committee is $87,827.

a. Federal personnel on a full-time equivalent (FTE) basis: The estimated person years of Federal staff support is 0.25 at an estimated annual cost of $50,875.

b. Other Federal internal costs: The anticipated total value in USD of other internal costs, such as cost associated with IT supplies for meetings is $20,269.

c. Proposed payments to members: The estimated annual payments to members are $4,424.

d. Proposed number of members: The anticipated number of members is six.

e. Reimbursable costs: The estimated annual reimbursable costs, including travel and related expenses for members is $4,656.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: N/A.

3. Criteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership.

Ensuring Necessary Expertise: Members must have background, education, and experience commensurate with the committee's function of advising FDA on the existing and relevant evidence of benefits and risks of marketed and investigational human drug products for use in the treatment of infectious diseases and disorders and related specialties. Scientific and technical competence is critical. Nominees should be acknowledged experts with demonstrated skills in critical evaluation of data and effective communication. As outlined in the committee charter, the membership should include authorities knowledgeable in the fields of infectious disease, internal medicine, microbiology, pediatrics, epidemiology or statistics, and related specialties, as well as needed consumer and industry representation. FDA also follows the requirements in section 505(n)(3) of the Federal Food, Drug & Cosmetic Act regarding membership of drug product advisory committees. (21 U.S.C. 355(n)(3)).

Ensuring Fair Balance: Appointments are made without discrimination. The committee is reviewed in totality for balance, characterized by inclusion of necessary knowledge, insight, and scientific perspective from the relevant community or expertise area. Nominations are sought from all geographic locations within the United States and its territories, and from diverse sources including professional and scientific societies, academia, government agencies, industry and trade associations, consumer and patient organizations, and current Agency staff.

4. List of all other Federal advisory committees of the agency: FDA

maintains the following Federal advisory committees:

- Anesthetic and Analgesic Drug Products Advisory Committee
- Blood Products Advisory Committee
- Cardiovascular and Renal Drugs Advisory Committee
- Cellular Tissue and Gene Therapies Advisory Committee
- Dermatologic and Ophthalmic Drugs Advisory Committee
- Device Good Manufacturing Practice Advisory Committee
- Digital Health Advisory Committee
- Drug Safety and Risk Management Advisory Committee
- Endocrinologic and Metabolic Drugs Advisory Committee
- Genetic Metabolic Diseases Advisory Committee
- Medical Devices Advisory Committee
- National Mammography Quality Assurance Advisory Committee (Administratively Inactive)
- Nonprescription Drugs Advisory Committee
- Obstetrics, Reproductive and Urologic Drugs Advisory Committee
- Oncologic Drugs Advisory Committee
- Pediatric Advisory Committee
- Peripheral and Central Nervous System Advisory Committee
- Pharmacy Compounding Advisory Committee
- Psychopharmacologic Drugs Advisory Committee
- Pulmonary-Allergy Drugs Advisory Committee
- Risk Communication Advisory Committee (Administratively Inactive)
- Science Board to the Food and Drug Administration
- Technical Electronic Product Radiation Safety Standards Committee
- Tobacco Products Scientific Advisory Committee
- Vaccines and Related Biological Products Advisory Committee

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

The Antimicrobial Drugs Advisory Committee provides independent expert advice to FDA on the safety and effectiveness of marketed and investigational human drug products for use in the treatment of infectious diseases and disorders.

The topics considered by the Antimicrobial Drugs Advisory Committee require specialized expertise in the fields of infectious disease, internal medicine, microbiology, pediatrics, epidemiology or statistics, and related specialties that is not within the primary scope of other FDA advisory committees. Potential topics that may need committee input include products related to the topics outlined in Section (6) below. These and other issues cannot be appropriately addressed by another standing committee without diminishing the depth and relevance of the expert input provided to the Agency.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

Summary of Previous Accomplishments: In recent years, the Antimicrobial Drugs Advisory Committee met on four applications involving therapies and preventive interventions for infectious diseases. The Committee discussed benefit-risk evaluations for products addressing candidemia and invasive candidiasis, COVID–19, multidrug-resistant bacterial pneumonia, and respiratory syncytial virus (RSV). All four applications reviewed by the Committee were approved by FDA. Renewal of the Committee is needed to ensure the continued availability of independent external expertise to advise the Agency on topics involving infectious diseases.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

Reasons for Continuation: The committee plays a critical role in enabling FDA to meet the requirements of sections 505(n)(1) and (s)(1) of the Federal Food, Drug, and Cosmetic Act by providing expert scientific advice and recommendations. Without the Antimicrobial Drugs Advisory Committee, FDA's ability to obtain external expert input on issues related to the approval and regulation of the safety and effectiveness of marketed and investigational human drug products for use in the treatment of infectious diseases and disorders would be significantly limited.

In conclusion, this public interest determination documents that renewing the committee is in the public interest, essential to the conduct of agency business, and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

This notice is issued under the Federal Advisory Committee Act as amended (5 U.S.C. 1001 *et seq.*). For general information related to FDA advisory committees, please visit us at *http://www.fda.gov/AdvisoryCommittees/default.htm.*

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–20142 Filed 9–29–26; 4:15 pm]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–0008]

Request for Nominations for Individuals and Consumer Organizations for Advisory Committees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is requesting that any consumer organizations interested in participating in the selection of voting and/or nonvoting consumer representatives to serve on its advisory committees or panels notify FDA in writing. FDA is also requesting nominations for voting and/or nonvoting consumer representatives to serve on advisory committees and/or panels for which vacancies currently exist or are expected to occur in the near future. Nominees recommended to serve as a voting or nonvoting consumer representative may be self-nominated or may be nominated by a consumer organization. FDA seeks to include the views of individuals on its advisory committees selected without regard to race, color, national origin, religion, age, or sex.

DATES: Any consumer organization interested in participating in the selection of an appropriate voting or nonvoting member to represent consumer interests on an FDA advisory committee or panel may send a letter or email stating that interest to FDA (see **ADDRESSES**) by November 16, 2026 for vacancies listed in this notice. Concurrently, nomination materials for prospective candidates should be sent to FDA (see **ADDRESSES**) by November 16, 2026. Nominations will be accepted for current vacancies and for those that will or may occur through December 31, 2026.

ADDRESSES: All statements of interest from consumer organizations interested in participating in the selection process should be submitted electronically to *ACOMSSubmissions@fda.hhs.gov* or by mail to Advisory Committee Oversight

and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg.1, Rm. 3220, Silver Spring, MD 20993–0002.

Consumer representative nominations should be submitted electronically by logging into the FDA Advisory Committee Membership Nomination Portal: *https://www.accessdata.fda.gov/scripts/factrsportal/factrs/index.cfm,* or by mail to Advisory Committee Oversight and Management Staff, 10903 New Hampshire Ave., Bldg. 1, Rm. 3220, Silver Spring, MD 20993–0002. Additional information about becoming a member of an FDA advisory committee can also be obtained by visiting FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm.*

FOR FURTHER INFORMATION CONTACT: Kimberly Hamilton, Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 3220, Silver Spring, MD 20993–0002, 301–796–8220, *kimberly.hamilton@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for voting and/or nonvoting consumer representatives for the vacancies listed in the table below:

Committee/panel/areas of expertise needed	Type of vacancy	Approximate date needed
FDA Science Board Advisory Committee—Knowledgeable in the fields of food science (safety and nutrition); clinical research; veterinary medicine; pharmacology; toxicology; biostatistics; medical devices; public health and epidemiology; product manufacturing and quality; and other scientific areas relevant to FDA regulated products such as systems biology, informatics, nanotechnology, and combination products	1—Voting	Immediately.
Pediatric Advisory Committee—Knowledgeable in pediatric research, pediatric subspecialties, statistics, and/or biomedical ethics	1—Voting	Immediately.
Blood Products Advisory Committee—Knowledgeable in the fields of clinical and administrative medicine, hematology, immunology, blood banking, surgery, internal medicine, biochemistry, engineering, biological and physical sciences, biotechnology, computer technology, statistics, epidemiology, sociology/ethics, and related specialties	1—Nonvoting	Immediately.
Cellular, Tissue and Gene Therapies Advisory Committee—Knowledgeable in the fields of cellular therapies, tissue transplantation, gene therapies, and xenotransplantation. These may include biostatistics, bioethics, hematology/oncology, human tissues and transplantation, reproductive medicine, general medicine, and various medical specialties including surgery and oncology, immunology, virology, molecular biology, cell biology, developmental biology, tumor biology, biochemistry, rDNA technology, nuclear medicine, gene therapy, infectious diseases, and cellular kinetics	1—Voting	Immediately.
Vaccines and Related Biological Products Advisory Committee—Knowledgeable in the fields of immunology, allergy and allergenic diseases, molecular biology, rDNA, virology, bacteriology, parasitology, epidemiology or biostatistics, vaccine policy, vaccine safety science, Federal immunization activities, vaccine development including translational and clinical evaluation programs, hypersensitivity reactions to vaccines, preventive medicine, infectious diseases, pediatrics, microbiology, and biochemistry	1—Nonvoting	Immediately.
Anesthetic and Analgesic Drug Products Advisory Committee—Knowledgeable in the fields of anesthesiology, analgesics (*e.g.,* abuse deterrent opioids, novel analgesics, and issues related to opioid abuse), epidemiology or statistics, and related specialties	1—Nonvoting	Immediately.
Antimicrobial Drugs Advisory Committee—Knowledgeable in the fields of infectious disease, internal medicine, microbiology, pediatrics, epidemiology or statistics, and related specialties	1—Voting	Immediately.
Cardiovascular and Renal Drugs Advisory Committee—Knowledgeable in the fields of cardiology, nephrology, and related specialties	1—Nonvoting	Immediately.
Dermatologic and Ophthalmic Drugs Advisory Committee—Knowledgeable in the fields of dermatology, ophthalmology, dentistry, immunology, epidemiology or statistics, and other related professions	1—Nonvoting	Immediately.
Drug Safety and Risk Management Advisory Committee—Knowledgeable in the fields of risk communication, risk management, drug safety, medical, behavioral, and biological sciences as they apply to risk management, and drug abuse	1—Nonvoting	Immediately.
Endocrinologic and Metabolic Drugs Advisory Committee—Knowledgeable in the fields of endocrinology, metabolism, statistics, and related specialties	1—Nonvoting	Immediately.
Genetic Metabolic Disease Drugs Advisory Committee—Knowledgeable in the fields of medical genetics, manifestations of inborn errors of metabolism, small population trial design, translational science, pediatrics, epidemiology, or statistics and related specialties	1—Nonvoting	Immediately.
Non-Prescription Drugs Advisory Committee—Knowledgeable in the fields of internal medicine, family practice, clinical toxicology, clinical pharmacology, pharmacy, dentistry, and related specialties	1—Voting	Immediately.
Obstetrics, Reproductive and Urologic Drugs Advisory Committee—Knowledgeable in the fields of obstetrics, gynecology, urology, epidemiology, or statistics and related specialties	1—Nonvoting	Immediately.
Oncologic Drugs Advisory Committee—Knowledgeable in the fields of general oncology, pediatric oncology, hematologic oncology, immunology oncology, biostatistics, and other related professions	1—Nonvoting	Immediately.
Peripheral and Central Nervous System Advisory Committee—Knowledgeable in the fields of neurology, pediatric neurology, epidemiology, statistics, and related specialties	1—Nonvoting	Immediately.
Pharmacy Compounding Drugs Advisory Committee—Knowledgeable in the fields of pharmaceutical compounding, pharmaceutical manufacturing, pharmacy, medicine, and related specialties	1—Nonvoting	Immediately.
Psychopharmacologic Drugs Advisory Committee—Knowledgeable in psychopharmacology, psychiatry, epidemiology, statistics, and related specialties	1—Nonvoting	Immediately.

Committee/panel/areas of expertise needed	Type of vacancy	Approximate date needed
Pulmonary-Allergy Drugs Advisory Committee—Knowledgeable in the fields of pulmonary medicine, allergy, clinical immunology, and epidemiology or statistics	1—Nonvoting	Immediately.
Anesthesiology and Respiratory Therapy Devices Panel—Anesthesiologists, pulmonary medicine specialists, or other experts who have specialized interests in ventilator support, pharmacology, physiology, or the effects and complications of anesthesia	1—Nonvoting	Immediately.
Circulatory System Devices Panel—Interventional cardiologists, electrophysiologists, invasive (vascular) radiologists, vascular and cardiothoracic surgeons, and cardiologists with special interest in congestive heart failure	1—Nonvoting	Immediately.
Clinical Chemistry and Clinical Toxicology Devices Panel—Doctor of Medicine or Philosophy with experience in clinical chemistry (*e.g.,* cardiac markers), clinical toxicology, clinical pathology, clinical laboratory medicine, and endocrinology	1—Nonvoting	Immediately.
Dental Products Devices Panel—Dentists, engineers and scientists who have expertise in the areas of dental implants, dental materials, periodontology, tissue engineering, and dental anatomy	1—Nonvoting	Immediately.
Ear, Nose and Throat Devices Panel—Otologists, neurotologists, audiologists	1—Nonvoting	Immediately.
General and Plastic Surgery Devices Panel—Surgeons (general, plastic, reconstructive, pediatric, thoracic, abdominal, pelvic and endoscopic); dermatologists; experts in biomaterials, lasers, wound healing, and quality of life; and biostatisticians	1—Nonvoting	Immediately.
General Hospital and Personal Use Devices Panel—Internists, pediatricians, neonatologists, endocrinologists, gerontologists, nurses, biomedical engineers or microbiologists/infection control practitioners or experts	1—Nonvoting	Immediately.
Hematology and Pathology Devices Panel—Hematologists (benign and/or malignant hematology), hematopathologists (general and special hematology, coagulation and homeostasis, and hematological oncology), gynecologists with special interests in gynecological oncology, cytopathologists, and molecular pathologists with special interests in development of predictive biomarkers	1—Nonvoting	Immediately.
Immunology Devices Panel—Persons with experience in medical, surgical, or clinical oncology, internal medicine, clinical immunology, allergy, molecular diagnostics, or clinical laboratory medicine	1—Nonvoting	Immediately.
Microbiology Devices Panel—Clinicians with an expertise in infectious disease, *e.g.,* pulmonary disease specialists, sexually transmitted disease specialists, pediatric infectious disease specialists, experts in tropical medicine and emerging infectious diseases, mycologists; clinical microbiologists and virologists; clinical virology and microbiology laboratory directors, with expertise in clinical diagnosis and in vitro diagnostic assays, *e.g.,* hepatologists; molecular biologists	1—Nonvoting	Immediately.
Molecular and Clinical Genetics Devices Panel—Experts in human genetics and in the clinical management of patients with genetic disorders, *e.g.,* pediatricians, obstetricians, neonatologists. The Agency is also interested in considering candidates with training in inborn errors of metabolism, biochemical and/or molecular genetics, population genetics, epidemiology, and related statistical training. Additionally, individuals with experience in genetic counseling, medical ethics, as well as ancillary fields of study will be considered	1—Nonvoting	Immediately.
Neurological Devices Panel—Neurosurgeons (cerebrovascular and pediatric), neurologists (stroke, pediatric, pain management, and movement disorders), interventional neuroradiologists, psychiatrists, and biostatisticians	1—Nonvoting	Immediately.
Ophthalmic Devices Panel—Ophthalmologists with expertise in corneal-external disease, vitreo-retinal surgery, glaucoma, ocular immunology, ocular pathology; optometrists; vision scientists; and ophthalmic professionals with expertise in clinical trial design, quality of life assessment, electrophysiology, low vision rehabilitation, and biostatistics	1—Nonvoting	Immediately.
Orthopaedic and Rehabilitation Devices Panel—Orthopedic surgeons (joint spine, trauma, and pediatric); rheumatologists; engineers (biomedical, biomaterials, and biomechanical); experts in rehabilitation medicine, sports medicine, and connective tissue engineering; and biostatisticians	1—Nonvoting	Immediately.
Radiological Devices Panel—Physicians with experience in general radiology, mammography, ultrasound, magnetic resonance, computed tomography, other radiological subspecialties, and radiation oncology; scientists with experience in diagnostic devices, radiation physics, statistical analysis, digital imaging, and image analysis	1—Nonvoting	Immediately.

I. Functions and General Description of the Committee Duties

A. FDA Science Board Advisory Committee

The Committee reviews and evaluates data concerning specific complex scientific and technical issues important to FDA and its mission, including emerging issues within the scientific community. Additionally, the Committee will provide advice that supports the Agency in keeping pace with technical and scientific developments, including regulatory science; and input into the Agency's research agenda; and on upgrading its scientific and research facilities and training opportunities. It will also provide, where requested, expert review of Agency-sponsored intramural and extramural scientific research programs.

B. Pediatrics Advisory Committee

The Committee reviews, evaluates, and makes recommendations to the Commissioner of Food and Drugs (the Commissioner) regarding (1) pediatric research conducted under sections 351, 409I, and 499 of the Public Health Service Act (42 U.S.C. 262, 284m, and 290b) and sections 501,502, 505, 505A, 505B, 510(k), 515, and 520(m) of the Federal Food, Drug, and Cosmetic Act

(FD&C Act) (21 U.S.C. 351, 352, 355, 355a, 355c, 360(k), 360e, and 360j(m)); (2) identification of research priorities related to pediatric therapeutics (including drugs and biological products) and medical devices for pediatric populations and the need for additional diagnostics and treatments of specific pediatric diseases or conditions; (3) the ethics, design, and analysis of clinical trials related to pediatric therapeutics (including drugs and biological products) and medical devices; (4) pediatric labeling disputes as specified in Public Law 107–109, Public Law 110–85, and Public Law 112–144; (5) pediatric labeling changes as specified in Public Law 107–109, Public Law 110–85, and Public Law 112–144; (6) adverse event reports for drugs studied under Public Law 107–109, Public Law 110–85, and Public Law 112–144; (7) any safety issues that may occur as specified in Public Law 107–109, Public Law 110–85, and Public Law 112–144; (8) any other pediatric issue or pediatric labeling dispute involving FDA-regulated products; (9) pediatric ethical issues including research involving children as subjects as specified in 21 CFR 50.54; (10) advise and make recommendations to the Secretary of Health and Human Services (the Secretary) (HHS) on the development of countermeasures for pediatric populations in H.R. 307, Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113–5); and (11) any other matter involving pediatrics for which FDA has regulatory responsibility.

The Committee also advises and makes recommendations to the Secretary directly or to the Secretary through the Commissioner on research involving children as subjects that is conducted or supported by HHS as specified in 45 CFR 46.407.

C. Blood Products Advisory Committee

The Committee reviews and evaluates available data concerning the safety, effectiveness, and appropriate use of blood, products derived from blood and serum or biotechnology which are intended for use in the diagnosis, prevention, or treatment of human diseases, and as required, any other products for which FDA has regulatory responsibility. The Committee also advises the Commissioner of its findings regarding screening and testing (to determine eligibility) of donors and labeling of the products, on clinical and laboratory studies involving such products, on the affirmation or revocation of biological products licenses. The Committee may consider the quality and relevance of FDA's research program, which provides scientific support for the regulation of these products, and makes appropriate recommendations to the Commissioner.

The Committee will function at times as a medical device panel under the Federal Food, Drug, and Cosmetic Act Medical Device Amendments of 1976. As such, the Committee recommends classification of devices subject to its review into regulatory categories; recommends the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category; advises on formulation of product development protocols and reviews premarket approval applications for those devices to recommend changes in classification as appropriate; recommends exemption of certain devices from the application of portions of the Act; advises on the necessity to ban a device; and responds to requests from the Agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

D. Cellular, Tissue and Gene Therapies

The Committee reviews and evaluates available data relating to the safety, effectiveness, and appropriate use of human cells, human tissues, gene therapies, and xenotransplantation products which are intended for transplantation, implantation, infusion, and transfer in the prevention and treatment of a broad spectrum of human diseases and in the reconstruction, repair, or replacement of tissues for various conditions. The Committee also considers the quality and relevance of FDA's research program, which provides scientific support for the regulation of these products, and makes appropriate recommendations to the Commissioner.

E. Vaccines and Related Biological Products

The Committee reviews and evaluates data concerning the safety, effectiveness, and appropriate use of vaccines, allergenics, and related biological products which are intended for use in the prevention, treatment, or diagnosis of human diseases, and as required, any other products for which FDA has regulatory responsibility. The Committee may consider the quality and relevance of FDA's research program, which provides scientific support for the regulation of these products, and makes appropriate recommendations to the Commissioner.

F. Anesthetic and Analgesic Drug Products Advisory Committee

The Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products including analgesics, *e.g.,* abuse-deterrent opioids, novel analgesics, and issues related to opioid abuse, and those for use in anesthesiology and makes appropriate recommendations to the Commissioner.

G. Antimicrobial Drugs Advisory Committee

The Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of infectious diseases and disorders and makes appropriate recommendations to the Commissioner.

H. Cardiovascular and Renal Drugs Advisory Committee

The Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of cardiovascular and kidney diseases and makes appropriate recommendations to the Commissioner.

I. Dermatologic and Ophthalmic Drugs Advisory Committee

The Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of dermatologic and ophthalmic disorders and makes appropriate recommendations to the Commissioner.

J. Drug Safety and Risk Management Advisory Committee

The Committee reviews and evaluates information on risk management, risk communication, and quantitative evaluation of spontaneous reports for drugs for human use and for any other product for which FDA has regulatory responsibility. The Committee also advises the Commissioner regarding the scientific and medical evaluation of information gathered by HHS and the Department of Justice with regard to safety, efficacy, and abuse potential of drugs or other substances, and makes recommendations as appropriate to be taken by HHS with regard to the marketing, investigation, and control of such drugs or other substances. The Committee may consider the quality and relevance of FDA's research program, which provides scientific support for the regulation of these products, and

makes appropriate recommendations to the Commissioner.

K. Endocrinologic and Metabolic Drugs Advisory Committee

The Committee reviews and evaluates data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of endocrine and metabolic disorders and makes appropriate recommendations to the Commissioner.

L. Genetic Metabolic Disease Advisory Committee

The Committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drug and biologic products for use in the treatment of genetic metabolic diseases and makes appropriate recommendations to the Commissioner. The Committee may consider the quality and relevance of FDA's research program, which provides scientific support for the regulation of these products, and makes appropriate recommendations to the Commissioner.

M. Nonprescription Drugs Advisory Committee

The Committee reviews and evaluates available data concerning the safety and effectiveness of over-the-counter (nonprescription) human drug products, or any other FDA-regulated product, for use in the treatment of broad spectrum of human symptoms and diseases and advises the Commissioner either on promulgation of monographs establishing conditions under which these drugs are generally recognized as safe and effective and not misbranded or on the approval of new drug applications for such drugs. The Committee serves as a forum for the exchange of views regarding the prescription and nonprescription status, including switches from one status to another, of these various drug products and combinations thereof. The Committee may also conduct peer review of Agency sponsored intramural and extramural scientific biomedical programs in support of FDA's mission and regulatory responsibilities.

N. Obstetrics, Reproductive and Urologic Products Advisory Committee

The Committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drug products for use in the practice of obstetrics, gynecology, urology and related specialties, and makes appropriate recommendations to the Commissioner. The Committee may consider the quality and relevance of FDA's research program, which provides scientific support for the regulation of these products and makes appropriate recommendations to the Commissioner.

O. Oncologic Drugs Advisory Committee

The Committee reviews and evaluates data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of cancer and makes appropriate recommendations to the Commissioner.

P. Peripheral and Central Nervous Systems Drugs Advisory Committee

The Committee reviews and evaluates data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of neurologic diseases and makes appropriate recommendations to the Commissioner.

Q. Pharmacy Compounding Advisory Committee

The Committee reviews and evaluates scientific, technical, and medical issues concerning drug compounding under sections 503A and 503B of the FD&C Act (21 U.S.C. 353a and 353b) and, as required, any other product for which FDA has regulatory responsibility, and makes appropriate recommendations to the Commissioner. The Committee may consider the quality and relevance of FDA's research program, which provides scientific support for the regulation of these products and makes appropriate recommendations to the Commissioner.

R. Psychopharmacologic Drugs Advisory Committee

The Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the practice of psychiatry and related specialties. The Committee may consider the quality and relevance of FDA's research program, which provides scientific support for the regulation of these products, and makes appropriate recommendations to the Commissioner.

S. Pulmonary-Allergy Drugs Advisory Committee

The Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of pulmonary disease and diseases with allergic and/or immunologic mechanisms. The Committee may consider the quality and relevance of FDA's research program, which provides scientific support for the regulation of these products, and makes appropriate recommendations to the Commissioner.

T. Medical Devices Advisory Committee Panels

The Medical Devices Advisory Committee has established certain panels to review and evaluate data on the safety and effectiveness of marketed and investigational devices and make recommendations for their regulation. With the exception of the Medical Devices Dispute Resolution Panel, each panel, according to its specialty area: (1) advises on the classification or reclassification of devices into one of three regulatory categories and advises on any possible risks to health associated with the use of devices; (2) advises on formulation of product development protocols; (3) reviews premarket approval applications for medical devices; (4) reviews guidelines and guidance documents; (5) recommends exemption of certain devices from the application of portions of the FD&C Act; (6) advises on the necessity to ban a device; and (7) responds to requests from the Agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices. With the exception of the Medical Devices Dispute Resolution Panel, each panel, according to its specialty area, may also make appropriate recommendations to the Commissioner on issues relating to the design of clinical studies regarding the safety and effectiveness of marketed and investigational devices.

The Medical Devices Dispute Resolution Panel provides advice to the Commissioner on complex or contested scientific issues between FDA and medical device sponsors, applicants, or manufacturers relating to specific products, marketing applications, regulatory decisions and actions by FDA, and Agency guidance and policies. The Panel makes recommendations on issues that are lacking resolution, are highly complex in nature, or result from challenges to regular advisory panel proceedings or Agency decisions or actions.

II. Criteria for Members

Persons nominated for membership as consumer representatives on committees or panels should meet the following criteria: (1) demonstrate an affiliation with and/or active participation in consumer or community-based organizations, (2) be able to analyze technical data, (3) understand research design, (4) discuss

benefits and risks, and (5) evaluate the safety and efficacy of products under review. The consumer representative should be able to represent the consumer perspective on issues and actions before the advisory committee; serve as a liaison between the committee and interested consumers, associations, coalitions, and consumer organizations; and facilitate dialogue with the advisory committees on scientific issues that affect consumers.

III. Selection Procedures

Selection of members representing consumer interests is conducted through procedures that include the use of organizations representing the public interest and public advocacy groups. These organizations recommend nominees for the Agency's selection. Representatives from the consumer health branches of Federal, State, and local governments also may participate in the selection process. Any consumer organization interested in participating in the selection of an appropriate voting or nonvoting member to represent consumer interest should send a letter stating that interest to FDA (see **ADDRESSES**) within 30 days of publication of this document.

Within the subsequent 45 days, FDA will compile a list of consumer organizations that will participate in the selection process and will forward to each such organization a ballot listing at least two qualified nominees selected by the Agency based on the nominations received, together with each nominee's current curriculum vitae or résumé. Ballots are to be filled out and returned to FDA within 30 days. The nominee receiving the highest number of votes ordinarily will be selected to serve as the member representing consumer interests for that particular advisory committee or panel.

IV. Nomination Procedures

Any interested person or organization may nominate one or more qualified persons to represent consumer interests on the Agency's advisory committees or panels. Self-nominations are also accepted. Nominations must include a current, complete résumé or curriculum vitae for each nominee and a signed copy of the *Acknowledgement and Consent* form available at the FDA Advisory Nomination Portal (see **ADDRESSES**), and a list of consumer or community-based organizations for which the candidate can demonstrate active participation.

Nominations must also specify the advisory committee(s) or panel(s) for which the nominee is recommended. In addition, nominations must also acknowledge that the nominee is aware of the nomination unless self-nominated. FDA will ask potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflicts of interest. Members will be invited to serve for terms of up to 4 years, or for less time at the discretion of the Commissioner or designee.

FDA will review all nominations received within the specified timeframes and prepare a ballot containing the names of qualified nominees. Names not selected will remain on a list of eligible nominees and be reviewed periodically by FDA to determine continued interest. After selecting qualified nominees for the ballot, FDA will provide those consumer organizations that are participating in the selection process with the opportunity to vote on the listed nominees. Only organizations vote in the selection process. Persons who nominate themselves to serve as voting or nonvoting consumer representatives will not participate in the selection process.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. 1001 *et seq.*) and 21 CFR part 14, relating to advisory committees.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–20065 Filed 9–30–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–0008]

Request for Nominations for Voting Members of Food and Drug Administration Advisory Committees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is requesting nominations for qualified individuals to serve as voting members of FDA's standing public advisory committees and panels (collectively, advisory committees). This notice covers scientific, technical, professional, and other voting-member positions in which appointees serve as individuals rather than as designated representatives; it does not solicit nominations for consumer representative or industry representative positions. FDA will consider nominations for current and future vacancies as they arise. FDA encourages nominations of all appropriately qualified candidates whose expertise and perspectives would contribute to the work and balanced composition of its advisory committees.

DATES: FDA accepts nominations on a continuing basis. Nominations received on or before November 30, 2026 will be given first consideration for current and near-term vacancies. Nominations received after that date will be considered as later vacancies arise.

ADDRESSES: Submit nominations electronically through the FDA Advisory Committee Membership Nomination Portal at *https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm* and, for positions covered by this notice, select ''Academician/Practitioner'' as the membership type. Nominations also may be submitted by mail to the Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 3215, Silver Spring, MD 20993–0002. Information about applying for membership is available at *https://www.fda.gov/advisory-committees/advisory-committee-membership/applying-membership-fda-advisory-committees.* Information about FDA advisory committees, including committee charters and meeting materials, is available at *https://www.fda.gov/advisory-committees/committees-and-meeting-materials.*

FOR FURTHER INFORMATION CONTACT: Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 3215, Silver Spring, MD 20993–0002, 301–796–8220, *ACOMSSubmissions@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Scope

FDA uses public advisory committees to obtain independent expert advice on scientific, technical, and policy matters within the Agency's responsibilities.

This notice applies to voting-member positions in which members serve as individuals and not as representatives of a nominating or affiliated group, consistent with 21 CFR 14.82(d). It does not apply to positions designated to represent consumer or industry interests. Separate statutes, regulations, charters, or notices may govern those representative positions or other committee-specific nomination and selection processes. If a committee-

specific statute or charter establishes qualifications, composition, nomination, or selection requirements, those requirements control. This notice does not replace the solicitation of nominations required when FDA establishes a new advisory committee under 21 CFR 14.82(b).

For medical device classification panels, this annual notice also provides the opportunity described in section 513(b)(5)(D) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(b)(5)(D)) for patients, representatives of patients, and sponsors of medical devices that may be specifically subject to review by a classification panel to recommend individuals with appropriate expertise for voting-member positions.

II. Criteria for Voting Members and Appointment Status

In general, nominees should demonstrate subject-matter expertise relevant to one or more FDA advisory committees, the ability to interpret complex scientific or technical information, an understanding of the public health significance of the matters before the committee, and the ability to provide objective and independent advice. FDA will consider the expertise, experience, professional disciplines, and points of view needed for the functions of the particular committee and to support fairly balanced membership.

Voting members serve as individuals and not as representatives of any group or organization that nominated them or with which they are affiliated. Generally, non-Federal voting members are appointed as special Government employees and are subject to applicable Federal ethics and conflict-of-interest requirements. Federal employees may serve as regular Government employees in their official capacities when authorized for the particular committee and position. Certain committees or positions may be governed by different statutory, regulatory, or charter provisions. FDA will determine the appropriate appointment status for each position.

Members generally are invited to serve for overlapping terms of up to 4 years, or for a shorter period at the discretion of the appointing official, subject to the applicable statutes, regulations, and committee charter.

III. Nomination Procedures

Any interested person may nominate one or more qualified individuals for membership on one or more of the advisory panels or advisory committees. Self-nominations are also accepted. Nominations must include a current, complete résumé or curriculum vitae for each nominee. Nominations must also specify the advisory committee for which the nominee is recommended. Additionally, nominations must acknowledge that the nominee is aware of the nomination unless self-nominated. FDA will ask potential candidates to provide detailed information concerning such matters related to financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflicts of interest. Only U.S. Citizens, non-citizen U.S. Nationals, and Permanent Residents may apply for service as a committee member.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. 1001 *et seq.*) and 21 CFR part 14, relating to advisory committees.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–20063 Filed 9–30–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–6876]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Voluntary Improvement Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by November 2, 2026.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0922. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Kelly Covington, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 240–402–5661, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Medical Devices; Voluntary Improvement Program

OMB Control Number 0910–0922—Extension

This information collection supports Food and Drug Administration (FDA, us or we) implementation of its Voluntary Improvement Program (VIP). Included among the strategic priorities of our Center for Devices and Radiological Health (CDRH) is promoting a culture of quality and organizational excellence. As communicated on our website at *https://www.fda.gov/medical-devices/quality-and-compliance-medical-devices/voluntary-medical-device-manufacturing-and-product-quality-pilot-program,* we conducted a pilot project pertaining to voluntary medical device manufacturing and product quality and have incorporated some of the successes and learnings into the VIP. The VIP oversees third-party appraisers who evaluate industry participants. The VIP is facilitated by the Medical Device Innovation Consortium (MDIC), a public-private partnership that evaluates the capability and performance of a medical device manufacturer's practices using third-party appraisals and is intended to guide improvement to enhance the quality of devices. As part of the VIP process, FDA receives information about participating device manufacturers' capability and performance for activities covered in third-party appraisals.

The guidance document entitled, ''*Fostering Medical Device Improvement: FDA Activities and Engagement with the Voluntary Improvement Program,*'' communicates our policy regarding participation in the VIP. Only eligible manufacturers of medical devices regulated by CDRH whose marketing applications are reviewed under the applicable provisions of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (including sections 510(k), 513, 515, and 520) may participate in the VIP. The guidance

document was developed and issued consistent with our Good Guidance Practice regulations in 21 CFR 10.115, which provide for public comment at any time. The guidance document includes instruction to respondents regarding eligibility, FDA engagement with participants, submission criteria, and withdrawal or removal from the program.

In the **Federal Register** of July 17, 2026 (91 FR 44852), FDA published a 60-day notice requesting public comment on the proposed collection of information. One comment was received.

FDA received one comment from an individual. The commenter supported extending the VIP information collection and organized his remarks around the four questions in the 60-day notice, as summarized here:

The commenter affirmed the value of VIP appraisal data as a proactive quality signal and suggested FDA publish de-identified, aggregated benchmark data from appraisal results, particularly to assist smaller manufacturers of high-risk devices during the QMSR transition.

The commenter asserted that the 20-hour estimate for the summary of site appraisal is significantly low for first-time participants and recommended either splitting the estimate into initial and repeat appraisal figures or surveying current VIP participants to validate it. The commenter also noted that if the estimate covers only the incremental reporting burden, the supporting statement should make that scoping assumption explicit. The commenter recommended (1) capturing repeat-nonconformance rates for issues previously closed through CAPA as a complement to maturity scores, and (2) adopting a standardized summary template to improve comparability across sites and appraisal cycles. The commenter suggested (1) offering a structured electronic submission form, (2) pre-populating identifying fields from existing establishment registration and device listing data, and (3) allowing repeat participants to submit delta reports covering only changes since the last appraisal.

FDA has taken note of the commenter's suggestion to publish de-identified, aggregated benchmark data derived from appraisal results. This information is currently available to VIP participants. As VIP is a voluntary improvement program, not a compliance program, participation data is submitted to FDA by the third-party appraiser with no commitment that it will be shared publicly. Accordingly, FDA does not plan to make this information available to the public at this time.

FDA acknowledges the commenter's concern regarding the accuracy of the 20-hour burden estimate for the summary of site appraisal, particularly as it applies to first-time participants. However, the 20-hour estimate refers to the time spent by the third-party appraiser, not the device manufacturer, to prepare and submit a summary of the site appraisal to FDA. Because this information collection captures the burden imposed on the third-party appraiser, the commenter's experience preparing manufacturing sites for appraisal does not directly relate to this estimate. FDA has not received any information or feedback regarding the accuracy of this estimate of the burden on the third-party appraiser and no changes to this burden estimate are appropriate, based on the comment.

FDA also acknowledges the commenter's suggestion to provide estimates to separate initial vs. subsequent appraisals but has not received any information or feedback relating to accuracy of the 20-hour estimate for the third-party appraiser. (1) FDA has considered the commenter's recommendation to capture nonconformance rates for issues previously closed through CAPA. FDA acknowledges the comment that recurrence data may provide value not found in maturity scores alone. However, as VIP is a voluntary improvement program and not a compliance program, capturing either recurrence data or reasons for CAPA failure is outside the current scope of the information the program is designed to collect. (2) FDA agrees that comparability across sites and appraisal cycles can be useful under the proper circumstances. However, the VIP is structured so that participants work with the appraisers to create an individualized, mutually-agreed upon appraisal process. As such, each VIP participant firm may focus on a different set of quality measures as part of its appraisal process. As a result of these differences, there would be limited value in comparability across participants and FDA does not plan to make changes to the program to increase comparability.

FDA appreciates the commenter's suggestions for reducing respondent burden. As this is a third-party appraisal program, FDA relies on the third-party-appraiser's expertise in implementing a successful appraisal program including determining the method of collecting data and choosing the format of submissions. With respect to pre-populating fields from establishment registration and device listing data, FDA notes that, because these are independent third-party programs, appraisers do not necessarily have direct access to FDA databases and submissions. Furthermore, VIP is not limited to one third party appraiser and may employ different appraisers using different methods. Accordingly, FDA does not believe a common application form or a standardized delta-reporting format based on prior submissions would be appropriate.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

Recommended information collection activity: Fostering Medical Device Improvement: FDA Activities and Engagement With the Voluntary Improvement Program	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Site manufacturer application	1	300	300	0.08	24
Aggregate data reporting	1	4	4	8	32
Summary of site appraisal	1	300	300	20	6,000
Total					6,056

Our estimated burden for the information collection reflects an overall decrease of 2,009 hours and a corresponding decrease of 200 responses. We attribute this adjustment based on our device registration and listing data and informal feedback from stakeholders.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–20085 Filed 9–30–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–0008]

Advisory Committee; Dermatologic and Ophthalmic Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of Federal advisory committee.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of the Dermatologic and Ophthalmic Drugs Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Dermatologic and Ophthalmic Drugs Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until the October 7, 2028, expiration date.

DATES: Authority for the Dermatologic and Ophthalmic Drugs Advisory Committee will expire on October 7, 2026, unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Advisory Committee Oversight and Management Staff, Office of the Chief Scientist, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 3215, Silver Spring, MD 20993–0002, (301) 796–8220, *ACOMSSubmissions@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 41 CFR 102–3.65, 21 CFR 14.40(b), and approval by the Department of Health and Human Services and by the General Services Administration, FDA is announcing the renewal of the Dermatologic and Ophthalmic Drugs Advisory Committee (the Committee). The Committee is a discretionary Federal advisory committee established to provide advice to the Commissioner. The Committee advises the Commissioner or designee in discharging responsibilities as they relate to helping to ensure safe and effective drugs for human use and, as required, any other product for which FDA has regulatory responsibility.

The Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of dermatologic and ophthalmic disorders and makes appropriate recommendations to the Commissioner.

The Committee shall consist of a core of at least twelve voting members including two Chairpersons. Subject to legal and regulatory requirements, members and the Chairpersons are selected by and serve at the discretion of the Commissioner or designee. Each member, including the Chairpersons, will be selected from among authorities knowledgeable in the fields of dermatology, ophthalmology, dentistry, immunology, epidemiology or statistics, and related specialties.

Members may be invited to serve for terms of up to four years, or for less time in the discretion of the Commissioner or designee. Non-Federal members of this committee will serve as Special Government Employees or representatives. Federal members will serve as Regular Government Employees or Ex-Officios.

In addition to the voting members, the Commissioner or designee may identify consumer and/or industry representatives to join the Committee (or serve as alternate representatives) as non-voting representative member(s), via a process consistent with legal and regulatory requirements. Individuals currently employed at FDA-regulated companies, such as pharmaceutical and medical device manufacturers, shall not be selected to serve as members of the Committee unless this Committee is expected to address issues for which inclusion of an industry representative is required by statute. If this Committee includes an industry representative, the Commissioner or designee will determine whether to invite them to participate in meetings on a case-by-case basis, according to applicable legal and regulatory requirements.

The Commissioner or designee shall have the authority to select members of other scientific and technical FDA advisory committees to serve temporarily as voting members and to designate Special Government Employees to serve temporarily as voting members when: (1) expertise is required that is not available among current voting standing members of the Committee (when additional voting members are added to the Committee to provide needed expertise, a quorum will be based on the combined total of regular and added members), or (2) to comprise a quorum when, because of unforeseen circumstances, a quorum is or will be lacking.

A quorum for the Committee is a majority of the current voting members present at the time, provided that FDA may specify a quorum that is less than a majority of the current voting members because of the size of the Committee and the variety in the types of issues that it will consider, or other reason determined appropriate in accordance with legal and regulatory requirements. 21 CFR 14.22(d).

If functioning as a medical device panel, an additional non-voting representative member of consumer interests and an additional non-voting representative member of industry interests will be included in addition to the voting members.

Members appointed to an advisory committee serve for the duration of the committee, or until their terms expire, they resign, or they are removed from membership by the Commissioner or designee. Committee members' terms may be ended prior to their date of expiration, for reasons determined to be good cause. Good cause includes excessive absenteeism from committee meetings, a demonstrated bias that interferes with the ability to render objective advice, failure to abide by established procedures, or violation of other applicable rules and regulations.

Further information regarding the most recent charter and other information can be found at *https://www.fda.gov/advisory-committees/dermatologic-and-ophthalmic-drugs-advisory-committee/dermatologic-and-ophthalmic-drugs-advisory-committee-charter* or by contacting the Advisory Committee Oversight and Management Staff (see **FOR FURTHER INFORMATION CONTACT**). Because the committee's name and description of duties remain unchanged, 21 CFR 14.100 will not be amended.

Renewal Requirements and Justification: The Commissioner has determined that renewal of the Dermatologic and Ophthalmic Drugs Advisory Committee is in the public interest. This determination is based on the Committee's essential role in providing independent expert advice on the safety and effectiveness of marketed and investigational human drug products for use in the treatment of dermatologic and ophthalmic disorders, the continued need for specialized expertise in this therapeutic area, and the Committee's demonstrated value in supporting FDA's regulatory mission. The following information supports this determination in accordance with applicable legal and regulatory requirements.

Public Interest Determination

Pursuant to 41 CFR 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 CFR 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee.

Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. *Annual budget:* The overall annual budget for this committee is $136,830.

a. *Federal personnel on a full-time equivalent (FTE) basis:* The estimated person years of Federal staff support is 0.25 at an estimated annual cost of $43,916.

b. *Other Federal internal costs:* The anticipated total value in USD of other internal costs, such as cost associated with IT and supplies for meetings, is $26,233.

c. *Proposed payments to members:* The estimated payment to members is $15,000.

d. *Proposed number of members:* The anticipated number of members is twelve.

e. *Reimbursable costs:* The estimated annual reimbursable costs, including travel and related expenses for members, is $32,069.

2. *If applicable, the total dollar value of grants expected to be recommended during the fiscal year:* N/A.

3. *Criteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership:*

Ensuring Necessary Expertise: Members must have background, education, and experience commensurate with the committee's function of advising FDA on the existing and relevant evidence of benefits and risks of marketed and investigational human drug products for use in the treatment of dermatologic and ophthalmic disorders and related specialties. Scientific and technical competence is critical. Nominees should be acknowledged experts with demonstrated skills in critical evaluation of data and effective communication. As outlined in the committee charter, the membership should include authorities knowledgeable in the fields of dermatology, ophthalmology, dentistry, immunology, epidemiology or statistics, and related specialties, as well as needed consumer and industry representation. FDA also follows the requirements in section 505(n)(3) of the Federal Food, Drug, and Cosmetic Act regarding membership of drug product advisory committees. (21 U.S.C. 355(n)(3)).

Ensuring Fair Balance: Appointments are made without discrimination. The committee is reviewed in totality for balance, characterized by inclusion of necessary knowledge, insight, and scientific perspective from the relevant community or expertise area. Nominations are sought from all geographic locations within the United States and its territories, and from diverse sources including professional and scientific societies, academia, government agencies, industry and trade associations, consumer and patient organizations, and current Agency staff.

4. *List of all other Federal advisory committees of the agency:*

- Anesthetic and Analgesic Drug Products Advisory Committee
- Antimicrobial Drugs Advisory Committee
- Blood Products Advisory Committee
- Cardiovascular and Renal Drugs Advisory Committee
- Cellular Tissue and Gene Therapies Advisory Committee
- Device Good Manufacturing Practice Advisory Committee
- Digital Health Advisory Committee
- Drug Safety and Risk Management Advisory Committee
- Endocrinologic and Metabolic Drugs Advisory Committee
- Genetic Metabolic Disease Advisory Committee
- Medical Devices Advisory Committee
- National Mammography Quality Assurance Advisory Committee (Administratively Inactive)
- Nonprescription Drugs Advisory Committee
- Obstetrics, Reproductive and Urologic Drugs Advisory Committee
- Oncologic Drugs Advisory Committee
- Pediatric Advisory Committee
- Peripheral and Central Nervous System Advisory Committee
- Pharmacy Compounding Advisory Committee
- Psychopharmacologic Drugs Advisory Committee
- Pulmonary-Allergy Drugs Advisory Committee
- Risk Communication Advisory Committee (Administratively Inactive)
- Science Board to the Food and Drug Administration
- Technical Electronic Product Radiation Safety Standards Committee
- Tobacco Products Scientific Advisory Committee
- Vaccines and Related Biological Products Advisory Committee

5. *Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source:*

The Dermatologic and Ophthalmic Drugs Advisory Committee provides independent expert advice to FDA on the safety and effectiveness of marketed and investigational human drug products for use in the in the practice of dermatologic and ophthalmic disorders and related specialties.

The topics considered by the Dermatologic and Ophthalmic Drugs Advisory Committee require specialized expertise in the fields of dermatology, ophthalmology, dentistry, immunology, epidemiology or statistics, and related specialties that is not within the primary scope of other FDA advisory committees. Potential topics that may need committee input include products related to the topics outlined in Section (6) below. These and other issues cannot be appropriately addressed by another standing committee without diminishing the depth and relevance of the expert input provided to the Agency.

6. *If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue:*

Summary of Previous Accomplishments:

For the last three years, the Dermatologic and Ophthalmic Drugs Advisory Committee (DODAC) has held two advisory committee meetings on March 28–29, 2023, and January 9, 2023.

On March 28–29, 2023, the DODAC met jointly with the Drug Safety and Risk Management Advisory Committee and the Anesthetic and Analgesic Drug Products Advisory Committee to discuss proposed changes to the iPLEDGE Risk Evaluation and Mitigation Strategy (REMS) requirements to minimize burden on patients, pharmacies, and prescribers while maintaining safe use of isotretinoin oral capsules for patients. The committee assembled was proposed

with two voting questions: (1) whether the iPLEDGE REMS should retain the 19-day lockout period requirement before patients can take an additional pregnancy test to be eligible to receive isotretinoin, and (2) when should the REMS require prescribers to document counseling for patients who cannot become pregnant in the iPLEDGE system. Respectively, majority of the members vote ''No'' (4 Yeses, 17 Noes, 1 Abstention) to a 19-day lockout period requirement before patients can take an additional pregnancy test to be eligible to receive isotretinoin, and 10 members favored the first option for REMS to require prescribers to document counseling patients who cannot become pregnant with the first prescription as part of patient enrollment. Regarding recommendations on the pregnancy registry requirement and ways in which it could be streamlined to encourage more participation to yield high-quality data, members agreed it is not necessary to continue to collect ''follow-up data'' (*i.e.,* pregnancy and fetal outcome information) and that more effective communication and transparency are needed regarding how patients' data will be used if they participate in the iPLEDGE Pregnancy Registry.

Impact: On February 6, 2026, the Agency approved modification to the iPLEDGE Risk Evaluation and Mitigation Strategy (REMS) to minimize burden on patients, prescribers, and pharmacies while maintaining the use of isotretinoin.

On January 9, 2023, the DODAC met to discuss supplemental biologics license application (sBLA) 125387, aflibercept solution for intravitreal injection, submitted by Regeneron Pharmaceuticals, Inc. The supplement was submitted in response to FDA's pediatric written request. FDA's written request was for studies of aflibercept in the treatment of retinopathy of prematurity. Two Discussion Questions were proposed to the panel: (1) Discuss how the studied use of aflibercept in the treatment of retinopathy of prematurity can best be communicated to physicians and the caregivers of these premature infants, and (2) how it should be labeled in a real-world setting. Regarding the first speaking point, the committee acknowledged the benefits of using anti-vascular endothelial growth factor (anti-VEGF) for the treatment of retinopathy of prematurity (ROP), which is evident by the data shown and concluded that due to the general circumstances that the use of this product is made quickly in a neonatal intensive care unit, the instructions for administration must be clearly labeled in the package insert. The second discussion point, the Committee made recommendations on how the instructions should be centralized in the insert for easy a find, advised what would be classified as clear instructions for practitioners, appropriate dosing and safety precautions for pediatric use.

Impact: The FDA officially approved Eylea (aflibercept 0.4 mg) on February 8, 2023, as the first pharmacologic treatment for ROP in preterm infants—the first pediatric approval for this indication.

7. *Explanation of why the committee/subcommittee is essential to the conduct of agency business:*

Reasons for Continuation:

The committee plays a critical role in enabling FDA to meet the requirements of sections 505(n)(1) and (s)(1) of the Federal Food, Drug, and Cosmetic Act by providing expert scientific advice and recommendations. Without the Dermatologic and Ophthalmic Drugs Advisory Committee, FDA's ability to obtain external expert input on issues related to the approval and regulation of the safety and effectiveness of marketed and investigational human drug products for use in the treatment of dermatologic and ophthalmic disorders would be significantly limited.

In conclusion, this public interest determination documents that renewing the committee is in the public interest, essential to the conduct of agency business, and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

This notice is issued under the Federal Advisory Committee Act as amended (5 U.S.C. 1001 *et seq.*). For general information related to FDA advisory committees, please visit us at *http://www.fda.gov/AdvisoryCommittees/default.htm.*

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–20141 Filed 9–29–26; 4:15 pm]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of NIH Tribal Consultations and Listening Session

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In accordance with the National Institutes of Health (NIH), Tribal Consultation Policy, the NIH will hold two Tribal Consultations and one Tribal listening session at the National Congress of American Indians (NCAI) Annual Convention. The first consultation will discuss two new proposed initiatives of the NIH *All of Us* Research Program. The second consultation will discuss the National Institute of Minority Health and Health Disparities (NIMHD) proposed renewal initiative for the Resource Center for Tribal Epidemiological Centers (RC–TEC). The Tribal Health Research Office will also conduct a listening session to seek Tribal perspectives on the NIH Tribal Data Sovereignty Policy currently under development.

DATES: The events will be held at the following times, all in Pacific time:

Monday, October 19, 2026, from 12:00 p.m. to 2:00 p.m.: Tribal consultation on expanding the data access model and the inclusion of self-identified AI/AN participants' biospecimens in PRS within the NIH *All of Us* Research Program.

Tuesday, October 20, 2026, from 8:00 a.m. to 9:00 a.m.: NIH Tribal Data Sovereignty Policy listening session.

Tuesday, October 20, 2026, from 4:30 p.m. to 6:00 p.m.: Tribal consultation on the renewal of the NIMHD Resource Center for Tribal Epidemiology Centers.

Written Tribal testimony or comments regarding either Tribal consultation can be submitted to *NIHTribalConsultation@nih.gov* and must be received by end of day on November 20, 2026.

ADDRESSES: The two Tribal Consultations and one listening session will be held at the Palm Springs Convention Center, 277 N Avenida Caballeros, Palm Springs, CA 92262, during the NCAI 83rd Annual Convention & Marketplace. Specific room assignments are not yet available. Updates will be posted on the NIH THRO Tribal Consultations web page at *https://dpcpsi.nih.gov/thro/tribal-consultations.*

A virtual participation option may be available for one or more sessions. Individuals interested in participating virtually should contact NIH at *NIHTribalConsultation@nih.gov.* Information regarding virtual participation, if available, will also be posted on the NIH THRO Tribal Consultations web page.

Written Tribal testimony or comments should be submitted by email to *NIHTribalConsultation@nih.gov* by end of day on November 20, 2026. Submissions should be on Tribal letterhead or otherwise clearly identify the submitting Tribe or Tribal organization.

FOR FURTHER INFORMATION CONTACT: Karina L. Walters, Ph.D., M.S.W., Director, Tribal Health Research Office, Division of Program Coordination, Planning, and Strategic Initiatives, Office of the Director, National Institutes of Health, Department of Health and Human Services; email: *THROinfo@nih.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Participation

NIH recognizes the government-to-government relationship between the United States and federally recognized Indian Tribes and conducts Tribal consultation in accordance with the NIH Tribal Consultation Policy *(https://go.nih.gov/C01PhB8*). The Policy provides a process for meaningful and timely input from Indian Tribes on NIH policies, programs, and research activities that significantly affect Tribes.

NIH invites Tribal Officials and Tribal Representatives, as those terms are defined in the Policy, to provide input during the October 19 and October 20 Tribal consultations. Under the Policy, a Tribal Representative may include an elected Tribal Official acting in an official capacity, or an employee or other representative designated in writing by an elected Tribal Official to represent the Tribe in discussions with the Federal Government.

The October 20 Tribal Data Sovereignty Policy event is a listening session rather than a Tribal consultation. It is intended to inform development of the policy before NIH conducts a separate Tribal consultation.

II. NIH All of Us Research Program Tribal Consultation

On Monday, October 19, 2026, from 12:00 p.m. to 2:00 p.m. Pacific Time, NIH will conduct a Tribal consultation concerning two new initiatives within the *All of Us* Research Program. The *All of Us* Research Program aims to accelerate health research and medical breakthroughs to enable an era of precision medicine for all. *All of Us* is expanding its existing data access model to contain an added level of sensitive participant data that will require mandatory review by an Institutional Review Board. It is also planning to include self-identified AI/AN participants in the PRS initiative involving a large-scale biospecimen analysis effort. This effort will allow researchers external to NIH to apply for access to current participants' samples (such as blood, saliva or urine), including those from self-identified AI/AN participants.

Feedback from Tribal Nations is crucial to shaping the program's strategies to ensure the use of biospecimens and that access to data aligns with priorities of Tribal and Urban Indian communities. *All of Us* would like to discuss how to (1) responsibly manage self-identified AI/AN participant bio samples in partnered research studies and ensure the research yields meaningful community benefits and (2) manage sensitive data access that honors both an individual's and Tribes' rights.

III. NIH Tribal Data Sovereignty Policy Listening Session

On Tuesday, October 20, 2026, from 8:00 a.m. to 9:00 a.m. Pacific Time, NIH THRO will host a listening session on the NIH Tribal Data Sovereignty Policy currently under development. The session will provide a forum for Tribal Leaders and designees to offer guidance and share perspectives, concerns, and recommendations on how NIH funding announcements, grant mechanisms, and research activities should recognize and uphold the inherent sovereignty of Tribal Nations over data generated by, about, and within their communities.

THRO leadership will hear directly from Tribal Leaders and designees and consider their input as NIH develops the policy, including potential funding opportunity announcement language and grants administration practices. Discussion is expected to address how NIH can better align data collection, management and sharing processes with Tribal laws, codes, and ordinances governing data collection, ownership, access, use, and disposition, including Tribal Institutional Review Board requirements, data-sharing agreements, and Tribal Research Codes.

This listening session is not a Tribal consultation and will not substitute for Tribal consultation on the NIH Tribal Data Sovereignty Policy. NIH will conduct a separate Tribal consultation before the policy is finalized. Information about that Tribal consultation will be announced separately.

IV. NIMHD Resource Center for Tribal Epidemiology Centers Tribal Consultation

On Tuesday, October 20, 2026, from 4:30 p.m. to 6:00 p.m. Pacific time, NIH will conduct a Tribal consultation on proposed revisions to the renewal of the NIMHD Resource Center for Tribal Epidemiological Centers (RC–TEC) initiative. The session will provide an overview of the proposed revisions, their potential implications for Tribal Epidemiology Centers (TECs) and the Tribes they serve, and an opportunity for Tribal input.

The consultation will help ensure that the revised initiative reflects Tribal priorities and the essential role of TECs in strengthening Tribal public health capacity, surveillance, data systems, and health sovereignty. NIH will provide an overview of the proposed revisions to the renewal of the RC–TEC initiative and describe potential key changes, their potential implications for TECs and the Tribes they serve in order to support transparency and strengthen government-to-government engagement.

V. Written Tribal Testimony and Comments

NIH welcomes written Tribal testimony or comments concerning each Tribal consultation. Written submissions should be submitted to *NIHTribalConsultation@nih.gov* and must be received by end of day on November 20, 2026. Submissions should be on Tribal letterhead or otherwise clearly identify the submitting Tribe or Tribal organization.

Written input for the NIH Tribal Data Sovereignty Policy may be submitted to the *NIHTribalConsultation@nih.gov.* Solicitation for Tribal testimony for the NIH Tribal Data Sovereignty Policy will occur when the Tribal consultation for the Policy takes place. This Notice is in accordance with Executive Order 13175 Authority to implement and comply with Federal and Departmental policies, procedures, and requirements as it relates to Tribal consultations.

Karina Walters,

Director, Tribal Health Research Office, National Institutes of Health.

[FR Doc. 2026–20151 Filed 9–30–26; 8:45 am]

BILLING CODE 41670–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 of Neurological Disorders and Stroke.

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 of Neurological Disorders and Stroke, 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 of Neurological Disorders and Stroke.

Date: February 8–9, 2027.

Time: February 8, 9:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Address: National Institute of Neurological Disorders and Stroke, National Institutes of Health, Porter Neuroscience Research Center, Building 35A, 35 Convent Drive, Room GF–149, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Time: February 9, 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Address: National Institute of Neurological Disorders and Stroke, National Institutes of Health, Porter Neuroscience Research Center, Building 35A, 35 Convent Drive, Room GF–149, Bethesda, MD 20892.

Contact Person: Jeffrey S. Diamond, Ph.D., Acting Scientific Director, c/o Caren Collins, Program Analyst, Division of Intramural Research, NINDS, Office of the Scientific Director, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Porter Neuroscience Research Center, Building 35A, 35 Convent Drive, Room GF–149, Bethesda, MD 20892, 301–435–1896, *diamondj@ninds.nih.gov; collinsca@ninds.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Extramural Research Programs in the Neurosciences and Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: September 28, 2026.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–20152 Filed 9–30–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Refugee Resettlement

Period for Refugee Cash Assistance and Refugee Medical Assistance; Correction

AGENCY: Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS).

ACTION: Notice; correction.

SUMMARY: The Office of Refugee Resettlement (ORR) published a notice in the **Federal Register** of July 14, 2026, extending the eligibility time period for Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA). After further review of the considerations listed 45 CFR 400.211, ORR determined that the eligibility period should be 12 months. This submission is to correct the time eligibility period to 12 months for both programs.

DATES: Recipients should implement this change to the RCA and RMA eligibility time period within 30 days of this publication in the **Federal Register**, consistent with 45 CFR 400.211(b).

FOR FURTHER INFORMATION CONTACT: Miro Marinovich, Office of Refugee Resettlement, Administration for Children and Families, by phone at (240) 856–2610, and email at *Miro.Marinovich@acf.hhs.gov*.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of July 14, 2026, in FR Doc. 2026–14095, correct all references to the 8-month eligibility period to 12 months so that:

- In **SUMMARY** paragraph: adjust 8 to 12,
- In paragraph 5 under the **SUPPLEMENTARY INFORMATION** heading: adjust 8 to 12,
- In paragraph 6 under the **SUPPLEMENTARY INFORMATION** heading: adjust 8 to 12, and
- In paragraph 8 under the **SUPPLEMENTARY INFORMATION** heading: adjust 8 to 12.

Angie Salazar,

Acting Director, Office of Refugee Resettlement.

[FR Doc. 2026–20111 Filed 9–30–26; 8:45 am]

BILLING CODE 4184–89–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Certain DHS Immigration-Related Fees Required by HR–1: Fiscal Year 2027 Adjustments for Inflation

AGENCY: U.S. Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: Notice of Fee Adjustment for Inflation.

SUMMARY: The Department of Homeland Security (DHS) is announcing Fiscal Year (FY) 2027 inflation adjustments to certain immigration-related fees required by the One Big Beautiful Bill Act (HR–1). HR–1 requires that DHS annually adjust certain immigration-related fees for inflation. This notice sets the inflation-adjusted FY 2027 fee amounts for the following immigration fees required by HR–1: the fee for parole of an alien into the United States, the Electronic System for Travel Authorization (ESTA) fees, and the fee for enrollment in the Electronic Visa Update System (EVUS). In accordance with the inflation adjustment rounding requirement in HR–1, the existing fee for Form I–94 Arrival/Departure Record applications will not change for FY 2027.

DATES: *HR–1 Parole Fee:* U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), and U.S. Immigration and Customs Enforcement (ICE) will begin assessing the FY 2027 amount for the HR–1 parole fee described in this notice on October 16, 2026.

HR–1 I–94, ESTA, and EVUS Fees: CBP will begin assessing the FY 2027 amounts for the HR–1 I–94, ESTA, and EVUS fees described in this notice on October 16, 2026.

FOR FURTHER INFORMATION CONTACT:

For questions regarding the HR–1 parole fee, by component:

CBP: Office of Field Operations, U.S. Customs and Border Protection, Department of Homeland Security, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, email address: *parolenotification@cbp.dhs.gov.*

USCIS: Office of Chief Financial Officer, U.S. Citizenship and Immigration Services, Department of Homeland Security, 5900 Capital Gateway Drive, Camp Springs, MD 20746, telephone (240) 721–3000 (not a toll-free number).

ICE: Office of Regulatory Affairs and Policy, U.S. Immigration and Customs Enforcement, Department of Homeland Security, 500 12th Street SW, Washington, DC 20536; telephone (202) 732–6960 (not a toll-free number).

For questions regarding the HR–1 I–94, ESTA, and EVUS fees:

Melanie Mataxas, Director, Electronic Systems Travel Authorization, Office of Field Operations, U.S. Customs and Border Protection, at 202–325–1372 or at *melanie.d.mataxas@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Legal Authority

On July 4, 2025, the President signed into law the One Big Beautiful Bill Act,

Public Law 119–21, 139 Stat. 72 (HR–1). HR–1 was a comprehensive legislative package that changed many laws and added new laws that touch many areas of the United States Government. Among those changes, the law established new immigration fees and increased existing fees for certain immigration-related actions. The statute established minimum fees for Fiscal Year (FY) 2025 and required annual adjustments to the fees in subsequent fiscal years based on the Consumer Price Index for All Urban Consumers (CPI–U).[1]

Among other immigration fees specified in HR–1, the Secretary of Homeland Security must require the payment of a fee by any alien who is paroled into the United States, unless an exception in Public Law 119–21 section 100004(b) applies (the HR–1 parole fee). *See* Public Law 119–21 sec. 100004. Several Department of Homeland Security (DHS) components, including U.S. Immigration and Customs Enforcement (ICE), U.S. Citizenship and Immigration Services (USCIS), and U.S. Customs and Border Protection (CBP), are responsible for assessing and collecting the HR–1 parole fee.

CBP also administers several other fees specified in HR–1,[2] including requiring fees for submitting an application for a CBP Form I–94 Arrival/Departure Record, for using the Electronic System for Travel Authorization (ESTA) and receiving ESTA travel authorizations, and for enrolling in the Electronic Visa Update System (EVUS). *See* Public Law 119–21 secs. 100008, 100014, 100015.

The following table lists the notices which implemented the immigration parole, Form I–94, ESTA, and EVUS fees and adjusted those fees for inflation.

TABLE 1—SUMMARY OF IMMIGRATION PAROLE, FORM I–94, ESTA, AND EVUS FEE NOTICES

Subject	Federal Register citation	Date published	Date fees took effect
Implementation of HR–1 Form I–94, ESTA, and EVUS Fees.	90 FR 42025	Aug. 28, 2025	Sept. 30, 2025
Implementation of HR–1 Immigration Parole Fee	90 FR 48317	Oct. 16, 2025	Oct. 16, 2025
FY 2026 Inflation Adjustments for Immigration Parole, Form I–94, ESTA, and EVUS Fees.	90 FR 52085	Nov. 19, 2025	Jan. 1, 2026

II. FY 2027 Inflation Adjustments to Certain Immigration Fees Required by HR–1

In accordance with HR–1, most immigration-related fees required by HR–1 are subject to annual inflation adjustments. This notice provides the FY 2027 rates for the HR–1 parole, I–94, ESTA, and EVUS fees (collectively, the HR–1 fees).

Generally, HR–1 requires the multiplication of an HR–1 fee or a portion of an HR–1 fee from the prior fiscal year by the percentage, if any, by which the CPI–U for the month of July preceding the date on which the adjustment takes effect exceeds the CPI–U for the July of the preceding calendar year (the inflation adjustment). In July 2025, the CPI–U was 323.048, and in July 2026, the CPI–U was 333.918. Therefore, between July 2025 and July 2026, the CPI–U increased by 3.36 percent.[3] To determine the total HR–1 fee for each fiscal year, the inflation adjustment is added to the HR–1 fee or portion of the HR–1 fee used in the calculation of the inflation adjustment, pursuant to the statutorily prescribed formula. The specifics of the statutory inflation adjustment formulas differ for each HR–1 fee. The following table provides a summary of the inflation-adjusted FY 2027 HR–1 fees described in this notice, and the following subsections further detail the HR–1 inflation adjustment requirements.

TABLE 2—CERTAIN FY 2027 FEES, AS REQUIRED BY HR–1

HR–1, Public Law 119–21 (139 Stat. 72) Section	Action	Total FY 2026 fee (existing fee)	FY 2027 inflation adjustment	Total FY 2027 fee (revised fee)
100004	Parole into the United States	$1,020	+$30	$1,050
100008	Application for CBP Form I–94 at land border ports of entry.	30	[4] +$0	[5] 30
100014	ESTA authorization	40.27	+$0.35	[6] 40.62
100015	EVUS enrollment	30.75	+$1	$31.75

[1] *See* Public Law 119–21 secs. 100004(d), 100008(b)(2), 100014(3), 100015(b)(2), codified as 8 U.S.C. 1804(d), 8 U.S.C. 1807(b)(2), 8 U.S.C. 1187(h)(3)(B)(iv), and 8 U.S.C. 1813(b)(2).

[2] The Secretary of Homeland Security has delegated the authority to enforce and administer the immigration laws to the Commissioner of U.S. Customs and Border Protection. *See* DHS Delegation No. 07010.3, Delegation of Authority to the Commissioner of U.S. Customs and Border Protection, (Rev. No. 03.2, Incorporating Change 2) at II.B.1 (Dec. 11, 2024).

[3] Bureau of Labor Statistics, Consumer Price Index—July 2026, August 12, 2026, *https://www.bls.gov/news.release/archives/cpi_08122026.htm* (last visited Aug. 13, 2026).

[4] Section II.B. explains the inflation adjustment formula for the HR–1 I–94 fee and details that upon applying the inflation adjustment formula and rounding down to the nearest dollar, the fee amount will not increase in FY 2027.

[5] This $30 total includes the $6 land border fee. Payment of the $6 land border fee is required pursuant to 8 CFR 103.7(d)(4), 235.1(h)(1), and 286.9(b)(1), and is not a fee that is required by HR–1. Therefore, the inflation adjustment is not calculated based on the total $30 fee, and instead, only the $24 portion of the Form I–94 fee, required by HR–1, is adjusted for inflation.

[6] Section II.C. explains the inflation adjustment formula found in Public Law 119–21 sec. 100014(3) (8 U.S.C. 1187(h)(3)(B)(iv)) and the resulting FY 2027 ESTA fee calculations for CBP processing of ESTA applications and travel authorizations. In the event an ESTA application is denied, the fee is $10.62 for FY 2027.

A. DHS HR–1 Parole Fee

Pursuant to HR–1, the Secretary of Homeland Security must require the payment of a fee by any alien who is paroled into the United States, unless an exception in Public Law 119–21 section 100004(b) applies. *See* Public Law 119–21 sec. 100004 (8 U.S.C. 1804). Specifically, this fee is required each time an alien is granted parole under sec. 212(d)(5)(A) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(5)(A), including initial parole from outside the United States, parole in place, re-parole, or parole from DHS custody. *See* 90 FR 48317, 48318.

DHS is required to adjust the HR–1 parole fee for inflation in each fiscal year. *See* Public Law 119–21 sec. 100004(d). This notice announces the FY 2027 inflation-adjusted HR–1 parole fee for all DHS components, including ICE, USCIS, and CBP.

Pursuant to HR–1, DHS is required to adjust the HR–1 parole fee by adding an inflation adjustment amount, rounded to the next lowest multiple of $10, to the amount of the fee for the most recently concluded fiscal year. *Id.* The FY 2026 inflation-adjusted HR–1 parole fee is $1,020. *See* 90 FR 52085 (Nov. 19, 2025). The FY 2027 inflation adjustment amount is $34.32 rounded to the next lowest multiple of $10, which is $30.

Accordingly, the inflation-adjusted HR–1 parole fee for FY 2027 will be $1,050 ($1,020 + $30). The HR–1 parole fee will not be assessed if the alien establishes, to the satisfaction of DHS, on an individual, case-by-case basis, that the circumstances of the alien's parole align with at least 1 of the 10 exceptions found in HR–1. *See* Public Law 119–21 sec. 100004(b). The operative event that triggers the statutory obligation to pay the HR–1 parole fee is the actual grant and effectuation of parole into the United States—not the filing of an application or request. Thus, unless statutorily excepted, the FY 2027 inflation-adjusted HR–1 parole fee will be collected from any alien who is granted parole on or after October 16, 2026, regardless of when the underlying application or request was submitted.

The $1,050 HR–1 parole fee is required in addition to any other fee authorized by law. *See* Public Law 119–21 sec. 100004(a).

B. CBP Form I–94 Arrival/Departure Record

CBP issues an electronic CBP Form I–94 Arrival/Departure Record to all arriving aliens who are legally required to submit that form (unless otherwise exempted). *See* parts 1.4 and 235.1(h) of title 8 of the Code of Federal Regulations (8 CFR 1.4, 235.1(h)). CBP Form I–94 serves as evidence of the terms of the alien's admission or parole and is generally issued at the time the alien is admitted or paroled at a U.S. port of entry. *See* 8 CFR 235.1(h). Aliens arriving at a land border port of entry who are legally required to submit a CBP Form I–94 must apply for that form.

Pursuant to HR–1, the Secretary of Homeland Security must require the payment of a fee for any alien who submits an application for a Form I–94 Arrival/Departure Record (the HR–1 I–94 fee). *See* Public Law 119–21 sec. 100008 (8 U.S.C. 1807). CBP is required to adjust the HR–1 I–94 fee for inflation in each fiscal year. *See* Public Law 119–21 sec. 100008(b)(2). The statutory formula requires adding an inflation adjustment amount, rounded down to the nearest dollar, to the amount of the fee required under Public Law 119–21 sec. 100008(b) for the most recently concluded fiscal year. *Id.* The FY 2026 HR–1 I–94 fee is $24. *See* 90 FR 52085, 52086. For FY 2027, the inflation adjustment required by Public Law 119–21 sec. 100008(b)(2)(B) is $0.81 rounded down to the nearest dollar, which is $0. Thus, the HR–1 I–94 fee for FY 2026 will remain at $24 ($24 + $0).

The HR–1 I–94 fee is required in addition to any other fee authorized by law. *See* Public Law 119–21 sec. 100008(a). Currently, CBP imposes a $6 fee for aliens who are legally required to be issued, or request to be issued, CBP Form I–94 and who intend to arrive at a land border port of entry. *See* 8 CFR 103.7(d)(4), 235.1(h)(1), and 286.9(b)(1). Accordingly, the total fee to apply for a CBP Form I–94 at a land border port of entry for FY 2027 will continue to be $30, consisting of the $6 land border fee and the $24 HR–1 fee. CBP will not assess a fee for aliens arriving at an air or sea port of entry because such aliens are not required to submit an application for a CBP Form I–94.

C. Electronic System for Travel Authorization (ESTA)

ESTA is the online system through which aliens intending to enter the United States under the Visa Waiver Program (VWP) must obtain an electronic travel authorization in advance of travel to the United States.[7] Each alien intending to travel by air, sea, or land to the United States under the VWP must receive a travel authorization via ESTA prior to travel. *See* INA sec. 217 (8 U.S.C. 1187) and 8 CFR part 217. Pursuant to section 217(h)(3)(B) of the INA (8 U.S.C. 1187(h)(3)(B)), as amended by section 100014 of HR–1, two fees are required for each ESTA authorization, and one fee is required for each use of the ESTA system.

The FY 2026 ESTA authorization fee of $40.27, as required by HR–1, is the sum of three fees, including: $17 per travel authorization as provided for in 8 U.S.C. 1187(h)(3)(B)(i)(I), $10.27 as provided for in 8 U.S.C. 1187(h)(3)(B)(i)(II) to ensure recovery of the full costs of providing and administering the ESTA system, and $13 per travel authorization as provided for in 8 U.S.C. 1187(h)(3)(B)(i)(III). *See* 90 FR 52085, 52087. The 8 U.S.C. 1187(h)(3)(B)(i)(II) cost recovery fee is required for all applications, regardless of authorization or denial; thus, in the event the ESTA application is denied, HR–1 set a $10.27 fee for FY 2026. *See* 8 U.S.C. 1187(h)(3)(B).

CBP is required to adjust the 8 U.S.C. 1187(h)(3)(B)(i)(II) cost recovery fee for inflation in each fiscal year. *See* 8 U.S.C. 1187(h)(3)(B)(iv). Under HR–1, the adjusted 8 U.S.C. 1187(h)(3)(B)(i)(II) cost recovery fee is calculated by adding the amount required under 8 U.S.C. 1187(h)(3)(B)(i)(II) for the previous fiscal year to the inflation adjustment amount. *See* 8 U.S.C. 1187(h)(3)(B)(iv). For FY 2026, the amount required under 8 U.S.C. 1187(h)(3)(B)(i)(II) is $10.27. The inflation adjustment for FY 2027 is $0.35. HR–1 does not direct CBP to round the HR–1 ESTA inflation adjustment. Thus, for FY 2027, the 8 U.S.C. 1187(h)(3)(B)(i)(II) cost recovery fee will be $10.62 ($10.27 + $0.35).

As noted previously, the 8 U.S.C. 1187(h)(3)(B)(i)(II) cost recovery fee is one of three fees that, when combined, comprise the total ESTA authorization fee for each fiscal year. This notice does not alter the $17 or $13 fees required under 8 U.S.C. 1187(h)(3)(B)(i)(I) and 8 U.S.C. 1187(h)(3)(B)(i)(III), respectively. Thus, as required by HR–1, the inflation-adjusted FY 2027 ESTA fee will be $40.62 ($17 + $10.62 + $13) per travel authorization. In the event the ESTA application is denied, the FY 2027 fee is $10.62 to ensure recovery of the costs of providing and administering the ESTA System.

D. Electronic Visa Update System (EVUS)

EVUS is an online system currently used by nationals of the People's Republic of China (PRC) holding a 10-year B–1, B–2, or B–1/B–2 (visitor) visa to provide required information to DHS prior to travel to the United States. *See*

[7] For additional information on the Visa Waiver Program, see 8 U.S.C. 1187 and 8 CFR part 217.

8 CFR part 215, subpart B.[8] PRC nationals with an approved U.S.-issued visa of a designated category must enroll in EVUS and provide or update personal and travel information to receive a determination of travel eligibility. *See* 8 CFR 215.24.

Pursuant to HR–1, the Secretary of Homeland Security must require any alien enrolling in EVUS to pay a fee. Public Law 119–21 sec. 100015 (8 U.S.C. 1813). The alien must pay the fee at the time of enrollment. *Id.* For FY 2025, the statute set a minimum fee amount of $30. *See* Public Law 119–21 sec. 100015(b)(1).

During FY 2026 and each subsequent FY, CBP is required to adjust the HR–1 EVUS fee for inflation. *See* Public Law 119–21 sec. 100015(b)(2). The statutory formula requires adding an inflation adjustment amount, rounded down to the next lowest multiple of $0.25, to the amount of the fee required under Public Law 119–21 sec. 100015(b) for the most recently concluded fiscal year. *Id.* The inflation-adjusted HR–1 EVUS fee for FY 2026 is $30.75. For FY 2027, the inflation adjustment under Public Law 119–21 sec. 100015(b)(2)(B) is $1.03 rounded down to the next lowest multiple of $0.25, which is $1.00. Thus, the inflation-adjusted HR–1 EVUS fee for FY 2027 is $31.75 ($30.75 + $1.00).

This $31.75 HR–1 EVUS fee is required in addition to any other fee applicable by law. *See* Public Law 119–21 sec. 100015(a).

Markwayne Mullin,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2026–20185 Filed 9–30–26; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0022]

Agency Information Collection Activities; Revision; Entry Summary

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than November 2, 2026) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Please submit written comments and/or suggestions in English. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (91 FR 40016) on July 1, 2026, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (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) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Entry Summary.
OMB Number: 1651–0022.
Form Number: 7501.
Current Actions: Revision.
Type of Review: Revision.
Affected Public: Individuals and Businesses.

Abstract: CBP Form 7501, *Entry Summary,* is used to identify merchandise entering the commerce of the United States, including its customs value and the amount of estimated duties, taxes and/or fees owed. CBP Form 7501 is submitted by the importer, or the importer's authorized agent, for each import transaction. The data on this form is used by CBP, among other purposes, as a record of the import transaction; to ascertain the proper duty, taxes, and fees owed on the entry; to determine whether all applicable requirements are satisfied, to include requirements established by a partner government agency, and to provide data to the U.S. Census Bureau for statistical purposes. Unless it is filed at the time of entry, CBP Form 7501 must be filed within 10 working days after the time of entry of the merchandise into the United States. *See* 19 CFR 142.12(b). Collection of the data on this form is authorized by 19 U.S.C. 1484 and provided for by 19 CFR 141.61, 19 CFR 142.11 and 19 CFR 143.24. CBP Form 7501 and accompanying instructions can be found at: *https://www.cbp.gov/newsroom/publications/forms?title_1=7501.*

New Changes

Entry Type 13 Test

CBP is announcing a voluntary test for a new electronic informal entry process for mail in ACE through the development of new informal entry type 13—Informal Mail Entry. The new

[8] In a **Federal Register** notice published on October 20, 2016 (81 FR 72600), DHS identified the PRC as an EVUS country and designated B–1, B–2, and B–1/B–2 visas issued without restriction for the maximum validity period and contained in a passport issued by the PRC as designated visa categories for purposes of EVUS.

informal entry type 13 is applicable for shipments valued at $2,500 or less that are sent to the United States via mail. The Entry Type 13 Test provides an alternative to the new interim process for informal mail entries, as set forth in 19 CFR 145.12(b) by allowing filers to transmit informal entry for qualified mail shipments electronically. This test also creates an informal entry pathway for low-value mail shipments subject to Partner Government Agency (PGA) data requirements or duties other than those set forth in Chapters 1–97 of the Harmonized Tariff Schedule of the United States (HTSUS), which are ineligible for the interim process for informal mail entries, as set forth in 19 CFR part 145.

The test is open to owners and purchasers of merchandise being mailed to the United States and licensed customs brokers properly appointed by the owner, purchaser, or consignee of the merchandise being mailed to the United States, who will act as the importer of record (IOR) for the entry. The test is also open to carriers transporting mail to the United States, to transmit the postal tracking number as part of their manifest filing. CBP encourages all eligible parties to participate in this test to assess the functionality of this new entry type and to seize the opportunity to adapt to an automated informal mail entry process.

An entry type 13 requires the IOR to electronically transmit the following data elements to CBP:

(1) Filer code;
(2) IOR number;
(3) Description of merchandise;
(4) Country of origin;
(5) All applicable 10-digit Harmonized Tariff Schedule of the United States (HTSUS) classification(s);
(6) Quantity and weight, if using specific duty rates;
(7) Duty rate;
(8) Value;
(9) Total duty owed;
(10) Carrier name;
(11) Tracking number generated by the foreign post operator; and
(12) Arrival port.

Type of Information Collection: 7501 Formal Entry (Electronic submission).

Estimated Number of Respondents: 2,336.

Estimated Number of Annual Responses per Respondent: 9,903.

Estimated Number of Total Annual Responses: 23,133,408.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 1,920,073.

Type of Information Collection: 7501 Formal Entry (Paper Submission).

Estimated Number of Respondents: 28.

Estimated Number of Annual Responses per Respondent: 9,903.

Estimated Number of Total Annual Responses: 277,284.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 92,336.

Type of Information Collection: 7501 Formal Entry w/Softwood Lumber Act of 2008 (Paper Only).

Estimated Number of Respondents: 210.

Estimated Number of Annual Responses per Respondent: 1,905.

Estimated Number of Total Annual Responses: 400,050.

Estimated Time per Response: 40 minutes.

Estimated Total Annual Burden Hours: 266,433.

Type of Information Collection: 7501 Informal Entry (Electronic Submission).

Estimated Number of Respondents: 1,883.

Estimated Number of Annual Responses per Respondent: 2,582.

Estimated Number of Total Annual Responses: 4,861,906.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 403,538.

Type of Information Collection: 7501 Informal Entry (Paper Submission).

Estimated Number of Respondents: 19.

Estimated Number of Annual Responses per Respondent: 2,582.

Estimated Number of Total Annual Responses: 49,058.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 12,265.

Type of Information Collection: 7501A Document/Payment Transmittal (Paper Only).

Estimated Number of Respondents: 20.

Estimated Number of Annual Responses per Respondent: 60.

Estimated Number of Total Annual Responses: 1,200.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 300.

Type of Information Collection: Exclusion Approval Information Letter.

Estimated Number of Respondents: 5,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 5,000.

Estimated Time per Response: 3 minutes.

Estimated Total Annual Burden Hours: 250.

Type of Information Collection: ET–13 Test.

Estimated Number of Respondents: 10.

Estimated Number of Annual Responses per Respondent: 200,000.

Estimated Number of Total Annual Responses: 2,000,000.

Estimated Time per Response: 5 minutes or 0.083 hours.

Estimated Total Annual Burden Hours: 166,667.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2026–20171 Filed 9–30–26; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0024]

Agency Information Collection Activities; Revision; Entry

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than November 2, 2026) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Please submit written comments and/or suggestions in English. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information

should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (91 FR 40021) on July 1, 2026, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (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) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: 1651–0024.
Form Number: 3461 + 3461 ALT.
Current Actions: Revision.
Type of Review: Revision.
Affected Public: Businesses.
Abstract: All items imported into the United States are subject to examination before entering the commerce of the United States. There are two procedures available to affect the release of imported merchandise, including ''entry'' pursuant to 19 U.S.C. 1484, and ''immediate delivery'' pursuant to 19 U.S.C. 1448(b). Under both procedures, CBP Forms 3461, Entry/Immediate Delivery, and 3461 ALT are the source documents in the packages presented to Customs and Border Protection (CBP). The information collected on CBP Forms 3461 and 3461 ALT allow CBP officers to verify that the information regarding the consignee and shipment is correct and that a bond is on file with CBP. CBP also uses these forms to close out the manifest and to establish the obligation to pay estimated duties in the time period prescribed by law or regulation. CBP Form 3461 is also a delivery authorization document and is given to the importing carrier to authorize the release of the merchandise.

CBP Forms 3461 and 3461 ALT are provided for by 19 CFR 142.3, 142.16, 141.22, and 141.24. The forms and instructions for Form 3461 are accessible at: *https://www.cbp.gov/newsroom/publications/forms?title=3461&=Apply.*

Ace Cargo Release is a program for ACE entry summary filers in which importers or brokers may file ACE Cargo Release data in lieu of filing the CBP Form 3461. This data consists of 12 required elements: importer of record; buyer name and address; buyer employer identification number (consignee number), seller name and address; manufacturer/supplier name and address; Harmonized Tariff Schedule 10-digit number; country of origin; bill of lading; house air waybill number; bill of lading issuer code; entry number; entry type; and estimated shipment value. There are also four optional data elements: the container stuffing location, consolidator name and address, ship to party name and address. There are three Global Business Identifier (GBI) identifiers available to filers: 20-digit Legal Entity Identifier (LEI), 9-digit Data Universal Numbering System (DUNS), and 13-digit Global Location Number (GLN). The GBI Identifiers can be inputted for any of the following parties: manufacturer/producer, seller shipper, exporter, distributor or packager. The GBI identifiers are new optional data elements that are being collected to better identify the legal entity that is interacting with CBP as well as explore opportunities to enhance supply chain traceability and visibility in response to the growing complexity of global trade. The data collected under the ACE Cargo Release program is intended to reduce transaction costs, expedite cargo release, and enhance cargo security. ACE Cargo Release filing minimizes the redundancy of data submitted by the filer to CBP through receiving carrier data from the carrier. This design allows the participants to file earlier in the transportation flow. Guidance on using ACE Cargo Release may be found at *http://www.cbp.gov/trade/ace/features.*

Recently Approved Changes

1. *Global Business Identifier (GBI):* Collectively, the updates proposed below aim to enhance upstream supply chain traceability and visibility while addressing the increasing complexity of global trade supply chains. All participation and data submitted is voluntary. Find more details about GBI in the 1651–0141 GBI information collection.

- The GBI Test is expanding the available supply chain entity party types from the original six optional parties (Manufacturer, Shipper, Seller, Exporter, Distributor, Packager), to include two new parties: ''Intermediary'' and ''Source'', along with optional free text fields that will allow filers to input additional descriptions and information about the specific party type. These party types would be made available in the GBI Enrollment database as well as the Automated Commercial Environment Cargo Release.
- A modification within the Global Business Identifiers (GBI) Enrollment database will allow the trade to submit one or more of the unique GBI's (the Legal Entity Identifier (LEI), Global Location Number (GLN), and Data Universal Numbering System (DUNS)) for a supply chain entity, as opposed to all three as previously approved and announced. Furthermore, a related programming update will enable trade participants the ability to modify or change a previous enrollment, including updating or adding additional GBI numbers.
- CBP intends to expand the choices of identifiers available to filers over the duration of the Test, including those that at no cost to the government provide access to the underlying entity and product specific supply chain data associated with the identifier. This would enhance traceability for CBP which may translate to facilitation benefits and reduced industry costs. CBP has initiated programming requests in ACE to accommodate the intake of additional GBI identifier qualifiers. These changes are under development and there is no defined timeline for their completion. Specifically, CBP will

begin by adding to the GBI Test the new Altana ID (ALTA) maintained by Altana Technologies, USG Inc. (Altana). The addition of the ALTA alongside current and future GBI identifiers will widen participants' choices and allow CBP to continue to evaluate the breadth and veracity of entity and supply chain information embedded within different types of identifier solutions already being leveraged by trade industry traceability stewards. It will also contribute to CBP's ongoing exploration of how traced supply chain information may be ingested and operationalized for risk management and facilitation purposes. CBP will add any new identifiers into the collection and submit to OMB for approval as they are determined through a change request (Form 83–C).

2. *Russian Sanctions Executive Order 14114:*

▪ New Data Elements have been added to comply with the Russian sanctions outlined in Executive Order 14114 published on December 22, 2023. The data elements and burden are recorded in the supporting statement of the 1651–0NEW Russian Sanctions information collection package.

3. *Update to Form 3461/3461ALT Instructions:* The instructions on the Form 3461/3461 ALT have been updated to include the new Russian sanctions data elements and text field boxes, to improve user experience, and to provide clarity to the form. Find a copy of the new form, with the changes outlined included with this package submission as supplementary documents.

New Proposed Changes

CBP is announcing a voluntary test for a new electronic informal entry process for mail in ACE through the development of new informal entry type 13—Informal Mail Entry. The new informal entry type 13 is applicable for shipments valued at $2,500 or less that are sent to the United States via mail. The Entry Type 13 Test provides an alternative to the new interim process for informal mail entries, as set forth in 19 CFR 145.12(b) by allowing filers to transmit informal entry for qualified mail shipments electronically. This test also creates an informal entry pathway for low-value mail shipments subject to Partner Government Agency (PGA) data requirements or duties other than those set forth in Chapters 1–97 of the Harmonized Tariff Schedule of the United States (HTSUS), which are ineligible for the interim process for informal mail entries, as set forth in 19 CFR part 145.

The test is open to owners and purchasers of merchandise being mailed to the United States and licensed customs brokers properly appointed by the owner, purchaser, or consignee of the merchandise being mailed to the United States, who will act as the importer of record (IOR) for the entry. The test is also open to carriers transporting mail to the United States, to transmit the postal tracking number as part of their manifest filing. CBP encourages all eligible parties to participate in this test to assess the functionality of this new entry type and to seize the opportunity to adapt to an automated informal mail entry process.

An entry type 13 requires the IOR to electronically transmit the following data elements to CBP:

(1) Filer code;
(2) IOR number;
(3) Description of merchandise;
(4) Country of origin;
(5) All applicable 10-digit Harmonized Tariff Schedule of the United States (HTSUS) classification(s);
(6) Quantity and weight, if using specific duty rates;
(7) Duty rate;
(8) Value;
(9) Total duty owed;
(10) Carrier name;
(11) Tracking number generated by the foreign post operator; and
(12) Arrival port.

Type of Information Collection: ACE Cargo Release/ABI.

Estimated Number of Respondents: 9,810.

Estimated Number of Annual Responses per Respondent: 3,041.

Estimated Number of Total Annual Responses: 29,832,210.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 4,972,035.

Type of Information Collection: Form 3461 Paper/Electronic.

Estimated Number of Respondents: 12,995.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 12,995.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 3,249.

Type of Information Collection: ET—13 Test.

Estimated Number of Respondents: 10.

Estimated Number of Annual Responses per Respondent: 200,000.

Estimated Number of Total Annual Responses: 2,000,000.

Estimated Time per Response: 5 minutes or 0.083 hours.

Estimated Total Annual Burden Hours: 166,667.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2026–20170 Filed 9–30–26; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

[CIS No. 2879–26]

Fiscal Year 2027 Inflation Adjustment to H.R. 1 Immigration Fees

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Notice of inflationary fee adjustment.

SUMMARY: U.S. Citizenship and Immigration Services (USCIS), a component of the Department of Homeland Security (DHS), is announcing inflationary adjustments to immigration-related fees administered by USCIS under the One Big Beautiful Bill Act (H.R. 1) for Fiscal Year (FY) 2027. H.R. 1 mandates that USCIS adjust the H.R. 1 fees annually. This notice outlines the adjusted fees and their effective date.

DATES: The fees announced in this notice are effective on or after October 16, 2026. Any immigration benefit request postmarked on or after October 16, 2026 without the proper filing fee will be rejected.

FOR FURTHER INFORMATION CONTACT: Office of Chief Financial Officer, U.S. Citizenship and Immigration Services, Department of Homeland Security, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone 240–721–3000 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD).

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

BLS—U.S. Bureau of Labor Statistics
CPI–U—Consumer Price Index for All Urban Consumers
DHS—Department of Homeland Security
EAD—Employment Authorization Document
FY—Fiscal Year
H.R. 1—One Big Beautiful Bill Act
INA—Immigration and Nationality Act
TPS—Temporary Protected Status
USCIS—U.S. Citizenship and Immigration Services

I. Background and Authority

H.R. 1—One Big Beautiful Bill Act

On July 4, 2025, the President signed into law H.R. 1—One Big Beautiful Bill Act, Public Law 119–21, 139 Stat. 72 (H.R. 1), a comprehensive legislative package that amended various laws, including the Immigration and Nationality Act (INA). Among its changes, H.R. 1 introduced new immigration fees as minimum amounts for FY 2025, authorized agencies to adjust them through rulemaking, and mandated annual updates based on the Consumer Price Index for All Urban Consumers (CPI–U). *See* H.R. 1, Title X, Subtitle A, Part I, Sections 100001 through 100018. The fees are codified at 8 U.S.C. Chapter 16. On July 22, 2025, USCIS published a **Federal Register** Notice announcing the implementation of these fees. *See USCIS Immigration Fees Required by HR–1 Reconciliation Bill,* 90 FR 34511 (July 22, 2025) (notice). Following the initial implementation, USCIS issued additional regulatory actions to operationalize H.R. 1's requirements and ensure compliance with its annual inflation adjustment mandate. Next, on October 16, 2025, DHS announced the implementation of the parole fee established in H.R. 1 of $1,000 for any alien who is paroled into the United States who does not meet an exception. *Immigration Parole Fee Required by HR–1 Reconciliation Bill,* 90 FR 48317 (Oct. 16, 2025) (notice). Additionally, on November 21, 2025, USCIS published a **Federal Register** Notice detailing the inflationary adjustment to H.R. 1 immigration fees for Fiscal Year 2026. *See Inflation Adjustment to HR–1 Immigration Fees,* 90 FR 52693 (Nov. 21, 2025) (notice). This notice provided the methodology for calculating the annual adjustment, based on the percentage change in the CPI–U from July 2024 to July 2025 and specified the new fee amounts effective January 1, 2026. The notice also clarified the rounding rules mandated by H.R. 1, requiring fees to be rounded down to the next lowest multiple of $10 or, for certain fees, to the nearest dollar. *Id.* at 52694. On April 29, 2026, DHS issued an interim final rule further detailing the procedures and requirements for the collection of H.R. 1 fees and clarifying operational aspects of fee implementation, including consequences for fee nonpayment. *See USCIS Immigration Fees and Related Procedures Required by H.R.1 Reconciliation Bill,* 91 FR 22952 (Apr. 29, 2026) (interim final rule). The interim final rule addressed procedural updates, including guidance for applicants and petitioners, payment instructions, and the handling of fee waivers and exemptions. After the interim final rule published, DHS issued a correction restoring text that had been inadvertently removed in 8 CFR 208.7(a). *See USCIS Immigration Fees and Related Procedures Required by H.R.1 Reconciliation Bill; Correction,* 91 FR 45637 (July 21, 2026) (correcting amendment).

These regulatory actions collectively establish the operational framework for the collection and adjustment of H.R. 1 immigration fees. They ensure that the fee schedule remains current, transparent, and consistent with statutory requirements, and provide clear guidance to applicants, petitioners, and other stakeholders on the procedures for submitting immigration benefit requests and associated fees required by H.R. 1.

H.R. 1 requires that DHS, beginning in FY 2026 and continuing for each subsequent fiscal year, adjust the immigration-related fees for inflation. H.R. 1 prescribes that DHS use the percentage change to the CPI–U for the month of July in the current year compared to the preceding calendar year and round each fee to the next lowest multiple of $10 or, in some instances, down to the nearest dollar as authorized by H.R. 1. *See, e.g.,* 8 U.S.C. 1802(c), 1803(a)(3), 1808(b)(2)(B).

II. Basis for Adjustment

In accordance with the provisions outlined in H.R. 1, most fees established for various immigration-related applications and benefit requests are subject to annual inflation adjustments. USCIS calculated these adjustments using the percentage change in the CPI–U from July 2025 to July 2026, with most fees ''rounded to the next lowest multiple of $10'' as required by H.R. 1. *See, e.g.,* 8 U.S.C. 1802(c). H.R. 1 specifies that the Annual Asylum Fee is adjusted for inflation and rounded down to the nearest ''dollar.'' *See* U.S.C. 1808(b)(2)(B). This approach aligns with H.R. 1 requirements to use the percentage change in CPI–U from the ''month of July preceding the date on which such adjustment takes effect . . . for the same month of the preceding calendar year.'' *Id.* In July 2025, the CPI–U was 323.048 and in July 2026 it was 333.918.[1] Therefore, between July 2025 and July 2026, the CPI–U increased by approximately 3.36 percent.[2] When this percentage increase is applied to the current (FY 2026) H.R. 1 fees and rounded to the next lowest $10 increment, some fees increase by $10. Some fees do not change because the inflation adjusted amount is equal to the current fee when rounded to the next lowest $10 increment. Table 1 summarizes the H.R. 1 fees which USCIS collects, including changes for FY 2027.

TABLE 1—H.R. 1 INFLATION ADJUSTMENTS FOR FY 2027

Immigration fee type	Current fee	CPI–U change (%)	Inflation adjustment	Fee plus inflation	Round down to $10	Round down to nearest dollar	Fee increase	FY 2027 fee
I–589 Asylum Fee (Initial fee for aliens filing an application for asylum).	$100	3.36%	$3.36	$103.36	$100	N/A	$0	$100
I–589 Annual Pending Asylum Application Fee	102	3.36	3.43	105.43	N/A	105	$3	105
I–765 Initial Asylum Applicant Employment Authorization Document (EAD).	560	3.36	18.84	578.84	570	N/A	$10	570
I–765 Renewal or Extension of Asylum Applicant EAD.	275	N/A	N/A	N/A	N/A	N/A	H.R. 1 does not provide for adjustment[3].	275
I–765 Initial Parole EAD—Valid for 1 year	560	3.36	18.84	578.84	570	N/A	$10	570
I–765 Renewal or Extension of Parole EAD—Valid for 1 year.	280	3.36	9.42	289.42	280	N/A	$0	280

[1] *See* U.S. Bureau of Labor Statistics (BLS), CPI–U Series Id CUUR0000SA0, *https://data.bls.gov/timeseries/CUUR0000SA0* (last visited Aug. 12, 2026).

[2] DHS calculated this by subtracting the July 2025 CPI–U (323.048) from the July 2026 CPI–U (333.918), then dividing the result (10.87) by the July 2025 CPI–U (323.048). Calculation: $(333.918 - 323.048)/323.048 = 0.0336 \times 100 = 3.36$ percent.

TABLE 1—H.R. 1 INFLATION ADJUSTMENTS FOR FY 2027—Continued

Immigration fee type	Current fee	CPI–U change (%)	Inflation adjustment	Fee plus inflation	Round down to $10	Round down to nearest dollar	Fee increase	FY 2027 fee
I–765 Initial Temporary Protected Status (TPS) EAD—Valid for 1 year or the duration of the TPS designation whichever is shorter.	560	3.36	18.84	578.84	570	N/A	$10	570
I–765 Renewal or Extension of TPS EAD—Valid for 1 year.	280	3.36	9.42	289.42	280	N/A	$0	280
I–765 Re-parole EAD	280	3.36	9.42	289.42	280	N/A	$0	280
I–821 TPS Fee	510	3.36	17.16	527.16	520	N/A	$10	520
I–360 Special Immigrant Juvenile (SIJ) Fee	250	3.36	8.41	258.41	250	N/A	$0	250
I–131 Immigration Parole Fee	1,020	3.36	34.32	1,054.32	1,050	N/A	$30	1,050
I–94 Immigration Fee	24	3.36	0.81	24.81	N/A	24	$0	24

For the fees outlined in this notice, the statute clearly states that agencies should round inflation adjustments down to the nearest dollar or, in most cases, to the ''next lowest multiple of $10.'' Consistent with the statute and the previous inflationary adjustment, *see* 90 FR 52693, 52695, when applicable, USCIS is rounding down to the next lowest multiple of $10 increment rather than rounding to the nearest $10 increment.

The methodology USCIS used ensures that fees keep pace with inflation as enacted by Congress in H.R. 1.[4]

III. Effective Date and Implementation

USCIS will require the filing fees for FY 2027 established in this notice for any immigration benefit requests postmarked on or after October 16, 2026. Because DHS believes this provides adequate time needed for DHS and USCIS to issue guidance on and operationalize the change in the required fees, and for the public to adapt their immigration benefit requests that are in process to the changes, requests postmarked on or after October 16, 2026 without the proper filing fee will be rejected. DHS has determined that the policy required by this notice is the most equitable path forward to collect H.R. 1 fees for FY 2027 as expeditiously as practicable for the fees administered by USCIS. DHS may codify the annual fee adjustments covered by this notice in 8 CFR part 106 in a future rule.

Markwayne Mullin,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2026–20187 Filed 9–30–26; 8:45 am]

BILLING CODE 9111–97–P

[3] H.R. 1 does not provide for inflationary adjustments to the fee relating to renewal or extension of employment authorization for asylum applicants. *See* 8 U.S.C. 1810.

[4] *See e.g.,* 8 U.S.C. 1802(c).

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

Certain DHS Immigration-Related Fees Required by HR–1: Fiscal Year 2027 Adjustments for Inflation

AGENCY: U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security.

ACTION: Notice of inflationary fee adjustment.

SUMMARY: The Department of Homeland Security (DHS) is announcing Fiscal Year (FY) 2027 inflationary adjustments for two of the immigration enforcement-related fees established by the One Big Beautiful Bill Act (HR–1). HR–1 requires that DHS annually adjust certain immigration enforcement-related fees for inflation. The adjusted fee amounts for FY 2027 for aliens ordered removed in absentia who are subsequently arrested and inadmissible aliens apprehended between ports of entry are $5,300. On October 16, 2026, DHS will begin assessing and collecting these new amounts.

DATES: The fees announced in this notice are effective on October 16, 2026.

FOR FURTHER INFORMATION CONTACT: Office of Principal Legal Advisor, Regulatory Affairs Unit, U.S. Immigration and Customs Enforcement, Department of Homeland Security, 500 12th Street SW, Washington, DC 20536–5901. Telephone 202–732–6960 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background and Authority

On July 4, 2025, the President signed into law the One Big Beautiful Bill Act, Public Law 119–21, 139 Stat. 72 (HR–1), which, among other things, established a number of immigration-related fees.[1] Relevant to this notice, HR–1 established two immigration enforcement fees applicable to the following: (1) aliens who are ordered removed in absentia pursuant to section 240(b)(5) of the Immigration and Nationality Act (INA), 8 U.S.C. 1229a(b)(5), and are subsequently arrested by U.S. Immigration and Customs Enforcement (ICE); and (2) inadmissible aliens at the time such aliens are apprehended between ports of entry.[2] On September 8, 2025, DHS provided notice to the public announcing that DHS would begin assessing and collecting these fees in the amount of $5,000 for FY 2025 for both fees, as authorized by statute.[3] As of September 8, 2025, DHS has been individually notifying aliens to whom these fees apply and providing instructions on how to make payments for these fees.[4]

On November 20, 2025, DHS published a notice for FY 2026 to adjust the fees for inflation to $5,130, which became effective on December 1, 2025.[5] Under HR–1, these fees are subject to annual adjustments for inflation each fiscal year.[6] Specifically, both fees provide that the annual adjustment for inflation will be calculated as follows:

> [T]he sum of—
>
> (A) the amount of the fee required under this subsection for the most recently concluded fiscal year; and
>
> (B) the product resulting from the multiplication of the amount referred to in subparagraph (A) by the percentage (if any) by which the Consumer Price Index for All Urban Consumers for the month of July

[1] *See* HR–1, Title X, Subtitle A, Part I, sections 100001 through 100018.

[2] *See* Public Law 119–21, 139 Stat. 72, secs. 100016, 100017 (codified at 8 U.S.C. 1814, 1815).

[3] Certain DHS Immigration Enforcement-Related Fees Required by HR–1 Reconciliation Bill, 90 FR 43223 (Sept. 8, 2025).

[4] *Id.*

[5] Certain Immigration Enforcement-Related Fees Required by HR–1 Reconciliation Bill: Fiscal Year 2026 Adjustments for Inflation, 90 FR 52425 (Nov. 20, 2025).

[6] *See* Public Law 119–21, 139 Stat. 72, secs. 100016(b)(2) and 100017(b)(2), 8 U.S.C. 1814(b)(2), 1815(b)(2).

preceding the date on which such adjustment takes effect exceeds the Consumer Price Index for All Urban Consumers for the same month of the preceding calendar year, rounded to the next lowest multiple of $10.

DHS has now calculated the adjustments for inflation for FY 2027 and sets forth the applicable new amounts below in this notice.

II. FY 2027 Fee Amounts Adjusted for Inflation

A. Adjustments for Immigration Enforcement-Related Fees Under HR–1

Consistent with the current process, DHS will individually notify aliens to whom these adjusted fees apply and provide instructions on how to pay the fees levied as of October 16, 2026. In accordance with HR–1 secs. 100016(b)(2) and 100017(b)(2), the annual adjustment for FY 2027 is calculated as the sum of the amount of the fee required under this subsection for the most recently concluded fiscal year ($5,130); and the product resulting from the multiplication of the amount referred to in subparagraph (A) by the percentage by which the Consumer Price Index of All Urban Consumers (CPI–U) (333.918) for the month of July 2026 exceeds the CPI–U for July 2025 (323.048), rounded to the next lowest multiple of $10. The multiplier of 1.03365 (rounded to the fifth decimal place) applied to the previous fee of $5,130 results in a new amount of $5302.62 (rounded to the nearest cent) and then rounded down to the nearest $10 increment is $5,300. The new FY 2027 fees are as follows:

Fee description	Citation	FY 2026 fee amount	Multiplier [7]	FY 2027 fee amount as adjusted by this notice
Aliens subject to removal orders in absentia and subsequently arrested by ICE.	HR–1, Public Law 119–21, 139 Stat. 72, sec. 100016. (codified at 8 U.S.C. 1814).	$5,130	1.03365	$5,300
Inadmissible aliens arrested between ports of entry.	HR–1, Public Law 119–21, 139 Stat. 72, sec. 100017. (codified at 8 U.S.C. 1815).	5,130	1.03365	5,300

B. Section 100016. Aliens Ordered Removed in Absentia Pursuant to INA Section 240(b)(5) and Subsequently Arrested by ICE

Based on the calculation for inflation adjustments for FY 2027, as set forth under HR–1 section 100016(b)(2), DHS will collect and assess a fee in the amount of $5,300 for aliens subject to the fee under HR–1, section 100016, *Fee for aliens ordered removed in absentia,* beginning October 16, 2026. This fee is applicable to aliens who have been ordered removed in absentia by an immigration judge pursuant to INA section 240(b)(5) for failure to attend removal proceedings and are subsequently arrested by ICE.[8] HR–1 provides an exception to this fee for aliens whose removal order in absentia is rescinded pursuant to INA section 240(b)(5)(C), 8 U.S.C. 1229a(b)(5)(C).[9] *See* Public Law 119–21 sec. 100016(c). HR–1 also provides that no waivers are available for this enforcement fee. *See Public Law 119–21* sec. 100016(e).

C. Section 100017. Inadmissible Aliens Apprehended Between Ports of Entry

Based on the calculation for inflation adjustments for FY 2027, as set forth under HR–1 section 100017(b)(2), DHS, including ICE and U.S. Customs and Border Protection, will collect and assess a fee in the amount of $5,300 for aliens subject to the fee under HR–1, section 100017, *Inadmissible alien apprehension fee,* beginning October 16, 2026. This fee is applicable to aliens who are inadmissible under INA section 212, 8 U.S.C. 1182, and are apprehended by DHS between ports of entry. Aliens who are apprehended by DHS between ports of entry are often subject to the ground of inadmissibility under INA section 212(a)(6), 8 U.S.C. 1182(a)(6), which provides that any alien ''present in the United States without being admitted or paroled, or who arrives in the United States at any time or place other than as designated by the Attorney General, is inadmissible.'' [10] However, an alien could also be inadmissible based on additional grounds of inadmissibility listed under INA section 212, 8 U.S.C. 1182.

Markwayne Mullin,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2026–20186 Filed 9–30–26; 8:45 am]

BILLING CODE 9111–CB–P

[7] *See* Bureau of Labor Statistics, Consumer Price Index for All Urban Consumers, *https://data.bls.gov/timeseries/CUUR0000SA0?years_option=all_years* (last visited Aug. 18, 2026).

[8] An alien is ''ordered removed in absentia'' by an immigration judge under section 240(b)(5) of the INA, 8 U.S.C. 1229a(b)(5), when the alien fails to attend removal proceedings after written notice ''required under paragraph (1) or (2) of section 1229(a) of this title has been provided to the alien or the alien's counsel of record'' and DHS has established ''by clear, unequivocal, and convincing evidence that the written notice was so provided and that the alien is removable.''

[9] INA section 240(b)(5)(C), 8 U.S.C. 1229a(b)(5)(C) (''Such an order may be rescinded only—(i) upon a motion to reopen filed within 180 days after the date of the order of removal if the alien demonstrates that the failure to appear was because of exceptional circumstances (as defined in subsection (e)(1)), or (ii) upon a motion to reopen filed at any time if the alien demonstrates that the alien did not receive notice in accordance with paragraph (1) or (2) of section 1229(a) of this title or the alien demonstrates that the alien was in Federal or State custody and the failure to appear was through no fault of the alien'').

[10] INA section 212(a)(6), 8 U.S.C. 1182(a)(6).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7106–N–39]

Privacy Act of 1974; System of Records

AGENCY: Office of Public and Indian Housing.

ACTION: Notice of a new system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, the Department of Housing and Urban Development (HUD), Office of Public and Indian Housing, is issuing a public notice of its intent to establish a Privacy Act system of records titled Enterprise Voucher Management System (eVMS). The Enterprise Voucher Management System (eVMS) is used for managing funds for the Housing Choice Voucher (HCV) Program. eVMS automates monthly Housing Assistance Payment (HAP) calculations using family-level data derived from the Information Management System/Public and Indian Housing Information Center (IMS/PIC), provides authorized users with daily online access to those calculations and provides visibility into funding

balances. This information is provided through the eVMS front-end user interface and does not require back-end access to the calculations. The system supports financial oversight and payment integrity by calculating monthly payments using near real-time HAP eligibility at the participant level. Any changes in HAP eligibility are promptly reflected in the next payment cycle, ensuring timely and accurate adjustments. As a result, payments are aligned with participants' current needs, reducing the risk of overpayments, waste, and potential abuse within the Housing Choice Voucher (HCV) Program.

DATES: Comments will be accepted on or before November 2, 2026. This proposed action will be effective upon publication, except for the routine uses, which will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by the docket number or by one of the following methods:

Federal e-Rulemaking Portal: *http://www.regulations.gov.* Follow the instructions provided on that site to submit comments electronically.

Fax: 202–619–8365

Email: *privacy@hud.gov.*

Mail: Attention: Privacy Office; Kimberly Morton, Acting Chief Privacy Officer; Office of the Executive Secretariat; 451 7th Street SW, Room 10139; Washington, DC 20410–0001.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Kimberly Morton, Acting Chief Privacy Officer; 451 7th Street SW, Room 10139; Washington, DC 20410–0001; telephone number (804) 822–4801 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

SUPPLEMENTARY INFORMATION: HUD, PIH is establishing a Privacy Act system of records titled Enterprise Voucher Management System (eVMS). eVMS displays the full Head of Household (HOH) name and Social Security Number (SSN) to authorize HUD and Public Housing Authority (PHA) users to identify the Family Report records that comprise Housing Assistance Payment (HAP) calculations. The system provides a daily online view that enables authorized users to monitor program financial activity, including monthly HAP calculations, historical payment statements, and available budget authority balances through the eVMS user interface without requiring back-end system access. eVMS also provides a report that allows HUD and PHA users to export details of monthly HAP disbursements and retrieve historical versions of those reports. The ability to track HAP disbursements at the family level supports compliance with the Payment Integrity Act and strengthens program oversight and accountability. Head of Household names and Social Security Numbers are stored within eVMS (under the HUD WASS/Secure Systems environment). SSNs are maintained in an unmasked format to enable authorized HUD and PHA personnel to accurately identify families associated with HAP calculations and disbursements.

SYSTEM NAME AND NUMBER:

Enterprise Voucher Management System (eVMS), HUD/PIH–04.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at the HUD Headquarters, 451 7th Street SW, Washington, DC 20410 (within HUD's FISMA-authorized boundary).

SYSTEM MANAGER(S):

Miguel Fontanez Sanchez, Senior Assessment Manager, HUD Headquarters, 451 7th Street SW, Washington, DC 20410–0001, *Miguel.A.FontanezSanchez@hud.gov,* telephone (202) 402–4212.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Department of Housing and Urban Development (HUD) is authorized to collect this information by the U.S. Housing Act of 1937, 42 U.S.C. 1437 *et seq.,* including Sections 8(o)(2), 8(q), and 8(dd), 42 U.S.C. 1437f(o)(2), 1437f(q), and 1437f(dd); Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d; the Housing and Community Development Act of 1981, Public Law 97–35, 85 Stat. 348, 408; the Housing and Community Development Act of 1987, 42 U.S.C. 3543; the Fair Housing Act, 42 U.S.C. 3601–19; the Native American Housing Assistance and Self Determination Act of 1996, Public Law 104–330, 110 Stat. 4016; HUD's implementing regulations at 24 CFR 982.102, 982.152, and by 2 CFR 2003.05.

PURPOSES OF THE SYSTEM:

The purpose of the eVMS will be to meet the Treasury cash management requirements. Federal funds are disbursed to housing agencies based on immediate need. eVMS aggregates HAP eligibilities from all active participants, restricting disbursements to the minimum amount required to pay owners. This reduces excess unspent HAP funds and ensures accurate monthly adjustments for changes in eligibility. eVMS stores the applicable parts of the Family Report data in eVMS. Transitioning to the use of IMS/PIC (Family Report) participant-level HAP eligibility data enables month-to-month reconciliation of payments, enhances traceability for audit and monitoring purposes, and strengthens overall administration of Housing Choice Voucher (HCV) Program subsidies. eVMS enhances the efficiency of the HCV Program by automating key aspects of the cash management process, while significantly strengthening financial oversight and payment integrity. The system supports ongoing monitoring by providing detailed, traceable reporting that allows program administrators to identify discrepancies, unusual payment patterns, and potential compliance issues. These capabilities facilitate early detection of errors, as well as potential fraud, waste, and abuse. eVMS enables Public Housing Agencies (PHAs) and HUD to track individual participant families and the exact Housing Assistance Payments (HAP) allocated for each. Updated daily, this system provides both agencies with enhanced transparency regarding federal fund disbursements before monies are officially issued. In addition, automated reconciliations and validation checks help ensure that payments are consistent with reported participant data, reducing the likelihood of overpayments or improper disbursements.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by the system include: Housing Choice Voucher (HCV) participants, household members, and owners (meaning the owner of the property a HCV participant is leased in).

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in the system include Head of Household full name, Social Security Number (SSN), Housing Assistance Payment (HAP) amounts, administrative fee data, landlord identifiers, PHA codes, and financial reconciliation data.

RECORD SOURCE CATEGORIES:

eVMS receives records from other HUD information systems, including IMS/PIC, the Public Housing Data Warehouse (PIHDW), the Financial Data Mart (FDM), the HUD Central Accounting and Program System (HUDCAPS), and the Voucher Management System (VMS). User provisioning and access authorization information is provided through DIAMS.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

(1) To a congressional office from the record of an individual, in response to an inquiry from the congressional office made at the request of that individual.

(2) To the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures and compliance with the Freedom of Information Act (FOIA), and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

(3) To appropriate agencies, entities, and persons when: (1) HUD suspects or has confirmed that there has been a breach of the system of records; (2) HUD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, HUD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(4) To another Federal agency or Federal entity, when HUD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to suspected or confirmed breach, or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(5) To appropriate Federal, State, local, tribal, or other governmental agencies or multilateral governmental organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where HUD determines that the information would assist in the enforcement of civil or criminal laws and when such records, either alone or in conjunction with other information, indicate a violation or potential violation of law.

(6) To a court, magistrate, administrative tribunal, or arbitrator in the course of presenting evidence, including disclosures to opposing counsel or witnesses or jurors in the course of civil discovery, litigation, mediation, or settlement negotiations, or in connection with criminal law proceedings; when HUD determines that use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (1) HUD, or any component thereof; or (2) any HUD employee in his or her official capacity; or (3) any HUD employee in his or her individual capacity where HUD has agreed to represent the employee; or (4) the United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.

(7) To any component of the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when HUD determines that the use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (1) HUD, or any component thereof; or (2) any HUD employee in his or her official capacity; or (3) any HUD employee in his or her individual capacity where the Department of Justice or agency conducting the litigation has agreed to represent the employee; or (4) the United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.

(8) To contractors, grantees, experts, consultants and their agents, or others performing or working under a contract, service, grant, cooperative agreement, or other agreement with HUD, when necessary to accomplish an agency function related to a system of records. Disclosure requirements are limited to only those data elements considered relevant to accomplishing an agency function.

(9) To PHAs and their employees, contractors, or agents for the purpose of identifying all Family Reports that make up the HAP calculation.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic format only. Security is HUD Web Access Security Subsystem (WASS) for all applications and other HUD security IT protocols. PII is stored on a centralized HUD server. Methods to ensure only authorized personnel have access to PII are implemented. PHAs must apply for a user ID to access the system. Technical controls include: role-based access controls, firewall, Personal Identity Verification (PIV) card, and user identification and password.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are primarily retrieved by PHA code and related programmatic identifiers. However, authorized users may also access participant-level records associated with Head of Household names and Social Security Numbers (SSNs) in connection with Housing Assistance Payment (HAP) calculations, reconciliations, reporting, and payment validation activities.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Under General Records Schedule (GRS) authority: DAA–2013–0003–0001: Temporary. Destroy six (6) years after final payment or cancellation, but longer retention is authorized if required for business use.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The eVMS system incorporates a comprehensive set of security controls designed to protect data and ensure compliance with applicable federal information security requirements. Access is restricted to authorized users based on a demonstrated need-to-know and is governed by role-based access controls and strong authentication mechanisms, including multi-factor authentication. Data is protected and system activities are logged, monitored, and regularly reviewed to support auditing, accountability, and oversight.

Additional safeguards include user accountability requirements, such as acknowledgment of Rules of Behavior and confidentiality obligations prior to being granted access. Access to system infrastructure, including servers, storage, and backup environments, is

restricted and controlled through administrative and technical safeguards, with monitoring in place to prevent unauthorized access.

All users must be properly authorized and authenticated before accessing system resources, and electronic records are maintained within secure, access-controlled environments. External partners and authorized entities are required to adhere to applicable access and security requirements consistent with federal standards. Collectively, these measures ensure the confidentiality, integrity, and availability of information, while aligning with federal information security frameworks and supporting the protection of sensitive data.

RECORD ACCESS PROCEDURES:

Individuals requesting records of themselves should address written inquiries to the Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410–0001. For verification, individuals should provide their full name, current address, and telephone number. In addition, the requester must provide either a notarized statement or an unsworn declaration made under 24 CFR 16.4.

CONTESTING RECORD PROCEDURES:

The HUD rule for contesting the content of any record pertaining to the individual by the individual concerned is published in 24 CFR 16.8 or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Individuals requesting notification of records of themselves should address written inquiries to the Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410–0001. For verification purposes, individuals should provide their full name, office or organization where assigned, if applicable, and current address and telephone number. In addition, the requester must provide either a notarized statement or an unsworn declaration made under 24 CFR 16.4.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

N/A.

Kimberly Morton,

Acting Chief Privacy Officer, Office of Administration.

[FR Doc. 2026–20086 Filed 9–30–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[2560102DM; DS6CS00000; DLSN00000.000000, OMB Control No. 1093–0010]

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Youth Conservation Corps Application and Medical History Forms

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Department of the Interior (DOI) are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before November 2, 2026.

ADDRESSES: Written comments and suggestions on the information collection request (ICR) should be submitted by the date specified above in **DATES** to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Jeffrey Parrillo, Departmental Information Collection Clearance Officer, 1849 C Street NW, Washington, DC 20240 (mail); or by email to *DOI-PRA@ios.doi.gov;* or by telephone at 202–208–7072. Please reference OMB Control Number 1093–0010 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Lucy Hurlbut, YCC Program Manager/Scouting Program Manager, Washington DC. Area Support Office (WASO) at *lucy_hurlbut@nps.gov* (email); or at (202) 513–7161 (telephone). Please reference OMB Control Number 1093–0010 in the subject line of your comments. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the information collection request at *https://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501*et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on March 26, 2026 (91 FR 14707). No comments were received.

We are especially interested in public comment addressing the following issues: (1) is the collection necessary to the proper functions of the DOI; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the DOI enhance the quality, utility, and clarity of the information to be collected; and (5) how might the DOI minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment—including your personally identifiable information—may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Youth Conservation Corps (YCC) is a summer youth employment program that engages young people in meaningful work experiences at national parks, forests, wildlife refuges, and fish hatcheries while developing an ethic of environmental stewardship and civic responsibility. YCC programs are generally eight to ten weeks and members are paid at least the state or federal minimum wage (whichever is

higher) for a 40-hour work week. YCC opportunities provide paid daytime work activities with members who commute to the federal unit daily. Authorized by the Youth Conservation Corps Act of August 13, 1970, as amended (16 U.S.C. 1701–1706), participating agencies (National Park Service, U.S. Fish and Wildlife Service, Forest Service) use common forms: DI–4014, ''Youth Conservation Corps Application'' and DI–4015, ''Youth Conservation Corps Medical History'' to collect information to determine the eligibility of each youth for employment with the YCC. Parents or guardians must sign both forms if the applicant is under 18 years of age.

Title of Collection: Youth Conservation Corps Application and Medical History Forms.

OMB Control Number: 1093–0010.

Form Number: DI–4014, ''Youth Conservation Corps Application,'' and DI–4015, ''Youth Conservation Corps Medical History Form.''

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Youth 15 through 18 years old seeking seasonal employment in the YCC Program.

Total Estimated Number of Annual Respondents: 11,409 (8,599/application 2,810/medical history).

Estimated Completion Time per Response: 25 minutes/application and 14 minutes/medical history form.

Total Estimated Number of Annual Burden Hours: 4,239 hours (3,583 hours/application and 656 hours/medical history forms).

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Non-hour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Jeffrey Parrillo,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–20088 Filed 9–30–26; 8:45 am]

BILLING CODE 4334–63–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1070B (Fourth Review)]

Certain Tissue Paper Products From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930, as amended, to determine whether revocation of the antidumping duty order on certain tissue paper products (''tissue paper'') from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted October 1, 2026. To be assured of consideration, the deadline for responses is November 2, 2026. Comments on the adequacy of responses may be filed with the Commission by December 8, 2026.

FOR FURTHER INFORMATION CONTACT: Richard Whiting (202–205–2039), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On March 30, 2005, the Department of Commerce (''Commerce'') issued an antidumping duty order on imports of tissue paper from China (70 FR 16223). Following the five-year reviews by Commerce and the Commission, effective July 20, 2010, Commerce issued a continuation of the antidumping duty order on imports of tissue paper from China (75 FR 42067). Following the second and third expedited five-year reviews by Commerce and the Commission, effective July 12, 2016 and November 26, 2021, respectively, Commerce issued continuations of the antidumping duty order on imports of tissue paper from China (81 FR 45128, and 86 FR 67437, respectively. The Commission is now conducting a fourth review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full or expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination, expedited first five-year review determination, full second five-year review determination, and expedited third five-year review determination, the Commission defined the *Domestic Like Product* as one like product, consisting of all tissue paper. In its original determination, certain Commissioners defined the *Domestic Like Product* differently.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, expedited first five-year review determination, full second five-year review determination, and expedited third five-year review determination, the Commission defined the *Domestic Industry* as all domestic producers of tissue paper. In its original determination, certain Commissioners defined the *Domestic Like Product* differently.

(5) An *Importer* is any person or firm engaged, either directly or through a

parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding 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.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is 5:15 p.m. on November 2, 2026. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is 5:15 p.m. on December 8, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 26–5–707, expiration date July 31, 2029. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information To Be Provided in Response to This Notice of Institution: As used below, the term ''firm'' includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at *https://usitc.gov/reports/response_noi_worksheet,* where one can download and complete the ''NOI worksheet'' Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a

U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2020.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2025, except as noted (report quantity data in square meters and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in square meters and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in square meters and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2021, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject*

Country, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: September 24, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–20137 Filed 9–30–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1071 (Fourth Review)]

Alloy Magnesium From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930, as amended, to determine whether revocation of the antidumping duty order on alloy magnesium from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted October 1, 2026. To be assured of consideration, the deadline for responses is November 2, 2026. Comments on the adequacy of responses may be filed with the Commission by December 8, 2026.

FOR FURTHER INFORMATION CONTACT: Julie Duffy (202–708–2579), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On April 15, 2005, the Department of Commerce (''Commerce'') issued an antidumping duty order on imports of alloy magnesium from China (70 FR 19928). Commerce issued a continuation of the antidumping duty order on imports of alloy magnesium from China following Commerce's and the Commission's first five-year reviews, effective March 11, 2011 (76 FR 13356), second five-year reviews, effective July 21, 2016 (81 FR 47351), and third five-year reviews, effective November 26, 2021 (86 FR 67439). The Commission is now conducting a fourth review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the antidumping duty order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full or expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination, full first five-year review, expedited second five-year review, and expedited third five-year review, the Commission defined the *Domestic Like Product* as pure and alloy magnesium, primary and secondary magnesium, and ingot (cast) and granular magnesium. In its original determination, certain Commissioners defined the *Domestic Like Product* differently.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, full first five-year review, expedited second five-year review, and expedited third five-year review determinations, the Commission defined the *Domestic Industry* as consisting of all producers of the domestic like product, including grinders that produce granular magnesium and die casters that recycle magnesium scrap. In its original determination, certain Commissioners defined the *Domestic Industry* differently.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was

pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding 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.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is 5:15 p.m. on November 2, 2026. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is 5:15 p.m. on December 8, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 26–5–705, expiration date July 31, 2029. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information To Be Provided in Response to This Notice of Institution: As used below, the term ''firm'' includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at *https://usitc.gov/reports/response_noi_worksheet,* where one can download and complete the ''NOI worksheet'' Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2020.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise*

(including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2025, except as noted (report quantity data in metric tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in metric tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in metric tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2020, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: September 24, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–20138 Filed 9–30–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–658–659 and 731–TA–1538–1542 (Review)]

Aluminum Foil From Armenia, Brazil, Oman, Russia, and Turkey; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930, as amended, to determine whether revocation of the countervailing duty orders on imports of aluminum foil from Oman and Turkey and antidumping duty orders on imports of aluminum foil from Armenia, Brazil, Oman, Russia, and Turkey would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this

notice by submitting the information specified below to the Commission.

DATES: Instituted October 1, 2026. To be assured of consideration, the deadline for responses is November 2, 2026. Comments on the adequacy of responses may be filed with the Commission by December 8, 2026.

FOR FURTHER INFORMATION CONTACT: Zachary Harris (202–205–3342), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On November 12, 2021, the Department of Commerce (''Commerce'') issued countervailing duty orders on imports of aluminum foil from Oman and Turkey (86 FR 62782) and antidumping duty orders on imports of aluminum foil from Armenia, Brazil, Oman, Russia, and Turkey (86 FR 62790). The Commission is conducting reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are Armenia, Brazil, Oman, Russia, and Turkey.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations, the Commission defined a single *Domestic Like Product* consisting of all aluminum foil, coextensive with the scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission defined the *Domestic Industry* as all domestic producers of aluminum foil.

(5) The *Order Date* is the date that the orders under review became effective. In these reviews, the *Order Date* is November 12, 2021.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding 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.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is on or before 5:15 p.m. on November 2, 2026. Pursuant to § 207.62(b) of the Commission's rules,

eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is on or before 5:15 p.m. on December 8, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 26–5–704, expiration date July 31, 2029. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information To Be Provided in Response to This Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country;* or produce *Subject Merchandise* in more than one *Subject Country,* you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country.* As used below, the term ''firm'' includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at *https://usitc.gov/reports/response_noi_worksheet,* where one can download and complete the ''NOI worksheet'' Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping and countervailing duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in § 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Date.*

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2025, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit,

(iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* since the *Order Date,* and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: September 24, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–20139 Filed 9–30–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1546–1549 (Review)]

Thermal Paper From Germany, Japan, South Korea, and Spain; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930, as amended, to determine whether revocation of the antidumping duty orders on thermal paper from Germany, Japan, South Korea, and Spain would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted October 1, 2026. To be assured of consideration, the deadline for responses is November 2, 2026. Comments on the adequacy of responses may be filed with the Commission by December 8, 2026.

FOR FURTHER INFORMATION CONTACT: Michael Magill (202–205–3358), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background

On November 22, 2021, the Department of Commerce (''Commerce'') issued antidumping duty orders on imports of thermal paper from Germany, Japan, South Korea, and Spain (86 FR 66284). The Commission is conducting reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time.

Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions

The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are Germany, Japan, South Korea, and/or Spain.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations, the Commission defined the *Domestic Like Product* as a single domestic like product including all jumbo rolls of thermal paper, in-scope converted light-weight thermal paper, and out-of-scope converted heavy-weight thermal paper. One Commissioner defined the *Domestic Like Product* differently.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission defined the *Domestic Industry* as all domestic producers and converters of thermal paper jumbo rolls. One Commissioner defined the *Domestic Industry* differently.

(5) The *Order Date* is the date that the antidumping duty orders under review became effective was November 22, 2021. In these reviews, the *Order Date* is November 22, 2021.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the Proceeding and Public Service List

Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and APO Service List

Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification

Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding 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.

Written Submissions

Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is on or before 5:15 p.m. on November 2, 2026. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is on or before 5:15 p.m. on December 8, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list

as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 26–5–706, expiration date July 31, 2029. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability To Provide Requested Information

Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information To Be Provided in Response to This Notice of Institution

If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country*; or produce *Subject Merchandise* in more than one *Subject Country,* you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country*. As used below, the term ''firm'' includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at *https://usitc.gov/reports/response_noi_worksheet* where one can download and complete the ''NOI worksheet'' Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in § 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Date.*

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2025, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports

and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2025 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* since the *Order Date,* and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: September 24, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–20136 Filed 9–30–26; 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 Dynamic Random Access Memory (DRAM) Devices, Products Containing the Same, and Components Thereof (IV), *DN 3939;* 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 Netlist, Inc. on September 28, 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 dynamic random access memory (DRAM) devices, products containing the same, and components thereof (IV). The complaint names as respondents: Micron Technology, Inc. of Boise, ID; Micron Semiconductor Products, Inc. of Boise, ID; NVIDIA Corp. of Santa Clara, CA; Broadcom Inc. of Palo Alto, CA; and Google LLC of Mountain View, CA. 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. 3939'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [2]). 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 28, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–20081 Filed 9–30–26; 8:45 am]

BILLING CODE 7020–02–P

[1] *See* 19 CFR 201.3(c).

[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.*

DEPARTMENT OF JUSTICE

[OMB Number 1117–0056]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Proposed New Collection Request; Title—Suspicious Order of Controlled Substances

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-day Notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** on July 29, 2026, at 91 FR 47856, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until November 2, 2026.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Heather Achbach, Regulatory Drafting and Policy Support Section, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 776–3822, email: *DEA.PRA@dea.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic,

mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1117–0003. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB. If you submit public comments, please send a copy to *Heather Achbach at DEA.PRA@dea.gov.*

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Abstract: This collection is a centralized database for the reporting of all suspicious orders of controlled substances. Public comment was also solicited in the ''Suspicious Orders of Controlled Substances'' notice of proposed rulemaking (NPRM), published in the **Federal Register** at 85 FR 69282, on November 2, 2020. The NPRM had a 60-day comment period. No comments on PRA were received.

Overview of This Information Collection

1. *Type of Information Collection:* Proposed new collection request.

2. *Title of the Form/Collection:* Suspicious Orders of Controlled Substances.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* There will be no form number. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected public (Primary): Business or other for-profit.

5. *Total Estimated Number of Respondents:* 178.

6. *Estimated Time per Respondent:* The time per response is 0.16669 minutes to complete the report.

7. *Frequency:* 4,154.096 per year.

8. *Total Estimated Annual Time Burden:* 12,324 hours.

9. *Total Estimated Annual Other Costs Burden:* $0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hours)	Total annual burden (hours)
Reporting of Suspicious Orders	178	4,154.096	739,429	0.01666691	12,324
Total	178	N/A	739,429	0.01666691	12,324

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Enterprise Portfolio Management, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC 20530.

Dated: September 29, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–20114 Filed 9–30–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0061]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Title—Recordkeeping for the Transfer of Electronic Prescriptions in Schedules III–V Between Pharmacies

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-day Notice.

SUMMARY: The Drug Enforcement Administration, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register**, volume 91 FR 46484, on July 23, 2026, allowing a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until November 2, 2026.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Heather E. Achbach, Regulatory Drafting and Policy Support Section, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 776–3882; Email: *DEA.PRA@dea.gov.*

SUPPLEMENTARY INFORMATION:

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within

30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/*PRAMain. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1117–0061. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB. If submitting a comment, please send a copy of your comment to Heather Achbach to *DEA.PRA@dea.gov.*

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Abstract: This information collection requires the transferring pharmacy to update the electronic prescription record to note that the prescription was transferred, and to add the following information: the name, address, and DEA registration number of the pharmacy to which the prescription was transferred; the name of the pharmacist receiving the transfer; the name of the transferring pharmacist; and the date of the transfer. The pharmacy receiving the transfer is required to update the electronic prescription record with the name, address, and DEA registration number of the pharmacy transferring the prescription, the name of the transferring pharmacist, the name of the pharmacist receiving the transfer, and the date of the transfer.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *Title of the Form/Collection:* Recordkeeping for the Transfer of Electronic Prescriptions for Controlled Substances in Schedules II–V between Pharmacies for Initial Filling.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* No form number is associated with this collection. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected Public: (Primary) Business or other for-profit.

5. *Obligation to Respond:* Mandatory, 21 U.S.C. 827 and 958.

6. *Total Estimated Number of Respondents:* The DEA estimates that 66,088 registrants participate in this information collection.

7. *Estimated Time per Respondent:* The time per response is 3 minutes for the recordkeeping.

8. *Frequency:* As needed, Annual.

9. *Total Estimated Annual Time Burden:* 645,000 hours.

10. *Total Estimated Annual Other Costs Burden:* $0.

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hours)	Total annual burden (hours)
Transfer of EPCS	66,088	195.19429	12,900,000	0.05	645,000
Unduplicated Totals	66,088	0	12,900,000	0.05	645,000

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Enterprise Portfolio Management, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC 20530.

Dated: September 29, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–20115 Filed 9–30–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0010]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Reinstatement Without Change of a Previously Approved Collection; U.S. Official Order Forms for Schedules I and II Controlled Substances; DEA Form 222

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register**, at 91 FR 46483, on July 23, 2026, allowing a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until November 2, 2026.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Heather E. Achbach, Regulatory Drafting and Policy Support Section, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 776–3882; Email: *DEA.PRA@dea.gov* or *Heather.E.Achbach@dea.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other forms of information technology, *e.g.,*

permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1117–0010. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB. If you submit a comment, please send a copy to Heather Achbach at *DEA.PRA@dea.gov.*

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Abstract: The Controlled Substances Act (CSA) (21 U.S.C. 801–971) establishes a closed system of distribution for controlled substances. One tool that helps to maintain the closed system of distribution is the CSA provision that states it ''shall be unlawful for any person to distribute a controlled substance in schedules I or II to another except in pursuance of a written order of the person to whom such substance is distributed, made on a form to be issued by the Attorney General in blank in accordance with subsection (d) of this section.'' 21 U.S.C. 828(a).

Overview of This Information Collection

1. *Type of Information Collection:* Reinstatement of a previously approved collection.

2. *Title of the Form/Collection:* U.S. Official Order Forms for Schedules I and II Controlled Substances.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* DEA Form: 222. The applicable component within the Department of Justice is the Drug Enforcement Administration Office of Diversion Control.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected Public: (Primary): Businesses or other for-profit and not-for-profit institutions; Federal, State, local, and tribal governments.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates that 114,989 registrants participate in this information collection. The time per response is 6.19 minutes for the DEA–222.

6. *Estimated Time per Respondent:* DEA estimates that this collection takes 1,624,529 annual burden hours.

7. *Frequency:* As needed, 136.90191/annual.

8. *Total Estimated Annual Time Burden:* 1,624,529 annual burden hours.

9. *Total Estimated Annual Other Costs Burden:* $0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hours)	Total annual burden (hours)
DEA–222 (paper)	114,989	2.916644201	335,382	0.25	83,846
DEA–222/CSOS (online)		133.9853	15,406,832	0.1	1,539,846
Unduplicated Totals	114,989	136.90191	15,742,214	0.1031957	1,624,529

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Enterprise Portfolio Management, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC 20530.

Dated: September 29, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–20113 Filed 9–30–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0057]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Title—Recordkeeping for Partial Fills of Prescriptions

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Drug Enforcement Administration (DEA), Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register**, volume 91 FR 46485, on July 23, 2026, allowing a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until November 2, 2026.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Heather E. Achbach, Regulatory Drafting and Policy Support Section, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 776–3882; Email: *DEA.PRA@dea.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and/or
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1117–0057. This information collection request may be viewed at *www.reginfo.gov*. Follow the instructions to view Department of Justice, information collections currently under review by OMB. Please send a copy of your comments to Heath Achbach at *DEA.PRA@dea.gov*.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *Title of the Form/Collection:* Recordkeeping Requirements for Partial Fills of Prescriptions for Schedule II Controlled Substances.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* No form number is associated with this collection. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond:* Affected Public: Business or other for-profit.

5. *Total Estimated Number of Respondents:* 66,088 registrants.

6. *Estimated Time per Respondent:* less than a minute.

7. *Frequency:* 147.8874 as needed, annually.

8. *Total Estimated Annual Time Burden:* 27,149 hours.

9. *Total Estimated Annual Other Costs Burden:* $0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hours)	Total annual burden (hours)
Pharmacy record of partial fill	66,088	147.8874	9,773,582	0.002778	27,149
Unduplicated Totals	66,088	0	9,773,582	0.002778	27,149

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street, NE, 4W–218, Washington, DC 2053.

Dated: September 29, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–20144 Filed 9–30–8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Third Consent Decree Modification Under the Comprehensive Environmental Response, Compensation, and Liability Act

On September 24, 2026, the Department of Justice lodged a proposed third consent decree modification with the United States District Court for the District of New Jersey in the lawsuit entitled *United States* v. *The Sherwin-Williams Company,* Civil Action No. 1:19–cv–01907–ESK–EAP, an action brought under the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9601 *et seq.*

The Court entered a consent decree (''Decree'') in April 2019 in this action which resolved the United States' claim against The Sherwin-Williams Company (''Sherwin-Williams'') for United States past costs relating to the Sherwin-Williams/Hilliards Creek Site, Route 561 Dump Site, and United States Avenue Burn Site (the ''Sites''), located in Gibbsboro and Voorhees, New Jersey. The Decree also provides for Sherwin-Williams' performance of the soils and sediments operable unit remedy selected by the U.S. Environmental Protection Agency (''EPA'') for the United States Avenue Burn Site.

The Decree also provides that, after EPA selects a remedy in a Record of Decision (''ROD'') for an additional operable unit (''OU'') at any of the Sites, the Decree may be modified to add Sherwin-Williams' performance of the newly selected OU remedy to the work required under the Decree. In September 2025, EPA issued a ROD for an OU remedy that addresses groundwater at the Sherwin-Williams/Hilliards Creek Site (''SW/HC OU3 remedy''). This remedy provides for in-situ treatment of deep groundwater at the former manufacturing plant area at the SW/HC Site with chemical oxidation, chemical reduction, or sequestration and enhanced bioremediation. The proposed third modification lodged with the Court on September 24, 2026, provides for Sherwin-Williams' performance of the SW/HC OU3 remedy.

The publication of this notice opens a period for public comment on the proposed third modification. Comments should be addressed to the Assistant Attorney General, Energy and Natural Resources Division, and should refer to *United States* v. *The Sherwin-Williams Company,* Civil Action No. 1–19–cv–01907–ESK–EAP, D.J. Ref. No. 90–11–3–09023/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice.

Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the proposed third consent decree modification, with attached statement of work, may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* If you require assistance accessing the proposed third consent decree modification, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Eric D. Albert,

Assistant Section Chief, Environmental Enforcement Section, Energy and Natural Resources Division.

[FR Doc. 2026–20112 Filed 9–30–26; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On September 25, 2026, the Department of Justice lodged a proposed Consent Decree in the United States District Court for the Eastern District of Louisiana in the lawsuit entitled *United States of America et al.* v. *Nucor Steel Louisiana, LLC,* Case No. 2:26–cv–02175–JCZ–EJD.

The United States filed this action jointly with Louisiana Department of Environmental Quality against the Defendant for violations of the Clean Air Act and the Louisiana Environmental Quality Act. The complaint alleges that the Defendant violated regulations under those statutes, including the federally approved provisions of the Louisiana State Implementation Plan, and the Defendant's operating permits that incorporate those requirements at its Direct Reduced Iron processing facility in Convent, Louisiana. Under the proposed Consent Decree, the Defendant has agreed to pay a penalty of $1,600,000 and perform injunctive relief to resolve the governments' claims.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Energy and Natural Resources Division, and should refer to *United States et al.* v. *Nucor Steel Louisiana, LLC,* D.J. Ref. No. 90–5–2–1–12815. All comments must be submitted no later than forty-five (45) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* If you require assistance accessing the consent decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Thomas Carroll,

Assistant Section Chief, Environmental Enforcement Section. Energy and Natural Resources Division.

[FR Doc. 2026–20083 Filed 9–30–26; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL MEDIATION BOARD

Notice of Proposed Information Collection Requests

AGENCY: National Mediation Board.

ACTION: Notice.

SUMMARY: The National Mediation Board (NMB) invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995. The NMB is seeking the reinstatement, with non-substantive change, of previously approved collections of information, entitled ''Request for Arbitration Panel for Airline System Boards of Adjustment'', ''Arbitration Services—Personal Data Sheet'', and ''Request for Public Law (PL) Board Member''. The change to the information collections is a non-substantive one related to the change in the agency's Washington, DC headquarters address, which was effective August 1, 2026. This notice allows for 60 days for public comments.

DATES: Comments are due by November 30, 2026.

ADDRESSES: Requests for copies of the proposed information collection requests should be directed by email (the preferred method) to NMB Program Management Specialist Keaira Butler at *keaira.butler@nmb.gov,* or mailed to Keaira Butler at National Mediation Board, Office of Legal Affairs, P.O. Box 23300, Washington, DC 20026. Please specify the complete title of the information collection when making your request.

Comments on the proposed information collection requests should be directed by email (the preferred method) to NMB Counsel John Gross at *gross@nmb.gov,* or by mail to John Gross at National Mediation Board, Office of Legal Affairs, P.O. Box 23300, Washington, DC 20026.

FOR FURTHER INFORMATION CONTACT: John Gross, Counsel, National Mediation Board, Office of Legal Affairs, P.O. Box 23300, Washington, DC 20026; telephone number: 202–815–1647; email address: *gross@nmb.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The NMB publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection contains the following: (1) Type of review requested, *e.g.,* new, revision extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Record keeping burden. OMB invites public comment.

Currently, the NMB is soliciting comments concerning the proposed reinstatement, with non-substantive change, of previously approved collections of information, entitled ''Request for Arbitration Panel for Airline System Boards of Adjustment'',

''Arbitration Services—Personal Data Sheet'', and ''Request for Public Law (PL) Board Member'', and is interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the agency; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the agency enhance the quality, utility, and clarity of the information to be collected; and (5) how might the agency minimize the burden of this collection on the respondents, including through the use of information technology.

A. Request for Arbitration Panel for Airline System Boards of Adjustment

Title of Collection: Request for Arbitration Panel for Airline System Boards of Adjustment.

OMB Control Number: 3140–0003.

Type of Review: Reinstatement, with non-substantive change, of a previously approved collection of information.

Affected Public: Airline Carrier and Union Officials.

Frequency of Collection: On occasion.

Respondent's Obligation: Voluntary.

Reporting and Recordkeeping Hour Burden:

Responses: Estimate 15 annually.

Burden Hours: 3.75.

Abstract: Section 183 of the Railway Labor Act (RLA), 45 U.S.C. 183, provides that the parties to labor-management disputes in the airline industry must have a procedure for the resolution of disputes involving the interpretation or application of provisions of a collective bargaining agreement. The RLA mentions system boards of adjustment or arbitration boards as the mechanism for resolution of those disputes and is silent as to how the neutral arbitrator is to be selected if the parties are unable to agree on an individual. The NMB provides panels, or lists, of arbitrators to help the parties in their selection of an arbitrator.

This form is necessary to assist the parties in this process. The parties invoke the process through the submission of the ''Request for Arbitration Panel for Airline System Boards of Adjustment'' form, which is available on the internet at *http://www.nmb.gov.* The brief information the NMB solicits is necessary for the NMB to perform this important function.

B. Arbitration Services—Personal Data Sheet

Title of Collection: Arbitration Services—Personal Data Sheet.

OMB Control Number: 3140–0004.

Type of Review: Reinstatement, with non-substantive change, of a previously approved collection of information.

Affected Public: Arbitrators.

Frequency of Collection: On occasion.

Respondent's Obligation: Voluntary.

Reporting and Recordkeeping Hour Burden:

Responses: Estimate 15 annually.

Burden Hours: 15.00.

Abstract: Sections 183 and 153 of the Railway Labor Act (RLA), 45 U.S.C. 153 and 183, provide for the use of arbitrators in the resolution of disputes concerning the application or interpretation of provisions of a collective bargaining agreement in the airline and railroad industries. The NMB maintains a roster of arbitrators for this purpose. The NMB must have a means for interested individuals to apply for inclusion on this roster. This form, available at *http://www.nmb.gov,* is the application for inclusion on the NMB roster. The brief information that the NMB solicits is necessary to perform this responsibility under the RLA.

C. Request for Public Law (PL) Board Member

Title of Collection: Request for Public Law (PL) Board Member.

OMB Control Number: 3140–0005.

Type of Review: Reinstatement, with non-substantive change, of a previously approved collection of information.

Affected Public: Carrier and Union Officials of railroads.

Frequency of Collection: On occasion.

Respondent's Obligation: Voluntary.

Reporting and Recordkeeping Hour Burden:

Responses: Estimate 10 annually.

Burden Hours: 2.50.

Abstract: Section 153, Second, of the Railway Labor Act (RLA), 45 U.S.C. 153, Second, governs procedures to be followed by carriers and representatives of employees in the establishment and functioning of special adjustment boards. These special adjustment boards are referred to as Public Law Boards (PLB). The statute provides that within thirty (30) days from the date a written request is made by an employee representative or carrier official for the establishment of a PLB, an agreement establishing such PLB shall be made. If, however, one party fails to designate a member of the PLB, the party making the request may ask the NMB to designate a member on behalf of the other party. The NMB must designate the representative who, together with the other party constitutes the PLB. It will be the task of these two individuals to decide on the terms of the agreement. If these individuals are unable to decide upon the terms, the RLA provides that one of these parties may request that the NMB designate a neutral to resolve the remaining matters which are procedural issues. Pursuant to 29 CFR 1207.2, requests for the NMB to appoint party representatives or neutrals must be made on the ''Request for Public Law Board Member'' form, which is available on the internet at *http://www.nmb.gov.*

This form is necessary for the NMB to fulfill its statutory responsibilities. Without this information, the NMB would not be able to assist the railroad labor and management representatives in resolving disputes, which is contrary to the intent of the RLA.

Dated: September 29, 2026.

Michael Jerger,

Chief Financial Officer, Acting Director of Administration, National Mediation Board.

[FR Doc. 2026–20091 Filed 9–30–26; 8:45 am]

BILLING CODE 7550–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–616 and 50–617; NRC–2026–0265]

SMR, LLC; Palisades SMR, LLC; Pioneer Units 1 and 2; Phased Construction Permit Application—Limited Work Authorization

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is providing public notice each week, for four consecutive weeks, beginning October 1, 2026, of receipt and availability of the first part of a phased construction permit application, including a limited work authorization (LWA) request, from SMR, LLC, on behalf of Palisades SMR, LLC, a wholly-owned subsidiary of Holtec International (collectively, Holtec), for a dual-unit SMR–300 plant located at the Palisades Energy Center (PEC) in Covert, Michigan. The units are individually named Pioneer Unit 1 and Pioneer Unit 2. This is the first of four consecutive weekly notifications.

DATES: October 1, 2026.

ADDRESSES: Please refer to Docket ID NRC–2026–0265 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–2026–0265. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s)

listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The Pioneer Units 1 and 2 LWA application is available in ADAMS under Package Accession No. ML25365A983.

• *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Victoria Huckabay, telephone: 301–415–5183, email: *Victoria.Huckabay@nrc.gov* and Jason Lising, telephone 301–415–1119; email: *Jason.Lising@nrc.gov.* Both are staff of the Office of Advanced Reactors at the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

On December 31, 2025, SMR, LLC, on behalf of Palisades SMR, LLC, a wholly-owned subsidiary of Holtec International (collectively, Holtec), filed with the NRC, the first part (Part 1) of a phased construction permit application for a utilization facility pursuant to Section 103 of the Atomic Energy Act and part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Production and Utilization Facilities.'' Part 1 of the application includes a LWA request pursuant to 10 CFR 50.10(d), ''Request for limited work authorization''; three exemption requests; and a comprehensive environmental report (ER). In its LWA request, Holtec seeks NRC approval to conduct certain early construction activities of a dual-unit SMR–300 plant at the PEC in Covert, Michigan. Holtec also states that the comprehensive ER addresses the environmental impacts associated with LWA activities (including the requested exemptions), the remainder of construction to complete the plant, and plant operations. Holtec submitted Part 1 of its application as part of a phased application approach for a construction permit for a utilization facility, as described in 10 CFR 2.101(a)(9) and 10 CFR 2.600(d).

On February 27, 2026, the NRC issued a **Federal Register** notice (91 FR 9892) stating that the NRC staff accepted Part 1 of the phased construction permit application for docketing and will perform a detailed technical review. These weekly notices of receipt and availability of the application are being provided in accordance with the requirements in 10 CFR 50.43(a)(3).

(Authority: 42 U.S.C. 2011 *et seq.*)

Dated: September 29, 2026.

For the Nuclear Regulatory Commission.

Michelle Hayes,

Chief, Advanced Reactor Licensing Branch 2, Division of Advanced Reactor Licensing, Office of Advanced Reactors.

[FR Doc. 2026–20094 Filed 9–30–26; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Transfer of Inbound PRIME Registered Service Agreement 1 and PRIME–USPS Registered Agreement to the Market Dominant Product List

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of the filing of a request with the Postal Regulatory Commission to transfer the Inbound PRIME Registered Service Agreement 1 and PRIME–USPS Registered Agreement from the competitive product list to the market dominant product list of the Mail Classification Schedule.

DATES: *Applicable date:* January 1, 2027.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, 202–268–7820.

SUPPLEMENTARY INFORMATION: On September 16, 2026, the United States Postal Service filed with the Postal Regulatory Commission a request to transfer the Inbound PRIME Registered Service Agreement 1 and the PRIME–USPS Registered Agreement to the market dominant product list, pursuant to 39 U.S.C. 3642 and 3622(c)(10), as well as 39 CFR 3040.130–132 and 3040.220–222. Documents pertinent to this request are available at *www.prc.gov,* Docket No. MC2026–387.

Colleen Hibbert-Kapler,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2026–20070 Filed 9–30–26; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106507; File No. SR–IEX–2026–33]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend IEX Rule 21.150 To Eliminate the Minimum Roster Requirement on the Obvious Error Panel

September 28, 2026.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on September 18, 2026, the Investors Exchange LLC (''IEX'' 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

Pursuant to the provisions of Section 19(b)(1) under the Act,[4] and Rule 19b–4 thereunder,[5] the Exchange is filing with the Commission a rule change proposal to amend Rule 21.150 (Nullification and Adjustment of Options Transactions including Obvious Errors) to eliminate the requirement regarding the maintenance of a minimum roster of representatives eligible to serve on the Exchange's Obvious Error Panel. The Exchange has designated this rule change as ''non-controversial'' under Section 19(b)(3)(A) of the Act [6] and provided the Commission with the notice required by Rule 19b–4(f)(6) thereunder.[7]

The text of the proposed rule change is available at the Exchange's website at *https://www.iexexchange.io/resources/regulation/rule-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 self-regulatory organization included

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CFR 240.19b–4.

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6).

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 self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 21.150 (Nullification and Adjustment of Options Transactions including Obvious Errors) to simplify the representative requirement for the Obvious Error Panel. Specifically, as described below, the Exchange proposes to eliminate the requirement regarding the maintenance of a minimum roster of representatives eligible to serve on the Exchange's Obvious Error Panel to avoid an unnecessary administrative burden on the Exchange and its Options Members.[8] This proposed rule change is substantially similar to proposals by MEMX and MX2.[9]

Under Rule 21.150(l), an Options Member affected by a determination made under Rule 21.150(l) may request review by an Obvious Error Panel. Under Rule 21.150(l)(1), each Obvious Error Panel must be comprised of the Exchange's Chief Regulatory Officer (''CRO''), or a designee of the CRO; two representatives of an Options Member engaged in market making (any such representative, a ''MM Representative''); and two representatives of Options Members that satisfy specified criteria designed to ensure that such representatives are not principally in options market making (any such representative, a ''Non-MM Representative'').

Under current Rule 21.150(l)(2), the Exchange must designate at least ten MM Representatives and at least ten non-MM Representatives to be called upon to serve on the Obvious Error Panel as needed. That rule further provides that an Obvious Error Panel may not include a person affiliated with a party to the trade in question and that, to the extent reasonably possible, the Exchange must call upon designated representatives to participate on panels on an equally frequent basis.

The Exchange believes that the requirement to designate at least ten MM Representatives and at least ten non-MM Representatives to be called upon to serve on the Obvious Error Panel is unnecessarily burdensome to both the Exchange and the representatives. The Exchange believes that a mandatory roster of twenty or more designated representatives is larger than necessary to administer the appeals process effectively and imposes avoidable administrative burdens on both the Exchange and its Options Members. Maintaining such a roster requires the Exchange to identify, solicit, qualify, designate, track, and periodically refresh a substantial number of representatives, even though only four industry representatives serve on a particular panel, and appeals occur only periodically and infrequently.

The Exchange believes that Rule 21.150, as amended, will facilitate a more efficient administration of the appeal process while retaining the requirement of having both MM Representatives and non-MM Representatives on the panel. The proposed amendment will streamline the appeal process by removing the unnecessary burden of maintaining an active list of at least twenty representatives to serve on an Obvious Error Panel. The Exchange does not believe it is necessary to designate such a large number of representatives because the composition of each Obvious Error Panel will remain unchanged, as each panel will continue to include two MM Representatives and two non-MM Representatives, in addition to the CRO or the CRO's designee. The Exchange believes this composition provides a proper balance of competing interests and helps ensure regulatory fairness when resolving trade disputes.

The proposal will not alter the eligibility criteria for non-MM Representatives. In addition, Rule 21.150(l)(2) will retain the requirements that an Obvious Error Panel may not include a person affiliated with a party to the trade in question and that, to the extent reasonably possible, the Exchange must call upon the designated representatives to participate on panels on an equally frequent basis. These provisions will continue to promote impartiality and equitable participation in the appeal process.

The Exchange expects to continue designating a sufficient number of qualified MM Representatives and non-MM Representatives to convene panels promptly, taking into account representative availability, potential conflicts, and the applicable review timeframes. Eliminating the fixed minimum roster size will provide the Exchange flexibility to maintain a roster appropriately sized to its operational needs without affecting the composition, independence, or substantive authority of the Obvious Error Panel.

The Exchange notes that the proposed approach is consistent with the rules of other national securities exchanges.[10]

2. Statutory Basis

The Exchange believes that 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.[11] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[12] 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[13] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(1) of the Act,[14] which

[8] The term ''Options Member'' means a firm or organization that is registered with the Exchange pursuant to Chapter 18 of the Exchange's Rules for purposes of participating in options trading on IEX Options as an Options Order Entry Firm, Options Market Maker, or Clearing Member. *See* Rule 17.100.

[9] *See* Securities Exchange Act Release No. 106157 (August 18, 2026), 91 FR 54422 (August 21, 2026) (SR–MEMX–2026–27); Securities Exchange Act Release No. 106197 (August 26, 2026), 91 FR 55918 (August 31, 2026) (SR–MX2–2026–04).

[10] *See, e.g.,* Nasdaq Options 3, Section 20(l)(1), which provides that a Nasdaq Review Council panel will be comprised minimally of one representative of a member engaged in market making and two industry representatives not engaged in market making, and that no more than 50% of the panel may be engaged in market making. The rule does not require Nasdaq to designate or maintain a minimum roster of potential panel representatives. Nasdaq ISE and Nasdaq MRX maintain materially similar panel-composition provisions in their respective rulebooks, likewise without imposing a minimum roster requirement. *See* Nasdaq ISE Options 3, Section 20(k)(1); Nasdaq MRX Options 3, Section 20(k)(1).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *Id.*

[14] 15 U.S.C. 78f(b)(1).

provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange's Options Members and persons associated with its Options Members with the Act, the rules and regulations thereunder, and the rules of the Exchange.

In particular, the Exchange believes the proposed amendment to eliminate the requirement regarding the maintenance of a minimum roster of representatives eligible to serve on the Exchange's Obvious Error Panel will make the administration of the appeal process more efficient by reducing an unnecessary numerical condition while preserving the provisions governing panel composition, representative qualifications, conflicts of interest, review timing, and decisional authority. The required panel composition, the eligibility criteria for non-MM Representatives, and the prohibition on participation by a person affiliated with a party to the trade will remain unchanged. The Exchange believes these retained safeguards provide a proper balance of competing interests and protect investors and the public interest.

The Exchange does not believe that requiring a roster of at least twenty designated representatives is necessary to ensure fair review. Rather, fairness is achieved through the composition of the panel that hears the appeal, the qualifications, and independence of its representatives, and the substantive and procedural protections in Rule 21.150. The proposed change also will serve to avoid wasting Options Member and Exchange resources on maintaining an excessive list of Options Member representatives.

The Exchange further believes that the proposal's consistency with the rules of Nasdaq and its affiliated options exchanges supports the conclusion that the fixed roster requirement is not necessary to protect investors or ensure fair review. Those exchanges rely on panel-composition safeguards similar to those that will remain in Rule 21.150, but do not require the maintenance of a roster of at least ten market-maker and ten non-market maker representatives.

Finally, the proposal is not designed to permit unfair discrimination. Rather, the proposal relates only to the Exchange's administrative requirements for maintaining a roster of eligible representatives and will apply uniformly to all Options Members and all appeals under Rule 21.150. The Exchange will continue to maintain a roster of qualified representatives appropriately sized to its operational needs and will continue to select representatives in accordance with the rule's objective criteria and, to the extent reasonably possible, call upon designated representatives on an equally frequent basis.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. This proposal does not create an unnecessary or inappropriate intramarket burden on competition because the proposed change will apply uniformly to all Options Members and will not affect any Options Member's ability to request or obtain review of an obvious error determination. Further, the proposal will not impact the fairness or impartiality of the appeal process. The Exchange will continue to appoint qualified individuals to serve on the Obvious Error Panel and to administer the appeals process in a fair and consistent manner, and all similarly situated parties will continue to have access to the same appeal procedures and protections under Rule 21.150.

The Exchange also does not believe the proposed rule change will impose any burden on intermarket competition because the proposal relates solely to the Exchange's internal administration of the Obvious Error Panel and does not affect the standards for determining whether a transaction is erroneous, the relief available for market participants, the rights or obligations of any Options Member, the Exchange's trading functionality or the ability of Options Members to compete on the Exchange or across markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [15] and Rule 19b–4(f)(6) thereunder.[16] Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [17] and subparagraph (f)(6) of Rule 19b–4 thereunder.[18]

A proposed rule change filed under Rule 19b–4(f)(6) [19] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[20] the Commission may 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 proposal may become operative immediately upon filing. The Exchange states that waiver of the operative delay would permit the proposed rule change to become operative on October 2, 2026, which is the date when IEX Options is scheduled to commence trading operations. For this reason, and because the proposed rule change raises no new or novel legal or regulatory issues, the Commission finds that waiver of the operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.[21]

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) [22] of the Act to determine whether the proposed rule change should be approved or disapproved.

[15] 15 U.S.C. 78s(b)(3)(A)(iii).

[16] 17 CFR 240.19b–4(f)(6).

[17] 15 U.S.C. 78s(b)(3)(A)(iii).

[18] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[19] 17 CFR 240.19b–4(f)(6).

[20] 17 CFR 240.19b–4(f)(6)(iii).

[21] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[22] 15 U.S.C. 78s(b)(2)(B).

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–IEX–2026–33 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–IEX–2026–33. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–IEX–2026–33 and should be submitted on or before October 22, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20072 Filed 9–30–26; 8:45 am]

BILLING CODE 8011–01–P

[23] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0485]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 15c2–1

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 15c2–1, (17 CFR 240.15c2–1), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 15c2–1 prohibits broker-dealers from commingling under the same lien securities of their margin customers with securities of the broker-dealer and those of other customers without their written consent. The rule also prohibits the re-hypothecation of customers' margin securities for a sum in excess of the customer's aggregate indebtedness. Respondents must collect information necessary to prevent the re-hypothecation of customer securities, issue and retain copies of notices of hypothecation of customer securities, and collect written consents from customers.

There are approximately 54 respondents. Each of these respondents makes an estimated 45 responses per year and each response takes approximately 0.5 hours to complete, resulting in an industry-wide annual burden of approximately 1,215 hours.

The retention period for the recordkeeping requirement under Rule 15c2–1 is not less than two years following the date the notice is submitted. The recordkeeping requirement under this rule is mandatory to assist the Commission in monitoring respondents who fail to collect the information required under the rule. This rule does not involve the collection of confidential information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202607-3235-020* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by November 2, 2026.

Dated: September 29, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20147 Filed 9–30–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106515; File No. SR–IEX–2026–35]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Rule 20.140A (Select Provisions of Options Listing Procedures Plan) To Apply Uniform Objective Standards to the Range of Options Series Exercise (or Strike) Prices Available for Trading on the Exchange

September 28, 2026.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on September 23, 2026, the Investors Exchange LLC (''IEX'' 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

Pursuant to the provisions of Section 19(b)(1) under the Act,[4] and Rule 19b–4 thereunder,[5] the Exchange is filing with the Commission a rule change proposal to adopt Rule 20.140A (Select Provisions of Options Listing Procedures Plan) to apply uniform objective standards to the range of options series exercise (or strike) prices available for trading on the Exchange. The Exchange has designated this rule change as ''non-controversial'' under Section 19(b)(3)(A) of the Act[6] and provided the Commission with the notice required by Rule 19b–4(f)(6) thereunder.[7]

The text of the proposed rule change is available at the Exchange's website at *https://www.iexexchange.io/resources/regulation/rule-filings* and at the principal office of the Exchange.

[1] 15 U.S.C. 78s(b)(1).
[2] 15 U.S.C. 78a.
[3] 17 CFR 240.19b–4.
[4] 15 U.S.C. 78s(b)(1).
[5] 17 CFR 240.19b–4.
[6] 15 U.S.C. 78s(b)(3)(A).
[7] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and the 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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt Rule 20.140A (Select Provisions of Options Listing Procedures Plan) to apply uniform objective standards to the range of options series exercise (or strike) prices available for trading on the Exchange.

The Options Listings Procedure Plan (''OLPP'') was approved by the Commission on July 6, 2001, and has been amended several times.[8] The OLPP provides procedures for: (i) listing and trading new option classes; (ii) selecting new options series; (iii) petitioning the Options Clearing Corporation (''OCC'') to review the eligibility, pursuant to the exchanges' listing standards, of a selected option class without delaying the trading of that option class; (iv) determining operational details for option contracts adjusted pursuant to OCC By-Laws; (v) admitting new sponsors; and (vi) losing eligibility to participate in the OLPP.

IEX makes this rule filing proposal to codify certain provisions of the OLPP pertaining to selecting new option series and certain strike setting parameters that have been adopted under the OLPP. The Exchange, which recently became a Plan Sponsor of the OLPP,[9] believes that it is helpful to codify select provisions into the rules of IEX Options, so that all applicable rules governing series selection and applicable strike setting parameters are located in a single place. In addition, the Exchange makes this filing because several other Participant Exchanges have similar (essentially identical[10]) rules that are all designed to ensure consistence and compliance with the OLPP.[11]

Amendment 3 to the OLPP[12] adopted uniform objective standards to the range of options series exercise (or strike) prices available for trading on Participant Exchanges to the OLPP as a quote mitigation strategy. The Exchange is proposing to codify the changes made to the OLPP by Amendment 3 by adopting new Rule 20.140A (Select Provisions of Options Listing Procedures Plan). The Exchange is proposing to create a new rule that can be easily amended in the future if other amendments to the OLPP are made which similarly warrant being codified into IEX Options rules.

2. Statutory Basis

The Exchange believes that 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.[13] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[14] 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[15] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that codifying certain provisions of the OLPP into new Rule 20.140A serves to foster investor protection by allowing the Exchange to list options series that have been viewed as beneficial to traders, investors, and the investing public. The proposal to permit series to be added based on after-market trading is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system, by allowing the Exchange to make series available for trading with reduced operational difficulties. The Exchange notes that this proposed change, which is consistent with the OLPP should provide market participants with earlier notice regarding what options series will be available for trading the following day, and should help to enhance investors' ability to plan their options trading.

The Exchange notes that this rule filing does not propose any new provisions that have not already been approved by the Commission in the amended OLPP[16] or the other exchange rules that codify select provisions of the OLPP, which the Commission allowed to become immediately effective upon filing.[17] Thus, this rule filing raises no new or novel issues that have not previously been considered by the Commission in connection with the OLPP and the rules of other options exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that by conforming Exchange rules to the OLPP, the Exchange would promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. The Exchange believes that adopting rules

[8] *See e.g.,* Securities Exchange Act Release Nos. 44521 (July 6, 2001), 66 FR 36809 (July 13, 2001) (order approving OLPP); 58205 (July 22, 2008), 73 FR 43798 (July 28, 2008) (order granting permanent approval to amendment no. 1 to the OLPP); 58630 (September 24, 2008) 73 FR 57166 (October 1, 2008) (order granting permanent approval to amendment no. 2 to the OLPP); 60531 (August 19, 2009), 74 FR 43173 (August 26, 2009) (order approving amendment 3 to the OLPP); and 104892 (February 25, 2026), 91 FR 10168 (March 2, 2026) (order approving amendment to OLPP to create a forum for discussion concerning plan matters).

[9] *See* Securities Exchange Act Release No. 106209 (August 27, 2026), 91 FR 56253 (September 1, 2026) (plan amendment adding IEX as a Plan Sponsor of the OLPP).The other Plan Sponsors are: BOX Exchange LLC; Cboe BZX Exchange, Inc.; Cboe C2 Exchange, Inc.; Cboe EDGX Exchange, Inc.; Cboe Exchange, Inc. (''CBOE''); MEMX LLC; MX2 LLC; Miami International Securities Exchange LLC (''MIAX''); MIAX Emerald, LLC; MIAX PEARL, LLC; MIAX Sapphire, LLC; Nasdaq Texas, Inc.; Nasdaq GEMX, LLC; Nasdaq ISE, LLC (''Nasdaq ISE''); Nasdaq MRX, LLC; Nasdaq PHLX LLC; the Nasdaq Stock Market LLC; NYSE American LLC; NYSE Arca, Inc. (''NYSE Arca''); and the Options Clearing Corporation.

[10] The only differences between proposed Rule 20.140A and the rules of other Participant Exchanges are the internal cross-references and terminology in each exchange's rules.

[11] *See e.g.,* CBOE Rule 4.7; MIAX Rule 404A; Nasdaq ISE Options 4 Section 6; and NYSE Arca Rule 6.4A–O.

[12] *See* Securities Exchange Act Release No. 60531 (August 19, 2009), 74 FR 43173 (August 26, 2009) (order approving amendment 3 to the OLPP).

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *Id.*

[16] *See supra,* note 12.

[17] *See supra,* note 11.

like those adopted by other Participant Exchanges, would allow for continued competition between Exchange market participants trading similar products as their counterparts on other exchanges, while at the same time allowing the Exchange to continue to compete for order flow with other exchanges in option issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) [18] of the Act and Rule 19b–4(f)(6) [19] thereunder. 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 for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[20]

A proposed rule change filed under Rule 19b–4(f)(6) [21] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[22] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay period. Specifically, the waiver would enable the proposed rule change to become operative prior to October 2, 2026, when IEX Options would commence trading, and would provide clarity to market participants that like other options markets, the rules of IEX Options incorporate select provisions of the OLPP. For these reasons, waiving the 30-day operative delay is consistent with the protection of investors and the public interest, and the Commission designates the proposed rule change to be operative upon filing with the Commission.[23]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [24] 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–IEX–2026–35 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–IEX–2026–35. 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–IEX–2026–35 and should be submitted on or before October 22, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20073 Filed 9–30–26; 8:45 am]

BILLING CODE 8011–01–P

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(6).

[20] In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[21] 17 CFR 240.19b–4(f)(6).

[22] 17 CFR 240.19b–4(f)(6)(iii).

[23] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[24] 15 U.S.C. 78s(b)(2)(B).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0476]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 10b–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 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 10b–17 (17 CFR 240.10b–17), under the Securities Exchange Act of 1934 (15 U.S.C 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 10b–17 requires any issuer of a class of securities publicly traded by the use of any means or instrumentality of interstate commerce or of the mails or of any facility of any national securities exchange to give notice of the following specific distributions relating to such class of securities: (1) a dividend or other distribution in cash or in kind other than interest payments on debt securities; (2) a stock split or reverse stock split; or (3) a rights or other subscription offering.

There are approximately 9,648 respondents per year. These respondents make approximately 41,591 responses per year. Each response takes approximately 10 minutes to complete. Thus, the total hour burden per year is approximately 6,932 hours. The total internal labor cost of compliance for respondents associated with providing notice under Rule 10b–17 is approximately $804,112.

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=202607-3235-019* 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 November 2, 2026.

Dated: September 29, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20146 Filed 9–30–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106505; File No. SR–TXSE–2026–030]

Self-Regulatory Organizations; Texas Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Listing Fees for Exchange Traded Products and Performance Standards and Daily Stipends Paid by the Exchange for Its Lead Market Maker Program

September 28, 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 14, 2026, Texas Stock Exchange LLC (''Exchange'' or ''TXSE'') filed with the Securities and Exchange Commission a proposed rule change to adopt listing fees for exchange traded products and performance standards and daily stipends paid by the Exchange for the lead market maker program (''LMM Program'') on the Exchange.

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 adopt listing fees for exchange traded products and performance standards and daily stipends paid by the Exchange for the LMM Program on the Exchange. 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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

As further described below, the Exchange is proposing to: (i) adopt three fee tiers for exchange-traded products listed on the Exchange pursuant to Chapter 17 of the Exchange's rulebook (''ETPs''); (ii) adopt three tiers of Lead Market Maker (''LMM'') Minimum Performance Standards; [3] and (iii) adopt stipends to be paid by the Exchange directly to LMMs that satisfy the Minimum Performance Standards.

Background

The U.S. ETP market has grown significantly over the past 20 years, with nearly 5,000 ETPs now listed and over 1,000 launched in 2025 alone.[4] Lower costs and streamlined regulatory processes have produced a wave of innovative ETPs offering investors reduced expense ratios and access to strategies and asset classes once out of reach, including defined outcome strategies, crypto, and private markets exposure. The advent of Class ETF Shares within Dual Share Class Funds [5] will bring another wave as existing mutual funds list ETF share classes on exchange, extending tax benefits and intraday liquidity to their investors.

But product innovation has outpaced the market structure meant to support it. The common thread across these new product categories is that they are harder and more costly for liquidity providers to make markets in. Many Class ETF Shares may initially trade infrequently as they come to market, yet still require market makers to hold inventory and quote continuously so investors receive quality executions when they transact. Defined outcome strategies launch in quarterly or monthly series, each requiring its own dedicated liquidity provision. ETPs holding private market assets carry fundamentally different liquidity profiles than traditional ETP holdings. Making tight, two-sided markets in a private credit ETP, for example, is significantly more costly than doing so for an S&P 500 fund. Quality liquidity in these products cannot be expected without sufficient compensation to liquidity providers.

The economics of ETP listings for exchange listing markets, however, have moved in the opposite direction. ETP listing venues have been in a race to zero on listing fees for years. The three largest, Nasdaq, Cboe BZX, and NYSE Arca, charge low annual fees [6] and, as such, provide liquidity programs that generally do not cover a market maker's expenses for many ETPs, including inventory cost, hedging cost, and cost of capital. As noted above, different ETPs and their underlying holdings have different costs associated with liquidity provision. Current exchange pricing relies on a small number of large, high-volume ETPs that are more profitable for listing exchanges and market makers in order to subsidize the economics of the rest. Those products have generally reached a level of sufficient natural trading volume and liquidity and thus require less liquidity support; they also generate enough revenue for the listing exchange through auction revenue and outside trading volume on the listing market to effectively cover the cost of a much larger population of smaller ETPs whose listing fees barely offset the cost of the liquidity program payouts they require.

This model may have worked when the ETP market was smaller and more homogeneous, but it is no longer

[3] ''Minimum Performance Standards'' means the quoting standards applicable to LMMs for each of the tiers outlined below and in the proposed Fee Schedule.

[4] *See* J.P. Morgan Asset Management, *2025 in Review: An ETF Hat Trick,* J.P. Morgan Asset Management, *https://am.jpmorgan.com/us/en/asset-management/adv/insights/etf-insights/2025-in-review-an-etf-hat-trick/* (reporting that, in the U.S. market, over 1,000 new ETFs launched in 2025); and Jose Paulo Tolentino, *U.S. ETF Summary: December and Full Year 2025 Results,* FactSet (Jan. 8, 2026), *https://insight.factset.com/u.s.-etf-summary-december-and-full-year-2025-results* (reporting that U.S. ETF assets under management reached $13.5 trillion at year-end 2025 and that 1,167 new funds launched in 2025).

[5] *See* Investment Company Act Release No. 35786 (Nov. 17, 2025) (In the Matter of DFA Investment Dimensions Group Inc., Dimensional Investment Group Inc., Dimensional ETF Trust and Dimensional Fund Advisors LP) (File No. 812–15484).

[6] For example, the other exchanges charge the following annual fees for listing a series of Exchange-Traded Fund Shares, which make up the vast majority of ETPs listed in the U.S.: Nasdaq—$4,000; BZX—$4,000–$9,000; and Arca—$8,500—$30,000.

sustainable. It incentivizes a ''throw spaghetti at the wall'' approach to listings: a high volume of cheaply listed products with minimal liquidity support, brought to market on the hope that some grow into profitable products. Many do not. Many new ETPs trade infrequently, suffer from poor liquidity, and liquidate shortly after launch.[7] Liquidity providers in many ETPs are asked to make markets at compensation well below cost. Issuers increasingly struggle to secure a lead market maker, and some products now launch without one. Investors in these products bear the ultimate cost in the form of wider spreads, worse executions, and failed funds.

The volume of new products and low listing and liquidity provision fees, combined with the need for consistent, quality liquidity across all asset classes and trading levels, has created a scarcity of liquidity and market maker attention. Layered on top of continued growth in ETP launches, the result is a looming liquidity crisis for the industry and its investors. Solving it requires aligning incentives across the ecosystem. Exchange listing fees should more transparently reflect the true cost of bringing a quality product to market and provide more flexible liquidity programs to compensate market makers commensurate with the costs associated with making a market in a particular ETP, ensuring sufficient liquidity and quality markets for investors.

Proposed Changes

With this background in mind, the Exchange is proposing a new tiered ETP listing and LMM Program in which it would: (i) adopt three fee tiers for ETPs; (ii) adopt three tiers of Minimum Performance Standards associated with those listing tiers, each additional tier having higher market quality requirements than the prior; and (iii) adopt stipends to be paid by the Exchange directly to LMMs that meet the Minimum Performance Standards (''Daily Stipends'').

Listing Fee Tiers

The Exchange is proposing to add Rule 17.180 to establish three tiers for ETP listings: the Signature Tier, priced at $100,000 annually; the Premier Tier, priced at $55,000 annually; and the Core Tier, priced at $10,000 annually.[8] The issuer of an ETP may select whichever tier it believes is most appropriate for a particular ETP. The selection of a listing tier applies only for the current year, and an issuer may select a different listing tier for the following year based on what it believes is most appropriate for the ETP at that time.

Minimum Performance Standards Tiers

The Exchange is proposing three corresponding tiers of Minimum Performance Standards for its Lead Market Maker Program. The Minimum Performance Standards are broken down by asset class and listing fee tier, both of which are designated by the issuer. The Minimum Performance Standards for each asset class generally decrease for each lower listing fee tier (*i.e.,* the Minimum Performance Standards for the Signature Tier are higher than those for the Premier Tier, which in turn are higher than those for the Core Tier). The Minimum Performance Standards include the following measurements: Maximum LMM Spread,[9] Size Near the Inside,[10] Layered Depth,[11] Time at NBBO,[12] Opening Auction Depth,[13] Closing Auction Depth,[14] Opening Auction Reference Price,[15] and Closing Auction Reference Price.[16] The Minimum Performance Standards are generally designed with specific asset classes in mind,[17] which include High Volume Products,[18] U.S. Equity,[19] International,[20] Fixed Income,[21] Currencies,[22] Single Stock & Outcome Based,[23] Commodities,[24] and Other.[25]

[7] The average life span of an ETF liquidated in 2026 has fallen to one year and nine months compared to three years and six months in 2025 and four years and eight months in 2024. *See* Katie Greifeld, *Average ETF Lifespan Collapses With Wall Street Antsy for Scale,* Bloomberg (Apr. 2, 2026), *https://www.bloomberg.com/news/articles/2026-04-02/average-etf-lifespan-collapses-with-wall-street-antsy-for-scale* (reporting Bloomberg Intelligence research by analysts Eric Balchunas and Andre Yapp finding that the average lifespan of an ETF liquidated in 2026 has fallen over prior years).

[8] An ETP that begins listing during the year will be charged a prorated fee for the remainder of the calendar year based on the percentage of trading days remaining in the applicable year. For example, for an ETP that is listed on the Exchange with 125 trading days remaining in the year in a year with 250 trading days, the Exchange will charge 50% of the annual fee.

[9] As provided in the proposed Fee Schedule, ''Maximum LMM Spread'' means the time weighted average of the LMM's displayed two-sided spread, calculated as (LMM Best Offer minus LMM Best Bid) divided by the SIP NBBO midpoint, expressed in basis points, for a trading day.

[10] As provided in the proposed Fee Schedule, ''Size Near the Inside'' means the average notional depth within 25 basis points of the NBBO.

[11] As provided in the proposed Fee Schedule, ''Layered Depth'' means the minimum notional value of both bids and offers within a certain percentage of the NBBO for at least 95% of the trading day.

[12] As provided in the proposed Fee Schedule, ''Time at NBBO'' means the percentage of time during Regular Trading Hours in which the LMM maintains both a bid and offer at the NBBO with at least $10,000 notional at each of the NBB and NBO.

[13] As provided in the proposed Fee Schedule, ''Opening Auction Depth'' means the aggregate size, expressed in notional value, of all LMM Eligible Auction Orders that are executable in the opening auction and priced within 100 basis points (1.00%) of the NBBO midpoint, as measured immediately prior to the execution of the opening auction.

[14] As provided in the proposed Fee Schedule, ''Closing Auction Depth'' means the aggregate size, expressed in notional value, of all LMM Eligible Auction Orders that are executable in the closing auction and priced within fifty basis points (0.50%) of the NBBO midpoint, as measured immediately prior to the execution of the closing auction.

[15] As provided in the proposed Fee Schedule, ''Opening Auction Reference Price'' means the difference between the midpoint of the NBBO immediately prior to the opening auction and the opening auction price.

[16] As provided in the proposed Fee Schedule, ''Closing Auction Reference Price'' means the difference between the midpoint of the NBBO immediately prior to the closing auction and the closing auction price.

[17] As noted above, issuers are responsible for designating the asset class appropriate for a particular ETP.

[18] High Volume Products generally means ETPs that have a 90-day CADV above 1,000,000 shares.

[19] U.S. Equity generally means ETPs whose primary investment objective is exposure to equity securities of U.S.-domiciled or U.S.-listed issuers.

[20] International generally means ETPs whose primary investment objective is exposure to non-U.S. equity or debt markets—developed, emerging, regional, or global ex-U.S. strategies.

[21] Fixed Income generally means ETPs whose primary holdings are debt instruments of any type including, government, corporate, municipal, securitized, or high-yield, across any duration, credit quality, or geography.

[22] Currencies generally means ETPs whose investment objective is primarily exposure to currency exchange rates, currency baskets, or FX-linked instruments.

[23] Single Stock & Outcome Based generally means ETPs providing leveraged, inverse, or defined-outcome (*e.g.,* buffer, floor, cap) exposure tied to a single reference security or a pre-set payoff structure, rather than a diversified basket.

[24] Commodities generally means ETPs whose primary investment objective is exposure to physical commodities, commodity futures, or commodity baskets.

[25] Other generally means any ETP that does not squarely fit one of the categories above, including multi-asset, alternative, or novel strategies.

SIGNATURE TIER *

Asset class	Maximum LMM spread	Size near the inside (25 bps)	Layered depth	Time at NBBO	Opening auction depth (100 bps)	Closing auction depth (50 bps)	Auction reference price (opening)	Auction reference price (closing)
High Volume Products.	20 Bps ...	$80,000 on each side of the NBB and NBO.	$150,000 on each side of the NBB and NBO within 0.50%.	15.0%	$50,000 on each side of the NBBO Midpoint.	$100,000 on each side of the NBBO Midpoint.	65 Bps ...	25 Bps.
U.S. Equity	20 Bps ...	$45,000 on each side of the NBB and NBO.	$150,000 on each side of the NBB and NBO within 0.55%.	For ETPs with under a 250K 30-Day CADV, LMM must quote at NBBO 45% of time.	$45,000 on each side of the NBBO Midpoint.	$90,000 on each side of the NBBO Midpoint.	70 Bps ...	25 Bps.
International	35 Bps ...	$30,000 on each side of the NBB and NBO.	$150,000 on each side of the NBB and NBO within 0.75%.	For ETPs at or over a 250K 30-Day CADV, LMM must quote at NBBO 20% of time.	$30,000 on each side of the NBBO Midpoint.	$60,000 on each side of the NBBO Midpoint.	130 Bps	50 Bps.
Fixed Income	15 Bps ...	$45,000 on each side of the NBB and NBO.	$150,000 on each side of the NBB and NBO within 0.60%.		$40,000 on each side of the NBBO Midpoint.	$85,000 on each side of the NBBO Midpoint.	85 Bps ...	25 Bps.
Currencies	20 Bps ...	$40,000 on each side of the NBB and NBO.	$150,000 on each side of the NBB and NBO within 0.60%.		$40,000 on each side of the NBBO Midpoint.	$85,000 on each side of the NBBO Midpoint.	85 Bps ...	25 Bps.
Single Stock & Outcome Based.	50 Bps ...	$25,000 on each side of the NBB and NBO.	$150,000 on each side of the NBB and NBO within 1.00%.		$30,000 on each side of the NBBO Midpoint.	$60,000 on each side of the NBBO Midpoint.	125 Bps	30 Bps.
Commodities	30 Bps ...	$35,000 on each side of the NBB and NBO.	$150,000 on each side of the NBB and NBO within 0.80%.		$30,000 on each side of the NBBO Midpoint.	$65,000 on each side of the NBBO Midpoint.	100 Bps	30 Bps.
Other	100 Bps	$10,000 on each side of the NBB and NBO.	$150,000 on each side of the NBB and NBO within 1.50%.		$25,000 on each side of the NBBO Midpoint.	$50,000 on each side of the NBBO Midpoint.	200 Bps	100 Bps.

* As provided in the proposed Fee Schedule, ''CADV'' means consolidated average daily volume calculated as the average daily volume reported for a security by all exchanges and trade reporting facilities to a consolidated transaction reporting plan excluding volume on days when the market closes early and on the Russell Reconstitution Day.

PREMIER TIER

Asset class	Maximum LMM spread	Size near the inside (25 bps)	Layered depth	Time at NBBO	Opening auction depth (100 bps)	Closing auction depth (50 bps)	Auction reference price (opening)	Auction reference price (closing)
High Volume Products.	25 Bps ...	$80,000 on each side of the NBB and NBO.	$150,000 on each side of the NBB and NBO within 1.0%.	5.0%	$35,000 on each side of the NBBO Midpoint.	$80,000 on each side of the NBBO Midpoint.	75 Bps ...	35 Bps.
U.S. Equity	25 Bps ...	$45,000 on each side of the NBB and NBO.	$150,000 on each side of the NBB and NBO within 1.0%.	For ETPs with under 250K 30-Day CADV, LMM must quote at NBBO 35% of time.	$30,000 on each side of the NBBO Midpoint.	$65,000 on each side of the NBBO Midpoint.	80 Bps ...	35 Bps.
International	60 Bps ...	$30,000 on each side of the NBB and NBO.	$150,000 on each side of the NBB and NBO within 1.5%.	For ETPs with over 250K 30-Day CADV, LMM must quote at NBBO 10% of time.	$20,000 on each side of the NBBO Midpoint.	$40,000 on each side of the NBBO Midpoint.	150 Bps	75 Bps.
Fixed Income	25 Bps ...	$45,000 on each side of the NBB and NBO.	$150,000 on each side of the NBB and NBO within 1.0%.		$25,000 on each side of the NBBO Midpoint.	$60,000 on each side of the NBBO Midpoint.	100 Bps	35 Bps.
Currencies	30 Bps ...	$40,000 on each side of the NBB and NBO.	$150,000 on each side of the NBB and NBO within 1.0%.		$25,000 on each side of the NBBO Midpoint.	$60,000 on each side of the NBBO Midpoint.	100 Bps	35 Bps.
Single Stock & Outcome Based.	80 Bps ...	$25,000 on each side of the NBB and NBO.	$150,000 on each side of the NBB and NBO within 2.0%.		$20,000 on each side of the NBBO Midpoint.	$40,000 on each side of the NBBO Midpoint.	150 Bps	40 Bps.

PREMIER TIER—Continued

Asset class	Maximum LMM spread	Size near the inside (25 bps)	Layered depth	Time at NBBO	Opening auction depth (100 bps)	Closing auction depth (50 bps)	Auction reference price (opening)	Auction reference price (closing)
Commodities	45 Bps ...	$35,000 on each side of the NBB and NBO.	$150,000 on each side of the NBB and NBO within 1.0%.		$20,000 on each side of the NBBO Midpoint.	$45,000 on each side of the NBBO Midpoint.	120 Bps	40 Bps.
Other	110 Bps	$10,000 on each side of the NBB and NBO.	$150,000 on each side of the NBB and NBO within 2.5%.		$15,000 on each side of the NBBO Midpoint.	$30,000 on each side of the NBBO Midpoint.	225 Bps	150 Bps.

CORE TIER

Asset class	Maximum LMM spread	Size near the inside (25 bps)	Layered depth	Time at NBBO	Opening auction depth (100 bps)	Closing auction depth (50 bps)	Auction reference price	Auction reference price
High Volume Products.	50 Bps ...	$80,000 on each side of the NBB and NBO.	N/A	5.0%	$25,000 on each side of the NBBO Midpoint.	$50,000 on each side of the NBBO Midpoint.	90 Bps ...	50 Bps.
U.S. Equity	50 Bps ...	$45,000 on each side of the NBB and NBO.		For ETPs with under a 250K 30-Day CADV, LMM must quote at NBBO 30% of time.	$20,000 on each side of the NBBO Midpoint.	$40,000 on each side of the NBBO Midpoint.	100 Bps	50 Bps.
International	100 Bps	$30,000 on each side of the NBB and NBO.		For ETPs at or over a 250K 30-Day CADV, LMM must quote at NBBO 10% of time.	$10,000 on each side of the NBBO Midpoint.	$20,000 on each side of the NBBO Midpoint.	200 Bps	100 Bps.
Fixed Income	30 Bps ...	$45,000 on each side of the NBB and NBO.			$15,000 on each side of the NBBO Midpoint.	$35,000 on each side of the NBBO Midpoint.	150 Bps	50 Bps.
Currencies	35 bps ...	$40,000 on each side of the NBB and NBO.			$15,000 on each side of the NBBO Midpoint.	$30,000 on each side of the NBBO Midpoint.	150 Bps	50 Bps.
Single Stock & Outcome Based.	100 Bps	$25,000 on each side of the NBB and NBO.			$15,000 on each side of the NBBO Midpoint.	$20,000 on each side of the NBBO Midpoint.	180 Bps	50 Bps.
Commodities	60 Bps ...	$35,000 on each side of the NBB and NBO.			$15,000 on each side of the NBBO Midpoint.	$25,000 on each side of the NBBO Midpoint.	150 Bps	50 Bps.
Other	130 Bps	$10,000 on each side of the NBB and NBO.			$10,000 on each side of the NBBO Midpoint.	$20,000 on each side of the NBBO Midpoint.	300 Bps	200 Bps.

The Exchange will measure LMM performance on a daily basis. For each trading day, the Exchange will determine the number of Minimum Performance Standards that are satisfied by the LMM. For each category that an LMM meets for that particular trading day, the LMM will be considered by the Exchange to be a Performant LMM. LMMs will be considered Performant LMMs for each trading day during the months of September and October as the Exchange begins offering ETP listings and rolls out the LMM Program.

LMM Stipend Tiers

LMMs that meet the applicable Minimum Performance Standards for a particular ETP will be paid by the Exchange up to $278 per trading day for Signature Tier, up to $139 per trading day for Premier Tier, and $16 per trading day for Core Tier. As described above, the determination of whether an LMM is a Performant LMM [26] is done on a daily basis by the Exchange for each Minimum Performance Standard applicable to the tier and asset class (*e.g.,* an LMM can be a Performant LMM in one measurement and not in another and can be a Performant LMM on one day and not the next).

For Signature Tier and Premier Tier, an LMM is paid by the Exchange for each Minimum Performance Standard in which they are a Performant LMM. For example, where an LMM in Signature Tier (or Premier Tier) meets 4 of 8 Minimum Performance Standards, they are a Performant LMM in those 4 measurements and would thus receive from the Exchange a Daily Stipend as follows: (4/8) * $278 = $139. For Signature Tier, where an LMM is not a Performant LMM in any Minimum Performance Standard on a particular trading day, the Daily Stipend for that Minimum Performance Standard will be credited by the Exchange back to the issuer of the ETP in January of the following year and will only be applicable to the issuer's listing fees for that year, regardless of whether they remain listed on Signature Tier or if they change to another tier. Any unused credit during that year will be forfeited. For example, where an issuer is credited by the Exchange for a non-Performant LMM during 2026, the issuer will receive the credit in January 2027 and such credit will apply to the issuer's listing fees for 2027. For Core Tier, an LMM must be a Performant LMM in all applicable measurements on a given trading day in order to receive from the Exchange the Daily Stipend.

[26] As defined in the proposed Fee Schedule, ''Performant LMM'' means an LMM that meets a particular Minimum Performance Standard for a trading day.

Consistency With FINRA Rule 5250 and Regulation M

FINRA Rule 5250 (Payments for Market Making) generally prohibits a FINRA member or associated person from accepting payment or other consideration, directly or indirectly, from an issuer or its affiliates and promoters, for publishing a quotation, acting as a market maker or submitting an application in connection therewith. FINRA Rule 5250 is designed to preserve the integrity of the marketplace by ensuring that quotations accurately reflect a broker-dealer's interest in buying or selling a security and that the decision by a firm to make a market in a given security should not be influenced by payments to FINRA members from issuers or promoters.[27]

FINRA Rule 5250(b)(3) provides an exception for any payment expressly provided for under the rules of a national securities exchange to accommodate exchange market maker incentive programs for ETPs (including the Exchange's prior market quality program).[28] Under these incentive programs, the exchanges could make payments to market makers that were funded through additional fees paid by participating issuers.[29] In SR–FINRA–2013–020, FINRA stated that where a market maker payment is provided for under the rules of an exchange that are effective after being filed with, or filed with and approved by, the SEC, comity should be afforded to such exchange rulemaking and the payment should not be prohibited under Rule FINRA 5250.[30] FINRA further stated that comparable prior programs [31] contained features that mitigate the concerns underlying FINRA Rule 5250, including that the program terms were objective, clear, and transparent and included disclosure requirements to help alert and educate potential and existing investors about the program.[32] The Exchange believes that the proposed LMM Program falls squarely within the FINRA Rule 5250(b)(3). The incentives are expressly provided for under the Exchange's fee schedule, which will be effective after being filed with the SEC pursuant to the requirements of the Exchange Act. In addition, the LMM Program has the same features that FINRA identified as mitigating the concerns underlying FINRA Rule 5250. The LMM Program is rules-based, objective, clear, and transparent. Accordingly, the Exchange does not believe that the proposed LMM Program raises concerns under FINRA Rule 5250.

Rule 102 of Regulation M prohibits an issuer from directly or indirectly attempting ''to induce any person to bid for or purchase, a covered security during the applicable restricted period'' unless an exemption is available.[33] The Exchange has considered whether the LMM Program, under which the annual listing fee paid by an issuer is credited to the Exchange's general revenues and used to offset the costs of the daily stipends paid to the LMM, could be viewed as an indirect attempt by an issuer to induce bidding or purchasing under Rule 102.

With respect to securities that are registered under the Investment Company Act of 1940 (''1940 Act'') and listed on TXSE, the Exchange notes that these products are exempt from Rule 102 pursuant to Rule 102(d)(4), which provides that Rule 102 shall not apply to redeemable securities issued by an open-end management investment company or a unit investment trust.[34] Accordingly, the LMM Program does not implicate Rule 102 with respect to the foregoing ETPs, which constitute the substantial majority of U.S ETPs eligible to participate in the LMM Program.

With respect to securities that are not registered under the 1940 Act and listed on TXSE, the Exchange does not believe that the LMM Program implicates the concerns underlying Rule 102 for the following reasons.

First, the derivative and open-ended nature of many of the non-1940 Act ETPs eligible to participate in the LMM Program would allow for transparent intrinsic intraday pricing. As such, the Exchange does not believe that such products would lend themselves to the type of market manipulation that Rule 102 was designed to prevent. The Exchange notes that the Commission and its staff have previously granted relief from Rule 102 to a number of ETPs (''Prior Relief'') in order to permit the operation of such ETPs.[35] In granting the Prior Relief, the Commission has relied in part on the exclusion from the provisions of Rule 102 provided by paragraph (d)(4) of Rule 102 for securities issued by an open-end management investment company or unit investment trust. In granting the Prior Relief from Rule 102 to other types of ETPs for which the (d)(4) exception is not available (*i.e.,* non-1940 Act ETPs), the staff has relied on (i) representations that the fund in question would continuously redeem ETP shares in basket-size aggregations at their net asset value (''NAV'') and that there should be little disparity between the market price of an ETP share and the NAV per share and (ii) a finding that ''[t]he creation, redemption, and secondary market transactions in [shares] do not appear to result in the abuses that . . . Rules 101 and 102 of Regulation M . . . were designed to prevent.'' [36] The crux of the Commission's findings in granting the Prior Relief rests on the premise that the prices of ETP shares closely track their per-share NAVs. Given that the proposed LMM Program neither alters the derivative pricing nature of ETPs nor impacts the arbitrage opportunities inherent therein, the conclusion on which the Prior Relief is based remains unaffected by the LMM Program. In this regard, most ETPs that would be eligible to participate in the LMM Program would have previously been granted relief from Rule 102.

Second, the LMM Program requires, among other things, that the LMM make two-sided quotes and not just bids. It is not intended to raise ETP prices but rather to improve market quality. In light of the derivative nature of ETPs described above, the Exchange does not expect that ETPs participating in the LMM Program would quote outside of the normal ranges. Specifically, the transparent nature of many ETPs' portfolio composition as well as their accessibility and the elasticity of shares outstanding contribute to an arbitrage process that will lead to executions of orders of many ETPs priced at or near their NAVs. If and when a quote is priced beyond the intrinsic value of an ETP, an arbitrage opportunity can arise, and market participants will arbitrage

[27] *See* Securities Exchange Act Release No. 60066 (June 8, 2009), 74 FR 28308 (June 15, 2009) (SR–FINRA2009–36). *See also* Securities Exchange Act Release No. 38812 (July 3, 1997), 62 FR 37105 (July 10, 1997) (SR–NASD–97–29) (order approving NASD Rule 2460, predecessor to FINRA Rule 5250).

[28] FINRA amended FINRA Rule 5250 in 2013 to adopt this exception. See Securities Exchange Act Release No. 69398 (April 18, 2013), 78 FR 24261 (April 24, 2013) (SR–FINRA–2013–020). See also FINRA Regulatory Notice 20–03, available at: *https://www.finra.org/rules-guidance/notices/20-03.*

[29] *See, e.g.,* Securities Exchange Act Release Nos. 69195 (March 20, 2013), 78 FR 18393 (March 26, 2013) (SR–NASDAQ–2012–137); 69706 (June 6, 2013), 78 FR 35340 (June 12, 2013) (SR–NYSEArca–2013–34); and 72692 (July 28, 2014), 79 FR 44908 (SR–BATS–2014–022).

[30] *See* SR–FINRA–2013–020 at 24262.

[31] *See* Securities Exchange Act Release Nos. 69195 (March 20, 2013), 78 FR 18393 (March 26, 2013) (SRNASDAQ–2012–137); 69706 (June 6, 2013), 78 FR 35340 (June 12, 2013) (SR–NYSEArca-2013–34); and 72692 (July 28, 2014), 79 FR 44908 (SR–BATS–2014–022).

[32] *See id.*

[33] 17 CFR 242.102.

[34] 17 CFR 242.102(d)(4).

[35] *See, e.g.,* Class Relief for Exchange Traded Index Funds, SEC No-Action Letter (October 24, 2006); Commodity-based Investment Vehicles Class Letter, SEC No-Action Letter (June 21, 2006); and iPath Securities—Exchange-Traded Notes, SEC No-Action Letter (July 27, 2006).

[36] *See* Commodity-based Investment Vehicles Class Letter, SEC No-Action Letter (June 21, 2006).

such spread until price equilibrium is restored. Accordingly, the LMM Program would not create any incentive for an LMM to quote outside of the normal quoting ranges for these products as a result of the daily stipend, but rather would quote within their normal ranges as determined by market factors.

In light of the pricing mechanisms of ETPs and the structural safeguards of the LMM Program, the Exchange does not believe that the proposed LMM Program implicates the concerns underlying Rule 102 of Regulation M with respect to any securities eligible to participate in the program.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[37] in general, and furthers the objectives of Section 6(b)(5)[38] 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[39] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers as well as Section 6(b)(4)[40] as it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. The Exchange also believes that the proposed LMM Program is consistent with Section 6(b)(5) of the Act because it is designed to enhance market quality and liquidity in Exchange-listed ETPs.

The Exchange believes that the proposed rule change, which establishes three ETP listing tiers with progressively higher Minimum Performance Standards applied and measured by the Exchange and Daily Stipends paid by the Exchange, is consistent with Section 6(b)(5) of the Act in that it provides issuers with the flexibility to choose the proper listing tier and liquidity support at the right time based on the product's underlying asset class, time at market, average daily trading volume, and assets under management, among other factors. The Exchange believes that prevailing listing economics across the industry leave issuers without the tools necessary to support their varied product lineups and are not sufficient to support the provision of quality liquidity in many listed ETPs. Listing fees at the largest venues have been driven to levels insufficient to fund liquidity programs that cover a market maker's basic inventory, hedging, and capital costs, producing a cross-subsidy in which a small number of high-volume ETPs effectively underwrite the listing economics of a much larger population of products. The Exchange believes that this model contributes to insufficient incentives to provide liquidity in many ETPs and difficulty securing lead market makers, the cost of which is ultimately borne by investors. The continued growth of the U.S. ETP market to more than 5,000 listed products with over 1,000 launched in the past twelve months alone, has compounded these strains and made the misalignment between listing economics and the cost of quality liquidity more acute across the listed product landscape.

The Exchange believes that the proposed rule change is designed to address these concerns directly. By establishing three fee tiers, each paired with Minimum Performance Standards applied and measured by the Exchange and Daily Stipends paid by the Exchange that scale with each tier, the proposal allows ETP issuers to select the tier most appropriate for its product and ensures that the corresponding listing economics are sufficient to support that commitment. The Exchange believes that providing issuers with a transparent choice among differentiated tiers rather than a single offering promotes innovation and competition among listing venues, gives fund boards a meaningfully differentiated option to consider in discharging their fiduciary obligations to shareholders, and aligns market maker compensation with the market quality standards they are expected to meet. The Exchange further believes that the proposal expands the set of tools available to issuers seeking to improve the trading experience of their investors, allowing each issuer to elect the tier best suited to its product and shareholders, consistent with the protection of investors and the public interest under Section 6(b)(5) of the Act.

The Exchange believes that segmenting the Minimum Performance Standards into asset classes is consistent with Section 6(b)(5) of the Act and is in line with how market makers take on and quote ETPs. Different asset classes—including High Volume Products, U.S. Equity, International, Fixed Income, Currencies, Single Stock & Outcome Based, Commodities, and Other—have distinct trading characteristics, liquidity profiles, and market dynamics that affect how market makers can effectively provide liquidity. By tailoring the performance standards to reflect these differences, the Exchange believes that aligning asset classes with respective quoting obligations will result in more correlated market making support to the ETPs that fall in each asset class. This approach promotes just and equitable principles of trade by establishing performance standards that are appropriately calibrated to the unique characteristics of each asset class, which in turn enhances liquidity provision and market quality for investors trading in these securities.

The Exchange believes that it is also consistent with the Act to require an LMM for Core Tier ETPs to be a Performant LMM in all of the Minimum Performance Standards in order to receive the Daily Stipend from the Exchange because Core Tier has the least burdensome Minimum Performance Standards and represents a baseline for liquidity provision for ETPs. The Exchange also notes that the Minimum Performance Standards are evaluated on a daily basis and that failure to qualify for the Daily Stipend from the Exchange one day will only apply to that single day, allowing the LMM to meet all of the Minimum Performance Standards and receive the Daily Stipend from the Exchange on any subsequent days. Further, the proposed LMM Program will be applied equally to all LMMs and issuers and both LMMs and issuers will understand the requirements to receive the Daily Stipend from the Exchange as part of their participation in the LMM Program.

The Exchange believes that it is consistent with the Act for the Exchange to provide Daily Stipends based on individual Minimum Performance Standards for the Signature and Premier Tiers because they represent heightened standards that are more difficult for LMMs to meet. The Exchange providing the Daily Stipend based on the number of Minimum Performance Standards that an LMM meets will incentivize issuers to continue to provide intraday liquidity in ETPs even where there are certain Minimum Performance Standards that they may not meet for a given day. This incentivizes more consistent liquidity, especially on

[37] 15 U.S.C. 78f(b).

[38] 15 U.S.C. 78f(b)(5).

[39] 15 U.S.C. 78f(b)(5).

[40] 15 U.S.C. 78f(b)(4).

particularly volatile trading days, rather than having an LMM withdraw completely when they realize that they will fail to be a Performant LMM in one Minimum Performance Standard to the benefit of investors and other market participants. The Exchange also believes that it is consistent with the Act to provide a credit to Signature Tier issuers applicable to their listing fees where an LMM does not receive a Daily Stipend from the Exchange. Under the Signature Tier, both the listing fee and the Minimum Performance Standards are the highest of any ETP listing exchange and, while the Exchange is confident in its LMM Program, the listing fees and quoting standards model has not yet been proven. Providing credit where Minimum Performance Standards are not met will provide issuers with the backstop of knowing that to the extent that the assigned LMM does not meet Minimum Performance Standards, they will receive a listing credit if the LMM Program does not have the desired effect. As noted above, the credit is only applicable to the issuer's listing fees in the following year. The Exchange believes that it is not unfairly discriminatory to provide a credit only to Signature Tier issuers for the same general reasons—both the listing fee and the Minimum Performance Standards are the highest of any ETP listing exchange. Providing a backstop for issuers that choose Signature Tier will help to prove that model while other exchanges already have ETP listing fees comparable to those for the Premier and Core Tiers.

The Exchange also believes that it is consistent with the Act to allow issuers to change their listing tier each year. This will allow issuers to dial up or dial down liquidity support as needed based on where the ETP is in its life cycle and the underlying asset, including the time at market, assets under management, and natural liquidity support for the product. The issuer must determine, both at listing and on an ongoing basis, the proper listing tier for a particular product in order to ensure sufficient liquidity support for the ETP. As noted above, the Core Tier is generally consistent with the liquidity programs at the other three largest ETP listing venues, and the Exchange expects similar liquidity support for Core Tier products as on those venues. The Exchange notes that the differences in listing fees and liquidity programs at each listing venue are effectively different tiers with different levels of liquidity support that an issuer is choosing to list a particular ETP on. ETPs frequently transfer between primary listing venues, including to and from New York Stock Exchange LLC's more expensive offering with higher liquidity incentives.[41] The Exchange believes that moving between tiers on the Exchange would be comparable to such a transfer.

Finally, for the reasons stated above, the Exchange believes that the LMM Program is designed to mitigate the risks and concerns that FINRA Rule 5250 addresses and that the LMM Program does not implicate the concerns underlying Rule 102 of Regulation M.

(B) *Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. Rather, the Exchange believes the proposed rule change will enhance competition among exchanges for ETP listings and among liquidity providers to participate as Lead Market Makers on the Exchange.

The Exchange does not believe the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed multiple tiers are available equally to all issuers and issuers are able to select the tier most appropriate for a particular ETP at a particular time. The proposed tiers for Minimum Performance Standards apply equally to all LMMs that choose to participate in the LMM Program and an LMM will know the Minimum Performance Standards applicable for a particular ETP in advance of their registration as an LMM for the security. All LMMs have the opportunity to qualify to receive the Daily Stipend from the Exchange by meeting the Minimum Performance Standards, and the standards are transparent and objective. The Exchange notes that participation in the LMM Program is voluntary, and market makers can choose whether to participate based on their assessment of whether they can meet the applicable Minimum Performance Standards as applied and measured by the Exchange and whether the Daily Stipends from the Exchange are attractive relative to their costs.

Similarly, the proposed asset class specific Minimum Performance Standards do not impose a burden on intramarket competition because it reflects the different characteristics and trading dynamics of various ETP types. LMMs specializing in different asset classes face different operational requirements and market conditions, and the tailored standards recognize these differences rather than creating competitive advantages or disadvantages. An LMM's ability to meet the standards for any particular asset class depends on its operational capabilities and market making strategies, which are within the control of each market participant.

The Exchange does not believe the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive market in which market participants can readily direct their business to competing venues if they deem fee levels, incentive programs, or other factors at a particular venue to be insufficient or excessive. The proposed LMM Program is designed to attract and retain LMMs by offering competitive incentives in exchange for meeting performance standards that enhance market quality.

To the extent the proposed rule change makes the Exchange's LMM Program more attractive to market makers or issuers, any resulting competitive impact would be the result of the Exchange's competitive pricing and program design, which is appropriate and consistent with the Act. Other exchanges are free to adopt similar or different LMM programs and incentive structures to compete for market maker participation and issuer listings. The Exchange believes that competition among venues for LMM participation and listings benefits investors by encouraging exchanges to develop programs that promote liquidity and market quality.

Furthermore, the proposed rule change may enhance intermarket competition by encouraging other exchanges to evaluate and potentially improve their own LMM programs. This type of competitive dynamic promotes innovation and improvement in market structure, which ultimately benefits investors and the broader market ecosystem.

The Exchange also notes that the proposed Minimum Performance Standards are designed to enhance liquidity in Exchange-listed ETPs, which benefits all market participants regardless of where they choose to trade.

[41] The Exchange notes that the New York Stock Exchange LLC (''NYSE'') also offers ETP listings and charges a higher annual fee with higher payouts to market makers, charging a minimum of $25,000 annually per ETP and paying out as much as $48,000 annually to market makers plus a one-time incentive for DMMs of up to $60,000. *See* New York Stock Exchange Price List 2026 at 13. *https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf.*

Improved liquidity and tighter spreads resulting from the enhanced LMM Program contribute to better price discovery and more efficient markets across all trading venues, as the benefits of improved market quality are not limited to the Exchange's platform. For these reasons, the Exchange does not believe the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(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) of the Act [42] and Rule 19b–4(f)(2) [43] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings 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 proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–TXSE–2026–030 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–2026–030. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of 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–2026–030 and should be submitted on or before October 22, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[44]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20071 Filed 9–30–26; 8:45 am]

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[42] 15 U.S.C. 78s(b)(3)(A).

[43] 17 CFR 240.19b–4(f)(2).

[44] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0441]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 18f–3

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 soliciting comments on the proposed collection of information summarized below. Rule 18f–3 (17 CFR 270.18f–3) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) exempts from sections 18(f)(1) and 18(f)(i), a fund that issues multiple classes of shares representing interests in the same portfolio of securities (a ''multiple class fund'') if the fund satisfies the conditions of the rule. In general, each class must differ in its arrangement for shareholder services or distribution or both, must pay the related expenses of that different arrangement, and must satisfy certain voting rights provisions.

The rule includes one requirement for the collection of information. A multiple class fund must prepare, and fund directors must approve, a written plan setting forth the separate arrangement and expense allocation of each class, and any related conversion features or exchange privileges (''rule 18f–3 plan''). Approval of the plan must occur before the fund issues any shares of multiple classes and whenever the fund materially amends the plan. In approving the plan, the fund board, including a majority of the independent directors, must determine that the plan is in the best interests of each class and the fund as a whole.

The requirement that the fund prepare, and directors approve, a written rule 18f–3 plan is intended to ensure that the fund compiles information relevant to the fairness of the separate arrangement and expense allocation for each class, and that directors review and approve the information. Without a blueprint that highlights material differences among classes, directors might not perceive potential conflicts of interests when they determine whether the plan is in the best interests of each class and the fund. In addition, the plan may be useful to Commission staff in reviewing the fund's compliance with the rule.

The following estimates of average burden hours are made solely for purposes of the Paperwork Reduction Act of 1995 [1] and are not derived from a comprehensive or even representative survey or study of the cost of Commission rules and forms. Compliance with the information collection requirements of rule 18f–3 is necessary to obtain the benefit of the rule's exemption. Responses to the collection of information requirements will not be kept confidential.

[1] 44 U.S.C. 3501 *et seq.*

TABLE 1—RULE 18f–3 PRA ESTIMATES

	Internal annual burden	Wage rate [1]		Internal time costs
Estimates for Rule 18f–3				
Prepare and approve a written 18f–3 plan [2] ..	6 hours [3].			
Average number of responses annually per registrant.	0.5 responses [3].			
Total number of hours per registrant per year [4].	3 hours [3]	$744 (in-house attorney).	$12,186 (fund board of directors) [6].	$1,333,248 (in-house attorney), $10,918,656 (board of directors).[7]
Total number of registrants	896 [4].			
Total annual hour burden	2,688 hours [5]	.....	.....	$12,251,904.[8]

Notes:

1. To calculate the occupational hourly rates used in this release, the Commission uses occupational mean hourly wage data from the Occupational Employment and Wage Statistics (OEWS) program of the Bureau of Labor Statistics (BLS) for ''Securities, Commodity Contracts, and Other Financial Investments and Related Activities'' (NAICS 523). See Occupational Employment and Wage Statistics, U.S. BUREAU OF LABOR STATISTICS, *https://www.bls.gov/oes/;* see also Standard Occupational Classification, U.S. BUREAU OF LABOR STATISTICS, *https://www.bls.gov/soc/* (describing occupational classification system used by BLS); EXEC. OFF. OF THE PRESIDENT, OFF. OF MGMT. & BUDGET, NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (2022), available at *https://www.census.gov/naics/reference_files_tools/2022_NAICS_Manual.pdf* (describing the industry classification system used by BLS and other agencies). The mean hourly wage for each occupation is adjusted for changes in the seasonally adjusted employment cost index for private wages and salaries between the data reference period and when the data are released by BLS. See Employment Cost Index, U.S. BUREAU OF LABOR STATISTICS, *https://www.bls.gov/eci/.* The adjusted mean hourly wage is then multiplied by a factor that accounts for nonwage costs borne by employers, such as bonuses, benefits, and overhead. This factor is calculated as an average over the 10 most recently available years of data of the ratio of the Bureau of Economic Analysis's annual gross output data for NAICS 523 to total annual wages across all occupations for NAICS 523 in the OEWS data. See Gross Output by Industry, U.S. BUREAU OF ECONOMIC ANALYSIS, *https://www.bea.gov/data/industries/gross-output-by-industry;* Occupational Employment and Wage Statistics, U.S. BUREAU OF LABOR STATISTICS, *https://www.bls.gov/oes/.* The final product is the occupational hourly rate. See generally UPDATED METHODOLOGY FOR CALCULATING OCCUPATIONAL HOURLY RATES (Dec. 19, 2025), available at *https://www.sec.gov/files/method-occupational-hourly-rates.pdf.*

2. The Commission estimates that each registrant prepares and approves a rule 18f–3 plan every two years when issuing a new fund or fund class or amending a plan (or that 448 of all 896 registrants prepare and approve a plan each year).

3. This estimate assumes that each response will take 6 hours, requiring 3 hours per registrant per year (0.5 responses per registrant × 6 hours per response = 3 hours per registrant).

4. The Commission estimates that there are approximately 6,221 multiple class funds offered by 896 registrants.

5. 896 registrants × 3 hours = 2,688 hours.

6. To estimate the $12,186 hourly rate for a fund board of directors, Commission staff used an occupational hourly rate of $1,354 for Chief Executives to estimate the hourly rate for a single director and assumed an average of 9 directors per board.

7. This estimate assumes that two-thirds (1,792) of the internal hours are spent by in-house attorneys to prepare the plan (1,792 hours × $744 estimated hourly rate = $1,333,248 per year) and that one-third (896) are spent by the fund's board of directors to approve the plan (896 hours × $12,186 per hour = $10,918,656).

8. $1,333,248 + $10,918,656 = $12,251,904.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC's estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the 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, electronic collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to *PaperworkReductionAct@sec.gov* by November 30, 2026.

Dated: September 29, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20148 Filed 9–30–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106516; File No. SR–CMESC–2026–006]

Self-Regulatory Organizations; CME Securities Clearing Inc.; Order Approving Proposed Rule Change To amend the CMESC Stress Testing & Guaranty Fund Sizing Policy and Proposed Amendments to Rule 402(b)

September 28, 2026.

I. Introduction

On August 6, 2026, CME Securities Clearing Inc. (''CMESC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–CMESC–2026–006 (''Proposed Rule Change''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Exchange Act'') [1] and Rule 19b–4 [2] thereunder. The Proposed Rule Change would amend the CMESC Stress Testing & Guaranty Fund Sizing Policy (or the ''Policy'') [3] and amend Rule 402(b) of the CMESC Rulebook (''CMESC Rules'').[4] The proposed rule change was published for comment in the **Federal Register** on August 18, 2026.[5] The Commission has received no comments on the changes proposed. For the reasons discussed below, the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As part of the Proposed Rule Change, CMESC filed, as Exhibit 5b, changes proposed to the Policy. Pursuant to 17 CFR 240.24b–2, CMESC requested confidential treatment of the Exhibit 5b.

[4] The CMESC Rules are *available at https://www.cmegroup.com/rulebook/CMESC/CMESC%20Rulebook.pdf.* Terms not otherwise defined herein are defined in the CMESC Rules or in the Proposed Rule Change.

[5] Securities Exchange Act Release No. 106131 (Aug. 13, 2026), 91 FR 53469 (Aug. 18, 2026) (File No. SR–CMESC–2026–006) (''Notice of Filing'').

Commission is approving the proposed rule change.

II. Background

Under the Policy, CMESC states that it performs stress testing to estimate its exposures to participants that could result from the realization of potential stress scenarios, such as extreme price changes, multiple defaults, or changes in other valuation inputs and assumptions.[6] CMESC states that the Policy provides that stress scenarios are built using historical and hypothetical market moves.[7] CMESC further states that it uses identical stress scenarios for purposes of credit stress testing and liquidity stress testing to ensure that CMESC has adequate resources to manage its credit risk and liquidity risk in extreme but plausible market conditions.[8]

CMESC states that it currently uses the stress testing methodology to size and maintain its Guaranty Fund.[9] Specifically, the Guaranty Fund is sized to cover an amount at least equal to the largest theoretical loss to CMESC in excess of initial margin resulting from the default of two member families (the ''cover two standard'').[10] In determining the largest theoretical loss resulting from the default of two member families, CMESC measures the largest net debtor amount (''LND'') at the Member Family-level, covering Member Accounts and the User Accounts of a predefined number of Users with the largest credit exposures at each Member.[11] Under CMESC Rules, CMESC may maintain the Guaranty Fund size at an amount larger than the cover two standard, with a buffer based on CMESC's assessment of the cover two amounts, volatility in the market, or for other reasons, in order to better ensure that the Guaranty Fund meets the cover two standard between official calculations and to prevent significant fluctuations of Members' Required Guaranty Fund Contributions.[12]

Under CMESC Rules, a member's Required Guaranty Fund Contribution is calculated based on each Member's proportionate share of the aggregate Required Guaranty Fund Contribution and subject to a ten million dollar minimum contribution amount.[13] CMESC states that the Policy provides the allocation of the Guaranty Fund to determine each Member's Required Guaranty Fund Contribution amount be based on each member's relative LND and its gross notional at a weight of 90% and 10%, respectively.[14]

III. Description of the Proposed Rule Change

CMESC proposes to amend the Policy to: (i) provide greater detail in the description of its scenarios for stress testing, including the historical and hypothetical stress scenarios it will employ for credit stress testing and liquidity stress testing; (ii) provide further explanation of the rationale for CMESC's methodology for sizing the Guaranty Fund and the rationale for how Member contributions to the Guaranty Fund are allocated, particularly regarding the weighted components on which allocation of Members' contributions to the Guaranty Fund are based; and (iii) make other minor changes to add clarity and improve accuracy and readability of the Policy.[15] Further, CMESC proposes to modify existing Rule 402(b) to clarify and align the description of the Guaranty Fund allocation process across its documentation.[16] Each of the proposed changes is described in more detail below.

1. Proposed Amendments to the Description of the Stress Scenarios

First, the Proposed Rule Change would propose changes in the introductory paragraph of Section 4.1 to clarify that the historical and hypothetical market moves CMESC uses to build historical and hypothetical scenarios are designed to represent extreme but plausible market conditions. CMESC states that this clarification ensures the Policy language is aligned with the requirements in Rule 17ad17ad–22(e)(4)(iii) and 17ad–22(e)(7)(i) that stress scenarios contemplate ''extreme but plausible market conditions.'' [17]

Second, the Proposed Rule Change would identify ''historical'' and ''hypothetical'' as two categories of stress scenarios in Section 4.1 by separating them into two subparagraphs and supplementing the existing descriptions for each category. With respect to the historical category of stress scenarios, the Proposed Rule Change would clarify the process by which specific dates are selected and captured within historical scenarios, *i.e.,* through both quantitative and qualitative evaluation methodologies. The Proposed Rule Change would further propose to retain the current reference to ''market behavior'' in the Policy and to remove the existing reference to ''observed and projected'' market behavior. CMESC states that removing the terms ''observed and projected'' makes the distinction between historical and hypothetical scenarios clearer.[18]

With respect to the hypothetical category of stress scenarios, the Proposed Rule Change would amend its existing description of hypothetical scenarios to clarify that hypothetical scenarios will include theoretically driven scenarios. The Proposed Rule Change further clarifies that hypothetical scenarios shall not include potential event-driven scenarios, as event-driven scenarios are proposed to be reclassified and recategorized as a distinct type of historical scenarios pursuant to CMESC's other proposed amendments to Section 4.1 that are discussed in greater detail below.

Third, the Proposed Rule Change would add new text to Section 4.1 that describes how stress shocks applied within the stress testing methodology are designed to capture different interest rate environments. Specifically, the Proposed Rule Change would add new text that will explain that in order to capture the effect of different interest rate environments, the shocks that are calculated will be based upon varying return types.

Fourth, the Proposed Rule Change would recategorize and rename the three existing categories of stress scenarios set forth in Table 1 (Stress Scenario Categories as reflected in the proposed amendments) of the Policy into the following three categories: (i) ''Historical: Risk Factor Shocks'' scenarios, (ii) ''Historical: Event-Driven'' scenarios, and (iii) ''Hypothetical'' scenarios. Further, the Proposed Rule Change would change the description of the new stress scenarios in Table 1, discussed in greater detail below. CMESC states that these proposed changes to Table 1 are intended to provide greater clarity regarding CMESC's stress testing methodology.[19]

Historical: Risk Factor Shocks Scenarios

The Proposed Rule Change would make several changes to Table 1 for the ''Historical'' scenario category. First, the

[6] *See* Notice of Filing, *supra* note 5, at 53469.

[7] *Id.*

[8] *See* Notice of Filing, *supra* note 5, at 53470.

[9] *See* Notice of Filing, *supra* note 5, at 53469.

[10] *See* CMESC Rule 402(a), *supra* note 4.

[11] *See* Notice of Filing, *supra* note 5, at 53471.

[12] *See* CMESC Rule 402(a), *supra* note 4.

[13] *See* CMESC Rule 402(b), *supra* note 4. CMESC states that each Member's Required Guaranty Fund Contribution is calculated as the greater of two amounts: (1) a minimum contribution requirement of ten million dollars, or (2) the Member's proportionate share of the Guaranty Fund. *See* Notice of Filing, *supra* note 5, at 53471.

[14] *See* Notice of Filing, *supra* note 5, at 53471.

[15] *See* Notice of Filing, *supra* note 5, at 53469.

[16] *Id.*

[17] *Id.*

[18] *Id.*

[19] *Id.*

Proposed Rule Change would rename the category, designated as ''Historical: Risk Factor Shocks,'' separate from Historical Event-Driven Shocks as described below. CMESC states that the renamed the Historical: Risk Factor Shocks category will include additional information on the risk factors considered in defining historical scenarios based on risk factor shocks.[20]

Second, the Proposed Rule Change would delete and replace the existing description of historical scenarios to include those based on a systematic application of quantitative filters across available risk factor curves relevant to U.S. Treasury securities, including but not limited to the on-the-run curve, the off-the-run curve, and the repo curve, over a defined lookback period. Third, the current Policy provides that historical dates that exhibit the largest curve movements are to be considered as constituting historical scenarios. The Proposed Rule Change would remove the term ''curve'' from the preceding sentence. CMESC states that the word ''curve'' is unnecessarily limiting given CMESC's consideration of other types of movements in crafting historical scenarios.[21]

Fourth, Table 1 of the current Policy describes the various risk factors that may be considered by CMESC in identifying the largest curvature movements for purposes of establishing historical scenarios. The Proposed Rule Change would include additional information regarding the specific risk factors considered in defining historical scenarios based upon risk factor shocks. Using the defined risk factor curves referenced above, CMESC would identify historical dates that exhibit the largest movements. Further, the Proposed Rule Change would characterize such identified historical dates as historical scenarios that capture three distinct types of market scenarios: (i) such scenarios that capture the largest upward and downward movements for defined tenors on the applicable curves, which would be designated as ''individual tenor shocks''; (ii) such scenarios that capture structural shifts across the curves, which would be designated as ''yield curve shape shocks''; and (iii) such scenarios that capture uncorrelated risk factors that are identified using Principal Component Analysis (''PCA''), to explain the majority of yield curve variances, which would be designated as ''statistical risk identification.''

Fifth, within the yield curve shape shocks stress scenario, the Proposed Rule Change would make changes to identify and describe the types of shifts and movements that are considered across different risk factor curves, including parallel shifts, slope movements, and curvature movements.

Sixth, the Proposed Rule Change would define the specific tenors for the risk factor curves that are currently being contemplated to be used to identify the yield curve movements, while recognizing that the defined tenors may change from time to time.

Seventh, regarding the application of PCA, the Proposed Rule Change would make changes to highlight that CMESC identifies specific historical dates that have statistically extreme results for the defined components.

Historical: Event-Driven Scenarios

The Proposed Rule Change would make several changes to Table 1 for the ''Event-Driven'' scenario category. First, the Proposed Rule Change would make changes to refer to event-driven scenarios as a type of historical scenario by renaming the event-driven scenario category as the ''Historical: Event-Driven'' scenario. CMESC states that the current Policy already accounts for this treatment of event-driven scenarios and already includes the consideration of historical scenarios designed to capture the effects of major historical event shocks as stress scenarios.[22]

Second, the Proposed Rule Change would clarify that the inclusion of event-driven scenarios such as significant Federal Reserve rate adjustments are designed to ensure that realized market dislocations are appropriately captured in CMESC's stress testing methodology, including those that fall outside the lookback period.

Third, the Proposed Rule Change would make additional amendments regarding the historical nature of event-driven scenarios. CMESC states that these additional amendments are proposed to support readability and clarity without changing the construct of the scenarios themselves.[23]

Hypothetical Scenarios

The Proposed Rule Change would make several changes to Table 1 for the ''Hypothetical—Principal Component Analysis (''PCA'')'' scenario category. First, the Proposed Rule Change would strike the reference to ''Principal Component Analysis ('PCA')'' from the name of the scenario category, designating this category as ''Hypothetical.'' CMESC states that this change would emphasize that hypothetical scenarios are theoretically driven to capture potential future events with no direct historical precedent.[24]

Second, the Proposed Rule Change would remove references that characterize hypothetical scenarios as being event-driven.

Third, the Proposed Rule Change would outline in greater detail how CMESC will construct hypothetical scenarios, which includes using a systemic combination of principal components determined through PCA to generate a comprehensive set of extreme by plausible market shocks. Further, the Proposed Rule Change would make changes to specify that the determination of component variances will consider two business days of interest rate changes and detail how CMESC selects the number of principal components to simulate curvature shifts. The Proposed Rule Change would make changes to state that CMESC will ultimately create the scenarios derived from PCA by using a combination of PCA scores for the largest factors.

Fourth, the Proposed Rule Change would further specify that CMESC will apply plausibility thresholds (defined at the tenor level based on historical data) designed to ensure the PCA-generated scenario shocks remain extreme but plausible.

Fifth, the Proposed Rule Change would make changes designed to promote consistency across U.S. Treasury curves within the hypothetical scenario shocks scenario category. CMESC states that these steps are designed to recognize the relationships between relevant U.S. Treasury curves (including the repo curve) within the hypothetical scenario shocks, using appropriate adjustments or returns as appropriate.[25]

2. Proposed Amendments to the Explanation and Description of the Guaranty Fund

Proposed Amendments to the Explanation of Guaranty Fund Sizing

The Proposed Rule Change would amend several footnotes located in Section 5 of the Policy. First, the Proposed Rule Change would amend an existing footnote in Section 5 of the Policy to further clarify the applicability of the defined term ''Member Family'' to the stress testing of CMESC's financial resources. Second, the Proposed Rule Change would add a new footnote to

[20] *Id.*

[21] *Id.*

[22] *Id.*

[23] *See* Notice of Filing, *supra* note 5, at 53471.

[24] *Id.* CMESC also states that despite the term ''PCA'' being removed from the name of the category, PCA will continue to be used to determine hypothetical scenarios. *Id.*

[25] *See* Notice of Filing, *supra* note 5, at 53471.

Section 5.2.1 of the Policy. This footnote pertains to the Guaranty Fund sizing formula to clarify the rationale underpinning CMESC's selection of the number of Users (*i.e.,* the number of User Accounts) that are considered in determining the cover two shortfall. The proposed footnote further describes that the number of Users is determined by CMESC's risk management team to capture the number of Users that may be in Default if their Member were to Default under extreme by plausible market conditions. CMESC states that the clarifying footnote reflects with what is currently provided in the CMESC Risk Management Framework.[26] CMESC further states that the addition of this footnote to Section 5.2.1 of the Policy will serve the purpose of maintaining consistency and alignment across the related policies implementing and administering the sizing of financial resources and the management of credit risk exposures arising from potential Defaults of Member Families to CMESC.[27]

Proposed Amendments to the Description of Allocation of the Guaranty Fund

The Proposed Rule Change would make two amendments to Section 5.2.2 of the Policy and one amendment to Rule 402(b) regarding the description of the Guaranty Fund allocation.

First, the Proposed Rule Change would make changes to clarify the term ''gross notional'' used in Section 5.2.2 refers to the gross notional of outstanding securities transactions of a Member. Second, the Proposed Rule Change would add a new footnote to Section 5.2.2 that explains that the LND component in this dual-component methodology aligns contributions with the tail risk (*i.e.,* as captured by CMESC's stress scenarios) that each Member (including as it relates to a predefined number of its authorized Users) presents to CMESC. Further, the proposed footnote will explain that the LND component is complemented by the gross notional of outstanding securities transactions component, which is designed to ensure that each Member is subject to a certain level of potential mutualization risk via the Guaranty Fund regardless of their tail risk. The proposed footnote further explains that the weighting logic is designed to yield Guaranty Fund allocations that capture the risk of each Member and to incentivize active participation by Members in the close-out process in the event of a Participant Default. CMESC states that this weighting structure enhances the clarity of the Policy by providing the rationale for complementation and administration of the allocation of the Guaranty Fund.[28]

Third, the Proposed Rule Change would amend Rule 402(b) in two separate locations to clarify the intended process and methodology for allocating the Guaranty Fund to individual Members. Specifically, the Proposed Rule Change would replace both references to ''Member Family'' in Rule 402(b) with references to ''Member.'' CMESC states that the Member Family's activity is not intended to be part of the allocation process for individual Members.[29] Instead, the allocation of each individual Member's Required Guaranty Fund Contribution is derived from that individual Member's own LND and that individual Member's own gross notional outstanding. CMESC states that this proposed amendment is being made to reflect the intended allocation process.[30]

3. Other Minor Changes

The Proposed Rule Change would make several other minor changes to the Policy. First, the Proposed Rule Change would make changes in Section 4.1 (Stress Scenarios) to replace the term ''two day'' period with the term ''two-business day'' period. Second, the Proposed Rule Change would make changes in Section 1 (Purpose and Statement of Policy) to replace the term ''present to'' with the term ''presented to.'' Third, the Proposed Rule Change would make technical changes in Section 4.2 (Review of Stress Testing Results & Methodology) by replacing the word ''liquidity'' with ''liquid.'' Finally, the Proposed Rule Change would make changes to Sectio 5.2.2 (SC Guaranty Fund Allocation) to replace the term ''described above'' with the term ''for each Member.'' CMESC states that these minor changes are designed to add clarity and support readability of the Policy.[31]

IV. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act [32] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization. After carefully considering the proposed rule change, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to CMESC. In particular, the Commission finds that the proposed rule change is consistent with Sections 17A(b)(3)(F) of the Act,[33] Rule 17ad–22(e)(4)(iii),[34] and Rule 17ad–22(e)(7).[35]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[36] The Proposed Rule Change is consistent with Section 17A(b)(3)(F) for the reasons discussed below.

As described above in Section III., CMESC proposes to amend the Policy to provide more detail to the description of how they will implement their stress testing methodology, enhance the clarity of the Policy, and clarify the intended operation of Rule 402(b). As described in more detail above in Section II., the Policy was established by CMESC to provide guidelines for monitoring, assessing, and mitigating risks associated with the exposures arising from Participants' position. Further, the Policy outlines how CMESC performs stress testing to estimate its exposures to Participants that could result from the realization of potential stress scenarios.

By providing clearer and more comprehensive descriptions of CMESC's stress testing methodology and Guaranty Fund sizing and allocation processes, the Proposed Rule Change should help CMESC to strengthen CMESC's risk management documentation and support its ability to maintain adequate financial resources. These changes should promote the prompt and accurate clearance and settlement of securities transactions by ensuring that CMESC has appropriate policies and procedures in place to manage credit and liquidity risks in extreme but plausible market conditions. The increased transparency regarding CMESC's stress testing scenarios, financial resource sizing, and allocation mechanisms should enable market participants to better understand and

[26] *Id.*

[27] *Id.*

[28] *Id.*

[29] *See* Notice of Filing, *supra* note 5, at 53472.

[30] *Id.*

[31] *Id.*

[32] 15 U.S.C. 78s(b)(2)(C).

[33] 15 U.S.C. 78q–1(b)(3)(F).

[34] 17 CFR 240.17ad–22(e)(4)(iii).

[35] 17 CFR 240.17ad–22(e)(7).

[36] 15 U.S.C. 78q–1(b)(3)(F).

have greater confidence in CMESC's risk management framework, thereby supporting the efficiency and reliability of the clearing process. Moreover, the clarifications regarding how financial resources are sized and allocated should help to ensure the safeguarding of securities and funds in the custody or control of CMESC.

Accordingly, for the reasons stated above, the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act.[37]

B. Consistency With Rule 17ad–22(e)(4)(iii)

Rule 17ad–22(e)(4)(iii) under the Exchange Act requires that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes by maintaining additional financial resources at a minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the participant family that would potentially cause the largest aggregate credit exposure for the covered clearing agency in extreme but plausible market conditions.[38] The Proposed Rule Change is consistent with Rule 17ad–22(e)(4)(iii) under the Exchange Act for the reasons stated below.

As described above in more detail in Section II., the Policy was established by CMESC to provide guidelines for monitoring, assessing, and mitigating risks associated with the exposures arising from Participants' position. Further, the Policy outlines how CMESC performs stress testing to estimate its exposures to Participants that could result from the realization of potential stress scenarios. As described in more detail in Section III., the Proposed Rule Change provides more detail to the description of how CMESC will implement its stress testing methodology, enhances the clarity of the Policy and clarifies the intended operation of Rule 402(b).

The Proposed Rule Change should help to enhance CMESC's stress testing documentation by providing more detailed descriptions of (i) the methodology for constructing and categorizing stress scenarios (*i.e.,* historical risk factor shocks, historical event-drive, and hypothetical); (ii) how stress shocks are designed to capture different interest rate environments; (iii) the specific construction logic for historical scenarios, including individual tenor shocks, yield curve shape shocks, and statistical risk identification using PCA; (iv) the specific construction logic for hypothetical scenarios, including the systematic combination of principal components, application of plausibility thresholds, and promotion of curve consistency; and (v) the rationale for the cover two standard, including the determination of the appropriate number of Users to consider in calculating the LND for the two Member Families with the largest exposures.

By clarifying and enhancing the documentation of these methodologies within the Policy, the Proposed Rule Change should help to strengthen CMESC's ability to maintain financial resources sufficient to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the participant family that would potentially cause the largest aggregate credit exposure for the covered clearing agency in extreme but plausible market conditions.

Accordingly, for the reasons stated above, the proposed rule change is consistent with Rule 17ad–22(e)(4)(iii).[39]

C. Consistency With Rule 17ad–22(e)(7)

Rule 17ad-22(e)(7) under the Exchange Act requires a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by the covered clearing agency.[40]

As discussed in Section II., CMESC uses identical stress scenarios for both credit stress testing and liquidity stress testing. By clarifying and enhancing the documentation of stress scenarios and the cover two standard in the manner described above in Section III., the Proposed Rule Change should help to strengthen CMESC's ability to maintain sufficient liquid resources to effect settlement of payment obligations with a high degree of confidence under extreme but plausible stress scenarios. Additionally, enhanced descriptions of stress scenarios should provide greater transparency regarding CMESC's liquidity stress testing methodology and how CMESC calculates and maintains liquid resources necessary to effect settlement obligations in extreme but plausible market conditions with a high degree of confidence.

Accordingly, for the reasons stated above, the proposed rule change is consistent with Rule 17ad–22(e)(7).[41]

V. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Exchange Act and in particular with therequirements of Section 17A of the Exchange Act[42] and the rules and regulations promulgated thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act[43] that proposed rule change SR–CMESC–2026–006 be, and hereby is, *approved*.[44]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[45]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20074 Filed 9–30–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0471]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 15c1–5

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''SEC'' or ''Commission'') is submitting to the Office of Management and Budget (''OMB'') this request for extension of the proposed collection of information provided for in Rule 15c1–5 (17 CFR 240.15c1–5) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'').

Rule 15c1–5 states that any broker-dealer controlled by, controlling, or under common control with the issuer of a security that the broker-dealer is trying to sell to or buy from a customer must give the customer written notification disclosing the control relationship at or before completion of

[37] 15 U.S.C. 78q–1(b)(3)(F).

[38] 17 CFR 240.17ad–22(e)(4)(iii).

[39] 17 CFR 240.17ad–22(e)(4)(iii).

[40] 17 CFR 240.17ad–22(e)(7).

[41] 17 CFR 240.17ad–22(e)(7).

[42] 15 U.S.C. 78q–1.

[43] 15 U.S.C. 78s(b)(2).

[44] In approving the proposed rule change, the Commission considered the proposals' impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[45] 17 CFR 200.30–3(a)(12).

the transaction. The Commission estimates that 162 respondents provide notifications annually under Rule 15c1–5 and that each respondent would spend approximately 10 hours per year complying with the requirements of the rule for a total burden of approximately 1,620 hours per year. There is no retention period requirement under Rule 15c1–5. This Rule does not involve the collection of confidential information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202607-3235-017* 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 November 2, 2026.

Dated: September 29, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20145 Filed 9–30–26; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Interest Rates

The Small Business Administration publishes an interest rate called the Optional Peg Rate (13 CFR 120.214) on a quarterly basis. This rate is a weighted average cost of money to the government for maturities similar to the average SBA direct loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. This rate will be 5.00 percent for the October–December quarter of FY 2027.

Pursuant to 13 CFR 120.921(b), the maximum legal interest rate for any Third Party Lender's commercial loan which funds any portion of the cost of a 504 project (see 13 CFR 120.801) shall be 6% over the New York Prime rate or, if that exceeds the maximum interest rate permitted by the constitution or laws of a given State, the maximum interest rate will be the rate permitted by the constitution or laws of the given State.

Phillip Frechette,

Supervisory Financial Analyst, Credit Risk Management Office.

[FR Doc. 2026–20080 Filed 9–30–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2025–0636]

Agency Information Collection Activities: Requests for Comments; Clearance of a New Approval of Information Collection: Special Purpose Pilot Authorization, § 61.77 Application

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 16, 2025. The collection involves application for a Special Purpose Pilot Authorization (SPPA) submitted to the FAA for the purpose of performing pilot duties on a civil aircraft of the United States and leased by a non-U.S. citizen. The information to be collected will be used to determine applicant eligibility for the issuance of a SPPA under 14 CFR part 61, Section 61.77.

DATES: Written comments should be submitted by November 2, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Danuta Pronczuk by email at: *danuta.pronczuk@faa.gov;* phone: 202–267–0923.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–XXXX.

Title: Special Purpose Pilot Authorization, § 61.77 Application.

Form Numbers: Pending.

Type of Review: a new information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 16, 2025 (90 FR 25423). The FAA recognizes ''authorizations'' as equivalent to certificates issued by the Administrator under 49 U.S.C. 44711(a)(2), formerly the Federal Aviation Act of 1958, as amended. On August 4, 1997, the FAA adopted a final rule which replaced the special purpose pilot certificate for foreign pilots of U.S.-registered aircraft with a special purpose pilot authorization (SPPA). The SPPA under § 61.77 provides for validation of a foreign pilot license. The rule requires pilots who hold a SPPA issued in accordance with § 61.77 to have that authorization in their possession in the aircraft when exercising the privileges of that authorization. The information collection is necessary to determine applicant eligibility for the issuance of SPPA under 14 CFR part 61, § 61.77. Following is a summary of the information collected on the application document which once signed and properly issued by the FAA serves as a SPPA to permit the performance of pilot duties: applicants information (name, permanent mailing address), applicants Foreign Pilot License information (number, issuance, and expiration dates, country of issuance, aircraft category, class and Type), applicants Medical Certificate information (issuance and expiration dates), (applicants) employer information (name, address and telephone number), a certification statement certifying that the information provided is true and that the applicant understands the requirements and limitations that are specified in § 61.77. The applicant also needs to submit the following eligibility documentation:

(1) A foreign pilot license issued by the aeronautical authority of a contracting State to the Convention on International Civil Aviation that contains the appropriate aircraft category, class, type rating, if appropriate, and instrument rating for the aircraft to be flown;

(2) A certification by the lessee of the aircraft—

(i) Stating that the applicant is employed by the lessee;

(ii) Specifying the aircraft type on which the applicant will perform pilot duties; and

(iii) Stating that the applicant has received ground and flight instruction that qualifies the applicant to perform the duties to be assigned on the aircraft.

(3) Documentation showing when the applicant will reach the age of 65 years (an official copy of the applicant's birth certificate or other official documentation);

(4) Documentation the applicant meets the medical standards for the issuance of the foreign pilot license from the aeronautical authority of that contracting State to the Convention on International Civil Aviation; and

(5) A statement that the applicant does not already hold a special purpose pilot authorization; however, if the applicant already holds a special purpose pilot authorization, then that special purpose pilot authorization must be surrendered to either the Flight Standards office that issued it, or the Flight Standards office processing the application for the authorization, prior to being issued another special purpose pilot authorization.

The FAA is also seeking approval for a Form that will standardize the collection and add efficiency to the SPPA application and approval process.

Respondents: Approximately 2,259 applicants annually.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 1 Hour.

Estimated Total Annual Burden: 2,259 hours.

Issued in Washington, DC, on September 25, 2026.

Carl N. Johnson,

Division Manager, International Program Division, Flight Standards Service.

[FR Doc. 2026–20099 Filed 9–30–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA–2026–0331]

Notice of Availability of Proposed Policy Guidance for the Capital Investment Grants Program

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice; request for comments.

SUMMARY: This notice requests comment on FTA's revised policy guidance for the Capital Investment Grants (CIG) program. The CIG Policy Guidance provides an overview of CIG project types and the CIG process from project initiation to construction grant award. The proposed revisions are intended to streamline the CIG process, improve accountability of CIG project sponsors, and improve overall readability of the policy guidance. The proposals incorporate suggestions FTA received in response to its Request for Information published on August 19, 2025. The final CIG Policy Guidance, when published on the FTA website, is to be effective immediately; no grandfathering will be allowed for any projects currently in the CIG pipeline.

DATES: Comments must be received on or before November 16, 2026. Late-filed comments will be considered to the extent practicable.

ADDRESSES: You may submit comments to DOT docket number FTA–2026–0331 by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments using the docket number above.
- *U.S. Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W58–213, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W58–213, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

Instructions: You must include the agency name (Federal Transit Administration) and docket number (FTA–2026–0331) for this notice at the beginning of your comments.

All comments received will be posted, without change and including any personal information provided, to *https://www.regulations.gov.* You may review DOT's complete Privacy Act Statement published in the **Federal Register** on April 11, 2000, at 65 FR 19477. For access to the docket and to read background documents and comments received, go to *https://www.regulations.gov* at any time or to the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Management Facility, Room W58–213, Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Ferroni, FTA Office of Planning and Environment, at *mark.ferroni@dot.gov,* or 202.366.3233.

SUPPLEMENTARY INFORMATION:

Electronic Access

A copy of the CIG Proposed Policy Guidance is available for download and public inspection through *https://www.regulations.gov* using the docket number listed above, and on the FTA website: *https://www.transit.dot.gov.* Electronic retrieval assistance and guidelines are also available at *https://www.regulations.gov.*

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I. Background

Pursuant to 49 U.S.C. 5309(g)(5), FTA must publish policy guidance on the discretionary CIG program each time the agency makes significant changes to the CIG review and evaluation process and criteria. The policy guidance FTA issues for the CIG program (CIG Policy Guidance) complements FTA's CIG regulations at 49 CFR part 611. These regulations set forth the process grant applicants (project sponsors) must follow to be considered for discretionary funding, and the procedures and criteria FTA uses to rate and evaluate CIG projects to determine program eligibility. The CIG Policy Guidance provides a greater level of detail about the methods FTA uses to evaluate and rate a project and the sequential steps a project sponsor follows in developing a project. In addition, pursuant to 49 U.S.C. 5334(k), FTA follows applicable rulemaking procedures under 5 U.S.C. 553 prior to amending the CIG Policy Guidance with new or modified binding obligations.

FTA is proposing a comprehensive update to the CIG Policy Guidance to streamline the CIG process, improve accountability of CIG project sponsors, and improve overall readability of the policy guidance. FTA most recently updated the CIG Policy Guidance in November 2025 (90 FR 50886). This update revised the methodology for evaluating the environmental benefits of CIG projects, consistent with certain Executive Orders signed by the President in early 2025 and DOT Order 2100.7, Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities (Jan. 29, 2025). FTA did not publish a comprehensive update of the CIG Policy Guidance in November 2025 due to the urgent need to revise the environmental benefits methodology to address the Executive Order and DOT Order.

On August 19, 2025, FTA published a Request for Information (RFI) in the **Federal Register** (90 FR 40463) seeking input on ways to streamline and enhance the CIG Policy Guidance, while

increasing the accountability of project sponsors and ensuring Federal investment in the most successful projects. In the RFI, FTA noted the public feedback received would inform FTA's development of a potential future comprehensive update to the CIG Policy Guidance. FTA received comments from 22 unique respondents in response to the RFI. FTA reviewed and thoroughly considered each of these comments. Where FTA has incorporated stakeholder suggestions into its proposals, FTA discusses the suggestion in corresponding sections of this Notice below.

II. Proposed Changes to the CIG Policy Guidance

FTA is proposing format and policy changes to the CIG Policy Guidance to streamline the guidance document and right-size the requirements throughout the CIG process. The intent of these proposed revisions is to improve readability for practitioners while ensuring greater transparency of FTA and accountability of CIG project sponsors within the funding constraints of the program. FTA discusses each of its proposals in the sections below.

A. Organization and Format

FTA is proposing to considerably streamline the organization and format of the CIG Policy Guidance for conciseness and readability. Previous versions of the CIG Policy Guidance have been structured with self-contained, stand-alone chapters outlining the requirements for each CIG category (*i.e.,* New Starts, Small Starts, and Core Capacity), and ''bundles'' of CIG projects. The format resulted in duplicative information across CIG categories and a lengthy document, which created a burden for project sponsors when navigating the document. To streamline the guidance, FTA reorganized the information by major program element or process (Introduction, Program Overview, Process, Evaluation and Rating, and Bundles of CIG Projects), and simplified the document by consolidating the common program characteristics and identifying any unique requirements within individual sections. In addition, FTA has clarified language throughout the CIG Policy Guidance, including in the section on ''Bundles of CIG Projects,'' to ensure the document is easy to understand and clearly conveys FTA's policy and practice regarding the CIG process. When possible, FTA also referenced supporting documents or tools where the reader can find more information. These changes are responsive to suggestions raised by several RFI respondents, who requested FTA clarify the sequence of steps in the CIG process and the associated deliverables project sponsors provide to FTA.

These organizational changes and clarifications are non-substantive and do not alter existing requirements.

B. CIG Program Overview

To assist with FTA's intent to improve the readability of the CIG Policy Guidance, FTA created a section, ''CIG Program Overview,'' which provides an overview of the three CIG project categories (New Starts, Small Starts, and Core Capacity), the different eligible CIG project types (*e.g.,* fixed guideway project, corridor-based bus rapid transit project), eligible CIG applicants, and eligible CIG costs. This section organizes high-level CIG program information for improved readability. This section does not alter existing requirements.

C. CIG Process

1. Prior To Applying To Enter Project Development

The first phase of the CIG process for all categories of projects is called Project Development. The statute governing the CIG program requires New Starts and Core Capacity projects to complete the Project Development phase within two years. (49 U.S.C. 5309(d)(1)(C)(i) and (e)(1)(C)(i)). In addition, FTA requires Small Starts projects to make sufficient progress during the Project Development phase. Through experience, FTA has observed that completing the Project Development phase within these thresholds can be challenging for all categories of CIG projects. Often, a CIG project schedule slips due to environmental review or permitting issues. For this reason, and to ensure projects entering the CIG pipeline are ready to succeed in the Project Development phase, FTA is proposing that project sponsors initiate the environmental review process under the National Environmental Policy Act (NEPA) before requesting entry into Project Development. NEPA initiation may include early scoping, planning and environmental linkages efforts, or preliminary NEPA readiness and class of action discussions with the local FTA Regional Office or FTA issuance of formal NEPA initiation. FTA has for many years requested information on a proposed project's NEPA status as part of their entry into Project Development request pursuant to 49 U.S.C 5309(d)(1)(A)(i) and (e)(1)(A)(i). FTA's proposed new practice would require project sponsors to include documentation demonstrating NEPA initiation (in addition to any status updates) as part of their entry into Project Development request.

2. Request for Entry Into Project Development

To request entry into the Project Development phase, FTA currently requires project sponsors to submit a letter to FTA containing certain information. In many instances, project sponsors have submitted incomplete requests to FTA and have failed to provide missing information in a timely manner, which delayed entry to Project Development decisions. To encourage project sponsors to submit an entry to Project Development request only when they are ready to complete Project Development activities, FTA is proposing to require the project sponsor to provide all listed information (see CIG Policy Guidance, Section III) within 30 days of submitting its initial request to FTA. If the request remains incomplete after 30 days, FTA would no longer consider the request. The project sponsor would be allowed to submit a new request when it can provide all required information.

FTA proposes additional clarifications regarding the required contents of the request to enter Project Development. These changes clarify to project sponsors the information FTA needs to ascertain whether a project is ready to enter Project Development.

3. Project Development Phase

Project sponsors must complete several activities during Project Development, including adoption of the locally preferred alternative (LPA) into the fiscally constrained metropolitan transportation plan, completion of NEPA, and completion of sufficient design and engineering to submit information for FTA to rate and evaluate the project pursuant to 49 U.S.C. 5309(g) and (h). As noted above, there are certain timeline expectations regarding completion of the Project Development phase across the three CIG categories. However, FTA has found many CIG projects struggle to complete the required activities in a timely manner. To better ensure projects are on track to complete Project Development within the required timeframes, FTA is proposing changes to the timeline for completing certain Project Development activities:

- Within the first three months of any CIG project entering Project Development, a project sponsor would be required to: (1) submit FTA's documented NEPA class of action determination to FTA Headquarters, if

not completed before entering Project Development; and (2) provide a ridership data collection plan and an on-board survey plan to FTA Headquarters (required for New Starts and Core Capacity projects and encouraged for Small Starts projects).

- Within one year of a CIG project entering Project Development, a project sponsor would be required to: (1) determine an updated project cost, scope, and schedule estimate to reflect the current level of design; (2) complete at least 15 percent overall design; and (3) develop a list of third-party agreements necessary to complete the project along with an implementation plan and schedule.
- For New Starts and Core Capacity projects, FTA would require project sponsors to obtain commitments of at least 50 percent of all non-CIG funds prior to applying for entry into Engineering. This would increase the amount of funding commitments currently required for such projects (30 percent). This proposal would align the percentage for New Starts and Core Capacity projects with that of Small Starts projects, which already are required to obtain commitments of at least 50 percent of all non-CIG funds, but on a quicker timeline. Small Starts projects must continue to meet the funding commitment requirement within three years of entering Project Development.
- For New Starts and Core Capacity projects, FTA would clarify that before requesting entry into Engineering, FTA strongly encourages project sponsors to collaborate with FTA on the development of an oversight plan and roadmap to assist with the request for entry into Engineering. FTA proposes project sponsors engage in this collaboration at least six months prior to anticipated entry into Engineering. In the current CIG Policy Guidance, FTA encourages collaboration with FTA to begin ''early in Project Development'' and states that FTA formal oversight begins ''no later than six months prior to entry into Engineering or six months prior to the end of the two-year [Project Development] timeframe specified in law, whichever is earlier.'' FTA finds the proposed language clearer and anticipates it should reduce project sponsor misinterpretations of requirements.

Congress and the transit industry expect projects to move quickly through the CIG process and not become stagnant once a project has entered the program. Together, these proposals would improve project sponsor accountability and ensure projects sponsors can successfully complete Project Development in a timely manner.

4. Project Development Timeframe Extension Requests

Under the current CIG Policy Guidance, project sponsors may request up to a one-year extension of the Project Development phase for New Starts and Core Capacity projects, which FTA is not changing in the proposed CIG Policy Guidance. However, FTA is seeking to clarify the extension request considerations and timing. FTA proposes to clarify that a project sponsor for New Starts and Core Capacity projects may request a Project Development extension when the sponsor: (1) is unable to complete the required Project Development activities within the statutorily required two-year timeframe due to unforeseen circumstances; or (2) has completed the required Project Development activities in a timely manner but requests additional time to further develop the project's design and engineering before entering the Engineering phase. This is not a change to FTA's internal policy or practice, but it is the first time the policy is clearly stated in the CIG Policy Guidance. The proposed CIG Policy Guidance also clarifies that if FTA does not provide a response to the extension request before the end of the two-year Project Development period, the project remains in the CIG program until FTA provides a written response either approving the extension request or removing the project from CIG program. This is not a new policy or practice, but it is the first time FTA is including the information in the CIG Policy Guidance.

5. Request for Entry Into Engineering

For New Starts and Core Capacity projects, the second phase of the CIG process is called Engineering. This phase does not apply to Small Starts Projects. To request entry into the Engineering phase, the project sponsor submits a request to the FTA Associate Administrator for Planning and Environment that includes certain required information about the project. FTA proposes several changes to the required content of the Engineering request:

- Increase the required amount of non-CIG funding committed during Project Development for New Starts and Core Capacity projects from 30 percent to 50 percent. Accordingly, FTA also proposes to require the project sponsor to demonstrate in its Engineering request that such funding has been committed so FTA can verify the sponsor has obtained the required commitments. By requiring project sponsors to demonstrate a higher local funding commitment at entry to Engineering, FTA anticipates lower financial risk to the Federal government and better protection of taxpayer funds by having a higher degree of confidence in the viability of the proposed project. It also ensures the project sponsor is advancing the project efficiently and effectively and the local community is vested in the continued advancement of the project.
- No longer require a signed statement from the agency's CEO (Accountable Executive) describing the agency's progress toward meeting its Transit Asset Management (TAM) performance targets. FTA still would require an up-to-date TAM plan and narrative report from the National Transit Database. This change is discussed in greater detail in Section II.E of this Notice.
- Minor, non-substantive changes to the contents of the Engineering request for clarity and conciseness. For example, FTA removed bullets listing individual engineering and planning documents related to FTA's Project Management Oversight (PMO) process and replaced them with an overarching bullet referencing the PMO Oversight Procedures (OPs) on FTA's website. This change is intended both to simplify the list and provide a more accurate description of the required PMO-related documentation. FTA also added bullets regarding selection of the LPA, adoption of the LPA into the region's fiscally constrained metropolitan transportation plan, and the CIG risk assessment process for clarity.

6. Determining Section 5309 CIG Funding Amount

Under the current CIG Policy Guidance, FTA ''locks in'' the maximum dollar amount of CIG funding for New Starts and Core Capacity projects at the project's entry into the Engineering phase. To date, FTA has not included a formal methodology in the CIG Policy Guidance that demonstrates how FTA will calculate a project's CIG percentage share (*i.e.,* percentage of total project cost). To bridge this gap, FTA is proposing to adopt a formal methodology in the CIG Policy Guidance. The proposed formal methodology would provide a uniform and consistent approach for FTA to consider project merits, such as cost-effectiveness and transit ridership, when determining the CIG percentage share and corresponding CIG funding amount for a New Starts or Core Capacity project.

Under the formal methodology, FTA would continue to calculate and lock in

a project's CIG funding amount at entry into Engineering. FTA proposes adjustment factors to determine a project's CIG percentage share, which would then be used to calculate the corresponding CIG funding amount based on the anticipated total project cost at entry into Engineering. Every New Starts and Core Capacity project with an overall project rating of ''Medium'' or higher would start with a CIG share of 40 percent of total project cost. FTA then would adjust this percentage upward or downward based on the project's ratings for each of the six Project Justification criteria, up to the maximum percentage allowed under Section 5309. The proposed adjustment factors are shown in Table 1 below:

TABLE 1—CIG PERCENTAGE SHARE ADJUSTMENTS FOR PROJECT JUSTIFICATION CRITERIA

Project justification criteria	Rating	Adjustment factor (%)
Cost-Effectiveness	High	+10
	Medium-High	+5
	Medium	0
	Medium-Low	−10
	Low	−25
Mobility Improvements, Congestion Relief (applies to each criterion)	High	+5
	Medium-High	+4
	Medium	0
	Medium-Low	−8
	Low	−10
Land Use (NS), Capacity Needs (CC) and Economic Development (applies to each criterion)	High	+3
	Medium-High	+2
	Medium	0
	Medium-Low	−4
	Low	−6
Environmental Benefits	High	+2
	Medium	0

For example, a New Starts project rated ''High'' for all six Project Justification criteria would result in a calculated CIG percentage share of 68%; however, this would be statutorily limited to 60% of total project cost per 49 U.S.C. 5309(l)(1)(B). A project rated ''Medium'' in all six categories would result in a calculated CIG percentage share of 40% of total project cost. FTA believes these adjustment factors are appropriate because they clearly put the emphasis on cost-effectiveness and ridership, which will allow FTA to provide a higher CIG percentage share to projects that are cost-effective and projected to have high transit ridership, and will ensure Federal taxpayer funds are supporting worthy investments.

In addition, FTA proposes that the CIG percentage share adjustments would boost a New Starts or Core Capacity project's CIG percentage share at entry to Engineering if the project is in a transit corridor with birth or marriage rates at or above the national average, or within a certain percentage below the national average. This proposal is consistent with DOT Order 2100.7, Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities, which directs DOT programs ''to the extent practicable, relevant, appropriate, and consistent with law, . . . give preference to communities with marriage and birth rates higher than the national average (including in administering the Federal Transit Administration's Capital Investment Grant[s] Program).''

As depicted in Table 2 below, FTA proposes to increase the CIG percentage share by an additional five percentage points if the average birth rate in the corridor is more than one percent above the national average. FTA would increase the CIG percentage share by three percentage points if the birth rate is equal to the national average or up to one percent higher than the national average. FTA would increase the CIG percentage share by one percentage point if the average birth rate is within one percent below the national average. FTA proposes to apply the same approach to adjust the CIG percentage share based on average marriage rates.

TABLE 2—CIG PERCENTAGE SHARE BOOSTS FOR BIRTH AND MARRIAGE RATES

Criteria for additional boost on CIG share	CIG share adjustment factor (%)		
	Over 1% higher than national average	Up to 1% higher than national average or equal to national average	Within 1% below the national average
Average corridor birth rate	+5	+3	+1
Average corridor marriage rate	+5	+3	+1

Overall, this proposal could boost the CIG percentage share by up to 10 percentage points for projects that satisfy the demographic criteria. Projects that do not satisfy the criteria would not be eligible for the boost, but they would not otherwise be penalized in calculating the CIG share. Please see Section 3.3.1 of the revised CIG Policy Guidance for FTA's proposed definitions of birth rate and marriage rate, the study area, and identification of

the data source. FTA developed the birth and marriage rates boost considerations based on the best available data that is public and available nationwide. FTA defined the study area as a one-mile buffer around the project corridor based on a review of past Before and After Studies. Through that review, FTA has found that fixed guideway investments typically draw the majority of their ridership from within one mile of the CIG project.

FTA would calculate the project's final CIG percentage share by summing the percentage obtained from the Project Justification sub-factor rating criteria (Table 1) and the applicable marriage and birth rate boost (Table 2). FTA would use the calculated CIG percentage share to derive the actual Federal CIG funding amount, which will be locked at entry into Engineering. The final calculated CIG funding amount using the CIG percentage share adjustments would not exceed the project sponsor's request or the maximum allowed under 49 U.S.C. 5309(l)(1)(B). FTA approved CIG share will remain locked for the New Starts and Core Capacity projects currently in the Engineering phase in the CIG program.

7. Engineering Phase

As the result of public comment review of an earlier version of the CIG Policy Guidance in 2015 (Docket ID FTA–2015–0007; Document ID FTA–2015–0007–0045), FTA requires New Starts and Core Capacity project sponsors to make sufficient progress toward meeting CIG requirements during the Engineering phase. This is also consistent with the statutory requirement at 49 U.S.C. 5309(g) that projects must show progress through the Project Development and Engineering phases to continue to advance. As stated in the existing CIG Policy Guidance, project sponsors must demonstrate progress on obtaining non-CIG funding commitments and advancing the project's level of design within three years of entering Engineering. This requirement reflects that both Congress and the transit industry want the CIG process to move quickly. Under FTA's current practice, if a project sponsor does not demonstrate sufficient progress during this timeframe, FTA removes the project from the CIG program.

Currently, FTA follows established project management processes and engages with the project sponsor's team on a regular basis to receive project updates. To build on this regular interaction and formally document that projects are making sufficient progress during the Engineering phase, FTA is proposing a new requirement for project sponsors to submit an annual update to FTA Headquarters that includes refined estimates for the project's scope, schedule, and total project cost, and the status of non-CIG funding commitments and critical third-party agreements. FTA is further proposing that if the project sponsor does not demonstrate sufficient progress annually during the Engineering phase, FTA would remove the project from the CIG program. The project sponsor may apply for re-entry into the CIG program after gaining the necessary funding commitments and demonstrating the project's design has progressed to a higher percentage after the last in-program update.

8. Application for Construction Grant Award

The final phase of the CIG process is called the Construction Grant Award phase. FTA is proposing non-substantive clarifications to the CIG Policy Guidance regarding this phase. FTA has added a discussion of the different types of CIG construction grant agreements required by 49 U.S.C. 5309, including single grants or Small Starts Grant Agreements (SSGAs) for Small Starts projects and Full Funding Grant Agreements (FFGAs) for New Starts and Core Capacity projects. In addition, FTA has made changes to the guidance regarding construction grant requests for clarity and conciseness. These changes are similar to those discussed above for Engineering requests. FTA added bullets regarding documentation demonstrating selection of the LPA and demonstrating adoption of the LPA into the region's fiscally constrained metropolitan transportation plan. FTA also added clarifications on the TAM performance target requirements and review process. In addition, FTA removed bullets listing individual engineering and planning documents related to FTA's PMO process and replaced them with a citation to the PMO OPs on FTA's website. FTA has also clarified the CIG risk assessment process.

9. Funding Allocation

FTA added a new section to the Policy Guidance to clarify CIG funding allocations. FTA often receives questions about the CIG funding recommendations, allocations, and the CIG annual report to Congress, and their interrelationship. Though this section does not represent new guidance, it is intended to explain those existing processes and their interrelationship more clearly.

10. Pre-Award Authority and Letters of No Prejudice

FTA currently grants automatic pre-award authority for projects to incur certain expenses and at certain milestones before a CIG grant is awarded and retain the eligibility of those costs for subsequent reimbursement after grant approval. This authority is available to project sponsors upon the project's: (1) entry to Project Development; and (2) for New Starts and Core Capacity projects, entry to Engineering or for Small Starts projects, completion of the environmental review process and satisfactory rating of the project. FTA provided a table outlining the eligible pre-award activities by milestone in Section 3.7 of the proposed CIG Policy Guidance. A Letter of No Prejudice (LONP) is a type of specific pre-award authority. FTA uses LONPs to grant pre-award authority for projects and activities not covered by automatic pre-award authority.

Historically, FTA has outlined the activities eligible for automatic pre-award authority and LONPs in an annual apportionment notice published in the **Federal Register**, which meant FTA did not need to include such information in the CIG Policy Guidance. However, beginning with the FTA Fiscal Year 2025 Apportionments, Allocations, and Program Information notice (90 FR 44452), FTA removed the pre-award authority language specific to the CIG program. In addition to including automatic pre-award authority activities in response letters, which FTA already does, FTA determined it would ease the burden on project sponsors navigating the CIG program to include this information in the CIG Policy Guidance.

Accordingly, FTA is proposing to add new sections to the CIG Policy Guidance containing the CIG-specific automatic pre-award authority and LONP language from prior apportionments notices. FTA generally is not proposing changes to its existing policy or practice regarding pre-award authority or LONPs for CIG projects, except FTA is proposing to expand full pre-award authority (including construction activities) under certain conditions for projects seeking less than or equal to a 25 percent total Federal share and meet the project justification warrants thresholds. FTA proposes this expansion to provide flexibility and to promote projects seeking a lower CIG percentage share and demonstrating high transit ridership.

FTA also proposes a change in the types of funding that may be expended for pre-award authority work.

Previously, FTA permitted only local, or non-Federal, funding for pre-award authority work. In the proposed Policy Guidance, FTA would also allow project sponsors to use non-CIG Federal funds for pre-award authority activities, subject to the requirements of the applicable Federal funding program, including any environmental determinations. FTA proposes this change because many CIG projects have been awarded other Federal funds, such as funding under 49 U.S.C. 5339, which may have earlier obligation or disbursement dates. FTA believes it should allow use of non-CIG Federal funds for pre-award authority activities in those situations, especially since they involve projects that have been vetted and approved by another Federal program. The LONP is limited to a five-year period from the FTA approval date, unless otherwise authorized in the LONP or otherwise extended.

11. Early Systems Work Agreements

Early Systems Work Agreements (ESWA), which are available for New Starts and Core Capacity projects, are contracts covering only a portion of the project rather than the full project. Project sponsors may enter an ESWA only once NEPA review is complete and ''the Secretary finds there is reason to believe (i) a [FFGA] for the project will be made; and (ii) the terms of the [ESWA] will promote ultimate completion of the project more rapidly and at less cost'' (49 U.S.C. 5309(k)(3)(A)).

In the proposed Policy Guidance, FTA clarifies requirements for a project sponsor request for an ESWA, providing that the request should include an identification of project activities to be covered by the ESWA and associated costs, including interest and financing costs; for interest and financing costs, demonstration of reasonable diligence in seeking the most favorable financing terms reasonably available; an explanation of how the ESWA supports expedited project completion at less cost; an identification of the project sponsor's preferred date to receive the ESWA and explanation of the relevance of the date; and an identification of the status of the remaining CIG requirements left to complete before receiving the FFGA.

D. Evaluation and Rating

1. Ratings Overview

FTA has made minor clarifications to the guidance regarding the required contents of a CIG rating request package. These changes conform the guidance to FTA's existing policy and practice. FTA has also added a new graphic that visually depicts the CIG evaluation and rating process.

2. Cost Effectiveness

Standardizing Across Project Types

Under FTA's current CIG Policy Guidance, the cost effectiveness criterion is calculated differently depending on whether the project is a New Starts, Core Capacity, or Small Starts project. For New Starts projects, the criterion is calculated as the annual capital and operating and maintenance (O&M) cost divided by the annual number of trips on the project. For Small Starts, it is calculated as the ''annualized capital federal share of the project divided by the annual number of trips using the project.'' For Core Capacity projects, it is calculated as the annualized Core Capacity share divided by the annual number of trips in the project corridor. The differing measures have resulted in unnecessary complexity and excessive burden for project sponsors to navigate the CIG program.

Moreover, FTA received comments on its previous CIG Policy Guidance (Docket ID FTA–2021–0010) suggesting FTA modify the cost-effectiveness measures for consistency across the three project categories. FTA did not adopt this suggestion when the guidance was finalized in December 2024 but stated it would consider the suggestion in the future. To be responsive to this concern, FTA is now proposing to standardize the calculation of cost effectiveness across CIG projects. Accordingly, FTA proposes that New Starts, Core Capacity, and Small Starts projects would all utilize the same cost-effectiveness measure currently used for New Starts projects: ''annual capital and operating and maintenance (O&M) cost per linked transit trip on the project.''

FTA notes that the statute defines cost effectiveness the same way across all categories of projects: the project's cost-effectiveness ''as measured by cost per rider.'' See 49 U.S.C. 5309(d)(2)(A)(iii), 5309(e)(2)(A)(iv), and 5309(h)(4). However, FTA historically has stated that it must evaluate cost effectiveness for Small Starts projects using the Federal share pursuant to 49 U.S.C. 5309(h)(6), which provides: ''the Secretary shall evaluate and rate the [Small Starts] project . . . based on an evaluation of the benefits of the project as compared to the Federal assistance to be provided.'' Upon re-analysis of this statutory language, FTA has determined the statute does not require FTA to compare the cost-effectiveness criterion individually against the Federal share. In the context of Small Starts projects, the word ''benefits'' should be interpreted by reading sections 5309(h)(3), (h)(4), and (h)(6)(A) together. These provisions indicate that all six Project Justification criteria are ''benefits of the project.'' Thus, FTA should compare project benefits to the ''Federal assistance to be provided'' when calculating the Project Justification summary rating. FTA proposes to do so through the Project Justification weighting proposal discussed later in this notice.

Breakpoints

Given FTA's proposal to harmonize the method of calculating the cost-effectiveness criterion across New Starts, Small Starts, and Core Capacity projects, FTA is proposing one unified set of cost effectiveness breakpoints that would apply to all CIG projects. The proposed breakpoints are shown in Table 3 below.

TABLE 3—COST EFFECTIVENESS BREAKPOINTS

Rating	Cost per trip range
High	<$8.00.
Medium-High	Between $8.00 and $9.99.
Medium	Between $10.00 and $12.99.
Medium-Low	Between $13.00 and $19.99.
Low	>$20.00.

These breakpoints would provide a simplified and uniform approach to analyzing cost-effectiveness for all CIG projects. FTA believes these breakpoint values are appropriate because they are based on analysis of past and current project cost data in the CIG program. When evaluating the universe of recent CIG projects, FTA found that projects from all three project categories could be accommodated within one set of breakpoints with substantially similar results as would be achieved using separate breakpoints, once recent inflation-related adjustments were incorporated. Evaluating all projects for cost effectiveness on the same level playing field further ensures taxpayer funds are equitably invested in the most successful, cost-effective projects, regardless of size, scale, or type.

Enrichments

FTA is proposing two main changes to the enrichments calculation: (1) limiting which activities qualify as enrichments for purposes of the cost effectiveness criterion and (2) expanding the availability of enrichments to all three project categories, rather than applying only to New Starts projects. Enrichments are improvements to the transit project that

are desired by the project sponsor but are non-integral to the planned functioning of the project, and whose benefits are not captured in whole by the criteria. In calculating the cost effectiveness measure for CIG projects, the capital cost of scope elements considered enrichments are either reduced by an FTA defined percentage or eliminated entirely from the annualized capital cost calculation. Per the current CIG Policy Guidance, FTA allows enrichments for a finite list of items: (1) Sustainable Building Design Features; (2) Joint Development; (3) Zero Emissions Fueling Stations; (4) Pedestrian/Bike Access and Accommodation and Functional Landscaping; and (5) Alternative Energy Bus Vehicles. FTA excludes enrichments from the cost effectiveness calculation as a matter of policy.

FTA proposes to remove all current enrichments from the Policy Guidance except Joint Development. FTA is proposing this change to promote joint development and private investment in transit projects. In line with administration's priority to prevent crime and protect safety of riders and workers, FTA is also adding transit safety and security as a new enrichment category for using innovative and advanced technology equipment, facilities, and services—beyond such elements considered standard.

In addition, since FTA proposes to harmonize the method of calculating cost effectiveness across New Starts, Small Starts, and Core Capacity projects, FTA is proposing to expand the applicability of enrichments to Small Starts and Core Capacity projects. In FTA's response to comments received on the April 2024 proposed CIG Policy Guidance (Docket ID FTA–2021–0010–0146), FTA stated it applied enrichments to New Starts and not Small Starts and Core Capacity projects because the former was the only category that measured total project cost. FTA stated the cost effectiveness calculations for Small Starts and Core Capacity projects were already based on less than the total project cost, and thus there was no need to remove additional costs from the calculation. Since FTA seeks to harmonize the cost effectiveness calculations across New Starts, Small Starts, and Core Capacity projects, this reasoning would no longer apply. FTA therefore proposes to allow Small Starts and Core Capacity projects to utilize enrichments.

3. Economic Development

Subfactor Weightings

FTA proposes to change the weighting of the three subfactors for the economic development criterion: (1) supportive zoning in station areas; (2) performance and impacts of transit-supportive plans and policies; and (3) tools to maintain or increase the share of affordable housing in station areas. Currently, FTA gives equal weight (⅓ or 33.3 percent) to each of the three subfactors. FTA proposes to increase the weighting of the ''performance and impact of transit-supportive policies'' and the ''supportive zoning in station areas'' subfactors to 40 percent each. FTA proposes a corresponding decrease in the ''tools to maintain or increase the share of affordable housing'' subfactor to 20 percent. These changes place greater emphasis on policies and programs that promote self-sufficiency in the housing market by encouraging private sector innovation, reducing regulatory barriers, and stimulating the production of market-rate affordable housing. They also emphasize how zoning supportive to transit usage demonstrates a community commitment to make transit projects more successful by encouraging a development environment where transit can reasonably compete for riders.

FTA notes that in its April 2024 proposed CIG Policy Guidance (89 FR 24086), FTA asked whether it should do more to increase the relative weight of zoning as part of the economic development rating. Some commenters supported this idea, with one suggesting FTA should increase the weight of the zoning subfactor to 40 percent. FTA responded that it would take this into consideration in future updates to the CIG Policy Guidance. After further consideration, FTA believes it is now appropriate to increase the weight of the zoning subfactor for the reasons noted above.

Non-Substantive Changes

In addition, FTA has made non-substantive changes to the economic development section for clarity. FTA reduced the text in this section and added a reference to the January 2025 CIG Guidelines for Economic Development Effects for New Starts and Small Starts Projects, found on FTA's website (*https://www.transit.dot.gov/funding/grants/grant-programs/capital-investments/guidelines-economic-development-effects-new*), to alert project sponsors that they can find the technical guidance for the economic development evaluation in that resource. In addition, FTA revised the descriptions of the economic development subfactors for consistency with the guidelines document and removed redundant language that is already included in the technical guidance.

4. Land Use (New Starts and Small Starts)

FTA is proposing to remove the ''access to essential services'' subfactor under the CIG land use criterion. This measure, which FTA adopted in December 2024, examines essential services in transit station areas using data from the Department of Homeland Security's (DHS) Homeland Infrastructure Foundation-Level Data (HIFLD) (*https://hifld-geoplatform.hub.arcgis.com/*). In response to FTA's August 2025 proposed update to the CIG Policy Guidance and the August 2025 CIG RFI, commenters alerted FTA that DHS discontinued the HIFLD data set, and some commenters recommended removing the subfactor. In response to these comments, and due to the unavailability of the data, FTA proposes to remove the ''access to essential services'' subfactor from the land use calculation. FTA would retain the other four existing subfactors under the land use criterion.

FTA is proposing to continue giving each remaining subfactor equal weight (25%) in the land use rating calculation. FTA would maintain the existing breakpoints for the four remaining land use measures. FTA has also revised the land use section for clarity and to remove unnecessary and redundant language.

5. Other Project Justification Criteria

FTA is proposing minor, non-substantive clarifications to the CIG Policy Guidance regarding the mobility improvements, congestion relief, environmental benefits, and corridor capacity needs criteria. FTA is not proposing any changes to breakpoints for these criteria.

6. Project Justification Warrants

FTA is proposing changes to the Project Justification warrants process. Project Justification warrants are pre-qualification approaches that allow a proposed project to automatically receive a satisfactory rating on a given criterion based on the project's characteristics or the characteristics of the project corridor. Section 5309(g)(3) requires FTA to develop and use warrants when evaluating Project Justification criteria for New Starts and Core Capacity projects to the maximum extent practicable if the CIG share of the

project does not exceed 50 percent. The project sponsor must request the use of warrants and certify its existing public transportation system is in a state of good repair.

In the current CIG Policy Guidance, Project Justification warrants are available to New Starts and Small Starts projects for three Project Justification criteria: (1) cost effectiveness; (2) mobility improvements; and (3) congestion relief. FTA assigns an automatic Medium rating for each criterion if the cost of the proposed project and existing transit ridership in the corridor fit within certain thresholds defined in the Policy Guidance. For Core Capacity projects, warrants are available for the environmental benefits and economic development criteria. FTA automatically assigns a Medium rating on both criteria for all Core Capacity projects, unless the project sponsor requests the project be evaluated and rated in accordance with the requirements under the New Starts environmental benefits or economic development criteria.

FTA proposes several changes to the Project Justification warrant process to expand the use and effectiveness of warrants, consistent with the statutory direction for FTA to develop and use warrants to the ''maximum extent practicable'' (49 U.S.C. 5309(g)(3)). FTA believes these proposals will streamline the CIG process with less burden on project sponsors while promoting projects with higher transit ridership that are seeking a lower CIG share. In addition, FTA received several comments on the August 2025 RFI expressing support for warrants and requesting FTA expand warrants to other project justification criteria, such as land use.

First, FTA proposes to allow all three categories of CIG projects to be eligible for warrants if they meet defined ridership and cost thresholds, thus reducing the complexity of the warrants process. This allows all three project categories to have an opportunity to be evaluated using a simplified analysis with the same criteria. Because one of the primary Project Justification warrant criteria is total cost, it is reasonable to expect that fewer New Starts and Core Capacity projects (which tend to be more expensive) may qualify for such warrants, but this may not be universally so. This expansion allows New Starts and Core Capacity projects that do meet the same criteria the same opportunity to benefit from the simplified warrants approach. Next, FTA proposes to modify the cost and ridership thresholds governing when a project is eligible for warrants, as shown in the table below. As in the current Policy Guidance, projects with a total capital project cost of $600 million or higher would not qualify for Project Justification warrants, as such projects merit more careful and detailed analysis to ensure they are an effective use of taxpayer dollars.

TABLE 4—PROJECT JUSTIFICATION WARRANT ELIGIBILITY THRESHOLDS

Project justification warrant thresholds
<$100 million and 2,500 Existing Transit Riders
$100–$199 million and 5,000 Existing Transit Riders
$200–$299 million and 8,000 Existing Transit Riders
$300–$399 million and 12,000 Existing Transit Riders
$400–$599 million and 18,000 Existing Transit Riders
$600 million and higher not eligible for warrants

FTA is proposing these thresholds to support projects because recent experience has shown that projects within these ranges of ridership and cost are cost-effective and tend to lead to successful transit capital improvements in their corridors. FTA developed the warrant thresholds based on an examination of data from past and current projects in the CIG program, consideration of national transit ridership trends, and cost inflation that has occurred since the thresholds were first established in 2015. New Starts and Core Capacity projects below this cost may also be able to utilize warrants to simplify their rating process. The transit industry has been supportive of warrants and has in multiple recent CIG RFIs, including the August 2025 RFI, consistently expressed interest in expanding their use and eligibility.

FTA proposes that projects fitting within the proposed thresholds would receive ratings of Medium-High for all six Project Justification criteria, as opposed to a Medium rating for only certain criteria. This means any warranted project (New Starts, Core Capacity, or Small Starts) would receive an overall Project Justification rating of Medium-High. FTA believes projects meeting the proposed cost and ridership thresholds have a high likelihood of success and can be advanced without time-consuming and costly analysis of the six individual project justification criteria. Ultimately, this proposal would incentivize project sponsors to explore ways to increase project ridership and control cost escalation, which would ensure the Federal investment is targeted toward the most successful projects. By warranting ratings across all six Project Justification criteria, projects that qualify would not only know they have received a satisfactory Project Justification rating, but also would be spared the time-consuming effort of developing information for each individual criterion rating (*e.g.,* ridership forecasting, detailed economic development documentation). Though seeking a warrant has always been and is proposed to remain optional, the current guidance awarding a Medium rating on only three Project Justification criteria unintentionally led to a tension for some project sponsors who qualified for warrants but felt compelled to conduct the full rating analysis to potentially obtain a better overall rating. Such analysis is duplicative, made more work for sponsors and for FTA, and was counter to the intent of the warrants program in the first place. By proposing to increase the rating to Medium-High across all six project justification criteria, FTA would remove this unintended tension for project sponsors.

FTA also proposes an additional warrant for projects seeking a relatively small Federal share. This is responsive to comments received on the August 2025 CIG RFI voicing that warrants should be expanded to account for local funding overmatch. FTA is proposing that a project meeting the cost and ridership criteria defined in Table 4 above would receive an automatic High rating for all six project justification criteria if they seek a Federal share of 25 percent or less. FTA also proposes to extend full pre-award authority, including construction activities, to such projects upon Engineering approval for New Starts and Core Capacity projects and upon completing NEPA and receiving an acceptable rating for Small Starts projects. See Section II.C.10 of this notice for further discussion of this proposal.

For either of the two proposed warrants, the project would receive an automatic rating on all six project justification criteria. As is FTA's current practice, a project sponsor may not selectively pick and choose to be warranted for only some of the criteria. FTA would retain the availability of the existing automatic environmental benefits and economic development warrants for Core Capacity projects. Accordingly, if a Core Capacity project sponsor does not qualify for either of the proposed warrants discussed above, or if the project sponsor elects for the project to be rated individually under the applicable rating criteria, the Core Capacity project would remain eligible for the established automatic Core

Capacity economic development and environmental benefit warrants.

7. Project Justification Summary Ratings

The statute requires FTA to provide ''comparable, but not necessarily equal, numerical weight'' to each of the six Project Justification criteria when calculating the overall project rating (49 U.S.C. 5309(g)(2)(B)(ii) and 5309(h)(6)(A)). In the current CIG Policy Guidance, FTA gives equal weight to the six project justification criteria (16.66 percent each) when calculating the Project Justification summary rating. Given the statute does not mandate the criteria to be weighted exactly equally, FTA is proposing to change the Project Justification criteria weightings to place a greater emphasis on cost effectiveness. Accordingly, FTA is proposing the following weightings: cost effectiveness at 25 percent, congestion relief at 20 percent, mobility improvements at 20 percent, economic development at 15 percent, land use (for New Starts and Small Starts projects) or capacity needs in the corridor (for Core Capacity projects) at 15 percent, and environmental benefits at 5 percent.

This proposal is responsive to comments FTA received on the August 2025 CIG RFI. One commenter requested that congestion relief be given a higher relative weighting compared to the status quo. Another commenter recommended the Project Justification weightings better capture return on investment, such as ridership growth. FTA agrees with both commenters. FTA also notes that cost effectiveness is correlated with the level of Federal investment, as required by 49 U.S.C. 5309(h)(6) for Small Starts projects. Giving the cost-effectiveness criterion a higher weighting ensures the benefits of Small Starts projects are compared to the Federal assistance to be provided.

FTA notes the proposed environmental benefits criterion weighting (5 percent) is lower than the other Project Justification criteria weights. Based on CIG program history, CIG projects have proven to be environmentally beneficial. The proposed environmental benefits criterion weighting reflects this positive project outcome for all CIG projects and the corresponding relative difficulty in differentiating between transit projects based on this measure. In addition, environmental benefits are based on the transportation conformity status of the project area (nonattainment, maintenance, or attainment). Therefore, FTA cannot assign a five-point scale to this criterion due to the limited options. As explained in the November 2025 **Federal Register** notice of the Final CIG Policy Guidance (90 FR 50886), FTA determined not to assign a Medium-High rating for maintenance areas (*i.e.,* areas formerly designated nonattainment but have since achieved attainment) because the High rating rewards areas formerly in nonattainment that have since achieved attainment to a higher degree. FTA does not propose changes to the environmental benefits rating methodology and will continue to assign CIG projects a Medium or High rating under this Project Justification criterion.

8. Local Financial Commitment

The statute governing the CIG program requires proposed CIG projects to be supported by an acceptable degree of local financial commitment (49 U.S.C. 5309(d)(2)(A)(iv), (e)(2)(A)(v), and (h)(3)(C)). In the current CIG Policy Guidance, the local financial commitment rating is comprised of three subfactors: current capital and operating condition of the project sponsor, commitment of capital and operating funds, and reasonableness of the financial plan submitted by the project sponsor. FTA calculates the overall local financial commitment rating by giving a 25 percent weighting to both the ''capital and operating condition'' and ''commitment of capital funds'' subfactors, and a 50 percent weighting to the ''reasonableness of the financial plan'' subfactor. After this calculation, FTA then boosts the local financial commitment rating one level (*e.g.,* from Medium to Medium-High) if the project sponsor is providing significant local funding overmatch. This boost is available if the project's summary local financial commitment rating is at least Medium and the requested CIG share for the project is less than 50%.

FTA is proposing several changes to the local financial commitment evaluation. First, FTA proposes to revise the relative weightings of the three subfactors in the calculation of the overall local financial commitment rating. FTA proposes to weight the three subfactors as follows: current capital and operating condition at 20 percent; commitment of funds at 20 percent; and reasonableness of the financial plan at 60 percent. With the proposed changes, FTA places a greater emphasis on the ''reasonableness of capital and operating cost estimates'' criterion, which includes planning assumptions and additional capital funding capacity and demonstrates a project sponsor's ability to withstand unexpected cost overruns or funding shortfalls. The higher weight would improve financial accountability and reduce risk to the Federal investment in CIG projects.

FTA is also proposing to ''round down'' the calculated local financial commitment summary rating to the lower rating level when the ''averaged'' rating would be in-between ratings. FTA currently ''rounds up'' the calculated local financial commitment summary rating to the next rating level. The proposed change adds stringency in financial evaluation by right-sizing the local financial commitment criteria. In addition, FTA is proposing to re-define the circumstances in which it will boost the local financial commitment ratings by one level. Under the current CIG Policy Guidance, FTA increases the overall local financial commitment rating by one level if the rating is Medium or higher and the CIG percentage share is less than 50 percent of the project's capital cost. FTA proposes to eliminate this boost and replace it with a new one that would apply only to the ''commitment of funds'' subfactor and reflect significant overmatch. For New Starts projects, FTA would increase the ''commitment of funds'' subfactor rating by one level if the project sponsor requests a CIG percentage share of less than or equal to 40 percent of the project's total cost. For Core Capacity and Small Starts projects, FTA would boost the ''commitment of funds'' subfactor rating by one level if the project sponsor requests a CIG percentage share of less than or equal to 50 percent of the project's total cost. The proposed change would encourage project sponsors of large projects to provide significant non-CIG funding overmatch and would recognize the significant decision a region makes when committing to such an overmatch. The different overmatch threshold proposed for New Starts would strike a balance based on recent real-world experience that New Starts projects typically have a higher cost—while still acknowledging the importance of significant overmatch.

FTA would retain the existing commitment of funds rating boost for projects with significant private contributions. However, FTA proposes that projects may only receive a single boost (*i.e.,* either the significant overmatch boost or the significant private contributions boost). Multiple commitment of funds rating boosts for a single project would not be allowed to avoid skewed weighting. Multi-step boosts given to any particular criterion could have an unintentionally outsized impact on the rating, which could risk minimizing the importance of the other criteria.

E. Demonstrating Progress Toward Meeting TAM Performance Targets

The Infrastructure Investment and Jobs Act (Pub. L. 117–58) added a new requirement to the CIG program, codified at 49 U.S.C. 5309(c)(1)(C). FTA must determine an applicant has made progress toward meeting their Transit Asset Management (TAM) performance targets before awarding a construction grant. FTA first implemented this requirement in January 2023 (88 FR 2166) by adopting an interim approach and stating that FTA would propose a long-term approach in a future guidance update.

The interim approach, which is still in effect in the current CIG Policy Guidance, provides that when a project sponsor submits an entry to Engineering request or an FFGA request, the project sponsor must include a statement signed by the CEO (Accountable Executive) describing the progress the project sponsor's transit agency has made toward meeting the TAM targets. This self-certification statement must include two supporting documents: (1) the up-to-date TAM plan and (2) the narrative report submitted to FTA's National Transit Database (NTD) that explains the agency's progress towards achieving the TAM goals for all asset classes in the TAM plan. Each year, transit agencies report their progress toward meeting the performance targets to FTA through the NTD. In addition, transit agencies set targets on State of Good Repair measures and report those targets through the NTD.

On December 17, 2025, the DOT Office of Inspector General (OIG) released an audit report regarding FTA's evaluation of TAM performance targets for purposes of the CIG program.[1] In this report, OIG recommended FTA ''[d]evelop and document implementation of a methodology to verify that CIG applicants that are subject to the TAM performance target progress requirement have made progress on established TAM performance targets before awarding CIG grants.'' In accordance with this recommendation, FTA is proposing to enhance its existing TAM performance target verification process. Specifically, FTA proposes to enhance its review of the project sponsor's TAM documentation by reviewing the project sponsor's submissions to the NTD (data and accompanying narratives) against the transit agency's TAM Plan and State of Good Repair targets. FTA would verify the transit agency's progress by comparing the project sponsor's NTD submissions with the transit agency's TAM Plan and State of Good Repair targets for consistency. FTA would also add review of TAM documentation to the Project Management Oversight (PMO) applied to all CIG projects.

To minimize burden on project sponsors at entry to Engineering, FTA also proposes to no longer require the Accountable Executive to submit a signed statement describing the progress the transit agency has made toward meeting its TAM targets. FTA would only require the signed statement at the construction grant request stage. FTA would retain the requirement for the sponsor to provide to FTA the transit agency's current TAM plan and most recent submission to the NTD (data and accompanying narrative) at both the entry to Engineering and construction grant request stages. FTA has also changed the term ''Chief Executive Officer'' to ''Accountable Executive'' when describing the performance target requirement for consistency with the terminology used in FTA's TAM regulation (49 CFR part 625). This is a non-substantive change.

Request for Comments

FTA requests comments on this CIG Policy Guidance, which is available in the docket for this notice and on FTA's website. FTA will consider any substantive comments received on the proposed CIG Policy Guidance and will either revise sections in the guidance based on comments received or will finalize the guidance as proposed.

Authority: 49 U.S.C. 5309; 49 CFR 1.91.

Matthew Cahill,

Acting Deputy Administrator.

[FR Doc. 2026–20179 Filed 9–30–26; 8:45 am]

BILLING CODE 4910–57–P

[1] USDOT Office of Inspector General, *FTA Did Not Verify Transit Asset Management Performance Target Progress Prior to Awarding Capital Investment Grants* (Dec. 17, 2025), *https://www.oig.dot.gov/library-item/47025.*

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Superfund Tax on Chemical Substances; Request To Modify List of Taxable Substances; Notice of Filing for Styrene Isoprene Block Copolymer; x+z=482, y=2,178.51, a=1.70

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of filing and request for comments.

SUMMARY: This notice of filing announces that a petition has been filed requesting that styrene isoprene block copolymer ($((C_8H_8)_x$-$(C_5H_8)_y$-$(C_8H_8)_z$-$(C_{33}H_{56}N_4OS_2)_a$; x+z=482, y=2,178.51, a=1.70), also known as ''SIS Rubber,'' be added to the list of taxable substances. This notice of filing also requests comments on the petition. This notice of filing is not a determination that the list of taxable substances is modified.

DATES: Written comments and requests for a public hearing must be received on or before November 30, 2026.

ADDRESSES: Commenters are encouraged to submit public comments or requests for a public hearing relating to this petition electronically via the Federal eRulemaking Portal at *https://www.regulations.gov* (indicate public docket number IRS–2026–1032 or styrene isoprene block copolymer; x+z=482, y=2,178.51, a=1.70) by following the online instructions for submitting comments. Comments cannot be edited or withdrawn once submitted to the Federal eRulemaking Portal. Alternatively, comments and requests for a public hearing may be mailed to: Internal Revenue Service, Attn: CC:PA:01:PR (Notice of Filing for Styrene Isoprene Block Copolymer; x+z=482, y=2,178.51, a=1.70), Room 5203, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. All comments received are part of the public record and subject to public disclosure. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. You should submit only information that you wish to make publicly available. If a public hearing is scheduled, notice of the time and place for the hearing will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jacob W. Peeples at (202) 317–6855 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Request To Add Substance to the List

(a) *Overview.* A petition was filed pursuant to Rev. Proc. 2022–26 (2022–29 I.R.B. 90), *as modified by* Rev. Proc. 2023–20 (2023–15 I.R.B. 636), requesting that SIS Rubber be added to the list of taxable substances under section 4672(a) of the Internal Revenue Code (List). The petition requesting the addition of SIS Rubber to the List is based on weight and contains the information detailed in paragraph (b) of this document. The information is provided for public notice and comment pursuant to section 9 of Rev. Proc. 2022–26. The publication of petition information in this notice of filing is not a determination and does not constitute Treasury Department or IRS

confirmation of the accuracy of the information published.

(b) *Petition Content.*

(1) *Substance name:* Styrene isoprene block copolymer $((C_8H_8)_x$-$(C_5H_8)_y$-$(C_8H_8)_z$-$(C_{33}H_{56}N_4OS_2)_a$; x+z=482, y=2,178.51, a=1.70).

The substance is also known as SIS Rubber.

(2) *Petitioner:* Zeon Chemicals L.P. is an importer and exporter of SIS Rubber.

(3) *Proposed classification numbers:*

(i) *HTSUS number:* 4002.99.0000.

(ii) *Schedule B number:* 4002.99.0000.

(iii) *CAS number:* 25038–32–8.

(4) *Petition filing dates:*

(i) *Petition filing date for purposes of making a determination:* February 8, 2026.

(ii) *Petition filing date for purposes of section 11.02 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20:* April 1, 2023.

(5) *Description from petition:* SIS Rubbers are polyisoprene/polystyrene elastomers with block structures that are primarily used in adhesive formulations. SIS Rubber is a triblock copolymer that consists of polystyrene sequences (or blocks) at each end of an isoprene sequence in the center. The imported SIS Rubber has a very low amount of residual cyclohexane (50 ppm). SIS Rubber is sold in pellet form with a small amount of silica or talc (~0.2%) used as an anti-agglomeration agent. SIS Rubber is made from benzene, ethylene, propylene, butylene, nitric acid, methane, ammonia, chlorine, and sodium hydroxide. Taxable chemicals constitute 25.94 percent by weight of the materials used to produce this substance.

(6) *Process identified in petition as predominant method of production of substance:* The predominant method of producing SIS Rubber is through a block polymerization of isoprene and styrene in cyclohexane in the presence of a catalyst. Styrene monomer is produced by the dehydrogenation of ethylbenzene. Ethylbenzene is produced via a Friedel-Crafts reaction of benzene and ethylene. 2,6-di-tert-butyl-4-(4,6-bis(octylthio)-1,3,5-triazin-2-ylamino)phenol is produced from 4-amino-2,6-di-tert-butyl phenol and 1,3,5-Triazine, 2-chloro-4,6-bis(octylthio). 4-amino-2,6-di-tert-butyl phenol is produced from 4-nitro-2,6-di-tert-butyl phenol and hydrogen. 4-nitro-2,6-di-tert-butyl phenol is produced from 2,6-di-tert-butyl phenol and nitric acid. 2,6-di-tert-butyl phenol is produced from phenol and butylene. Phenol is produced via the Hock process (*i.e.,* the partial oxidation of cumene via the Hock rearrangement). Cumene is produced via the Friedel-Crafts alkylation of benzene with propylene. Hydrogen is produced from steam-methane reforming. 1,3,5-Triazine, 2-chloro-4,6-bis(octylthio) is produced from 1,3,5-triazine, 2,4,6-trichloro and 1-octanethiol. 1,3,5-triazine, 2,4,6-trichloro is produced from cyanogen chloride. Cyanogen chloride is produced by the oxidation of sodium cyanide with chlorine. Sodium cyanide is produced by treating hydrogen cyanide with sodium hydroxide. Hydrogen cyanide is produced by Andrussow oxidation (*i.e.,* the reaction of methane and ammonia in the presence of oxygen). 1-Octanethiol is produced by from halogen substituted octane and sodium hydrosulfide. Halogen substituted octane is produced by reacting octane and a halogen (*e.g.,* iodine). Sodium hydrosulfide is produced by the reaction of sodium hydroxide with hydrogen sulfide.

(7) *Stoichiometric material consumption equation, based on process identified as predominant method of production:* $(x+z+a)$ C_6H_6 (benzene) + $(x+z)$ C_2H_4 (ethylene) + y C_5H_8 (isoprene) + a C_3H_6 (propylene) + $2a$ C_4H_8 (butylene) + a HNO_3 (nitric acid) + $15/4a$ CH_4 (methane) + $3a$ NH_3 (ammonia) + $3a$ Cl_2 (chlorine) + $5a$ NaOH (sodium hydroxide) + $2a$ C_8H_{18} (octane) + $11/2a$ O_2 (oxygen) + $2a$ I_2 (iodine) + $2a$ H_2S (hydrogen sulfide) → $(C_8H_8)_x$-$(C_5H_8)_y$-$(C_8H_8)_z$-$(C_{33}H_{56}N_4OS_2)_a$ (SIS Rubber) + $(x+z)$ H_2 (hydrogen) + $3a$ HCl (hydrochloric acid) + $31/2a$ H_2O (water) + $3/4a$ CO_2 (carbon dioxide) + a C_3H_6O (acetone) + $3a$ NaCl (sodium chloride) + $2a$ HI (hydrogen iodide) + $2a$ NaI (sodium iodide).

(8) *Tax rate calculated by Petitioner, based on Petitioner's conversion factors for taxable chemicals used in production of substance:*

(i) *Tax rate:* $2.56 per ton.

(ii) *Conversion factors:* 0.19 for benzene, 0.07 for ethylene, 0.0004 for propylene, 0.001 for butylene, 0.0005 for nitric acid, 0.0005 for methane, 0.0004 for ammonia, 0.002 for chlorine, and 0.002 for sodium hydroxide.

(9) *Public docket number:* IRS–2026–1032.

Michael H. Beker,

Senior Counsel (Energy, Credits, and Excise Tax), IRS Office of Chief Counsel.

[FR Doc. 2026–20061 Filed 9–30–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF VETERANS AFFAIRS

[Docket No. VA–2026–VACO–0001]

Corporate Senior Executive Management Office Notice of Performance Review Board Members

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Agencies are required to publish a notice in the **Federal Register** of the appointment of Performance Review Board (PRB) members. This notice announces the appointment of individuals to serve on the PRB of the Department of Veterans Affairs.

DATES: This appointment is effective October 1, 2026.

FOR FURTHER INFORMATION CONTACT: Melanie J. McGuire, Executive Director, Corporate Senior Executive Management Office, Office of Human Resources and Administration, *Melanie.McGuire@va.gov* or (202) 394–7490.

SUPPLEMENTARY INFORMATION: The membership of the Department of Veterans Affairs Performance Review Board is as follows:

Lawrence, Paul R.—Chair
Engelbaum, Mark R.—Vice Chair
Amick, Kevin P.
Arnold, Kenneth A.
Beck, Mari C.
Bocchicchio, Alfred J.
Bowman, Janna
Boyd, Teresa D.
Carter, Don C.
Clark, Ada Y.
Connell, Lawrence
Dannenberg, Walt C.
De Leon, Joshua
Decelles Slusher, Michelle E.
Flint, Sandra D.
Gruntmeir, Doris
Hamilton, Ryan
Hawthorne, Cory
Hayes-Byrd, Jacquelyn
Heiman, Ryan M.
Jones, Rhonda J.
Kobelja, Mark A.
Koeniger, Mark A.
Leahy, James
Lee, Aaron M.
Marsh, Willie C.
McCormick, Cortney Lynn
Morton, Barbara C.
O'Toole, Thomas P.
Parker, Christopher D.
Pozzebon, Lisa
Prietula, Laura V.
Prince-Wheeler, Latriece R.
Puetz, Tim
Repasky, Stephanie A.
Salyers, Jessica L.
Schmitt, Joseph G.

Sharpe, Timothy A.
Sirhal, Timothy
Smith, Alyshia W.
Tenhula, Wendy N.
Terrell, Brandye
Tibbits, Paul
Vulaj, Marie A.
Wall, Holly
Wiechers, Ilse R.
Williams, Derek R.
Wood, David P.
Young, Stephanie
Zomchek, Daniel S.

Authority: 5 U.S.C. 4314(c)(4).

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved this document on September 25, 2026 and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jacquelyn Collins,

Alternative Federal Register Liaison Officer, Department of Veterans Affairs.

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Rural Business-Cooperative Service

7 CFR Part 4280

Unleashing American Energy and Economic Prosperity; Rural Energy for America Program (REAP); Final Rule

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

7 CFR Part 4280

[Docket No. RBS–26-Business-0529]

RIN 0570–AB13

Unleashing American Energy and Economic Prosperity; Rural Energy for America Program (REAP)

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Final rule with comment period.

SUMMARY: The Rural Business-Cooperative Service (RBCS or the Agency), an agency of the Rural Development (RD) mission area within the U.S. Department of Agriculture (USDA) is issuing a final rule with comment period. Implementation of this action will simplify and streamline requirements and processes in the Rural Energy for America Program (REAP). Under the new REAP structure, projects must already be fully built and operational before the applicant ever applies. Applicants then apply, submitting actual energy production or savings data for the prior 12 months, alongside 12 months of pre-installation data. The Agency evaluates applications for completeness, eligibility, risk, and merit and will award grants subject to the availability of funds and criteria provided in an annual notice. This new approach changes the program to a post completion, performance validated model. All RES and EEI awards will now be based on *actual* documented output, energy savings, costs, and system performance. Bottlenecks leading to application processing backlogs such as the technical merit review clearance process have been removed from the Agency's purview. Multilocation projects and specific application of certain technologies are now ineligible, and the program proposes to eliminate state level competitions in favor of a single national scoring and selection process. The result is a streamlined but significantly different process intended to reduce risk to the program, simplify administration, and prioritize projects delivering verifiable results. The result of these changes, combined with the release of a planned online application portal, will significantly decrease burden for applicants by shortening application length and review times across the program.

DATES: *Effective date:* This final rule is effective October 16, 2026.

Comment date: Comments must be submitted on or before November 2, 2026.

ADDRESSES: Comments may be submitted by going to the Federal eRulemaking Portal at *https://www.regulations.gov/*and in the ''Search Documents'' box, enter the Docket Number or the Regulatory Information Number (RIN) provided above in the headings to the final rule, and click the ''Search'' button. To submit a comment, choose the ''Comment'' button associated with the rule. Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available under the ''FAQ'' tab at the bottom of the Home page.

All submissions received must include the Agency name and docket number or RIN for this rulemaking. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

Other Information: Additional information about Rural Development and its programs is available at *https://www.rd.usda.gov/.*

FOR FURTHER INFORMATION CONTACT: Natalie Melton, Program Management Division, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250–3201; telephone (202) 690–1371; email: *natalie.melton@usda.gov.*

SUPPLEMENTARY INFORMATION: The information presented in this preamble is organized as follows:

I. Authority
II. Background
III. Stakeholder Engagement
IV. Summary of Changes
  A. Subpart B—Rural Energy for America Program—Grants for Renewable Energy Systems and Energy Efficiency Improvements
  B. Subpart C—Rural Energy for America Program: Grants for Energy Audits and Renewable Energy Development Assistance
V. Executive Orders/Acts

I. Authority

The REAP program is authorized by 7 U.S.C. 8107. Procedurally, this rule is not required to undergo notice-and-comment rulemaking because of the exception in 5 U.S.C. 553(a)(2) for matters relating to grants. RBCS also believes a final rule is optimal in this instance to quickly implement the new regulations and accept applications. Still, RBCS welcomes input from the public and has provided a comment period with this final rule, which may help RBCS in considering any future guidance or rulemaking on REAP.

II. Background

The 7 CFR 4280 Subpart B governs REAP and provides grants to Agricultural Producers and Rural Small Businesses for the purpose of purchasing and installing Renewable Energy Systems or to make Energy Efficiency Improvements. The program also provides grants to conduct Energy Audits and provide recommendations and information on Renewable Energy Development Assistance. Subpart B was last updated April 27, 2021 and confirmed on February 28, 2022 primarily to remove the provisions relating to guaranteed only loans promulgated through the OneRD initiative, now in 7 CFR 5001.

This program reduces energy costs and consumption and helps meet the Nation's critical energy needs; however, based on feedback received from applicants and stakeholders during the normal course of business, the current regulation is perceived as complicated and burdensome for the average person or business to understand and often causes Applicants to hire grant writers and contractors to apply and administer funding further reducing their opportunities for economic prosperity. The Agency is revising the program requirements and processes to address these concerns and to support Executive Orders 14154, ''Unleashing American Energy'' and 14156, ''Declaring a National Energy Emergency,'' through reducing high energy costs and providing a diversified and affordable supply of energy to drive our Nation's economic prosperity by promoting efficiencies and reducing compliance costs. Consistent with the May 2025 USDA Farmers First Policy (*https://www.usda.gov/sites/default/files/documents/farmers-first-small-family-farms-policy-agenda.pdfhttps://www.usda.gov/sites/default/files/documents/farmers-first-small-family-farms-policy-agenda.pdf*) and the National Farm Security Action Plan (*https://www.usda.gov/sites/default/files/documents/farm-security-nat-sec.pdf*), which direct USDA to safeguard Cropland, elevate farmer interests, and disincentivize solar development on farmland, USDA updated the REAP program based on strong feedback from farmers, ranchers, rural businesses, and state partners, which was received through the normal course of business in person or through phone calls and emails. Many stakeholders raised concerns that some large ground mount solar projects were contributing to artificially inflated land

prices, displacing productive Cropland, or exceeding a business's actual energy needs. They voiced further concerns regarding components manufactured in foreign adversary nations that might detract from the goals of supporting American manufacturing. The updated rule focuses REAP support on appropriately scaled, on farm renewable energy systems, not large or utility scale solar developments, and excludes projects that involve prohibited components from foreign adversary nations, as defined by 15 CFR 791.4. By limiting oversized ground mount installations, protecting Cropland, and ensuring systems match genuine energy use, USDA is safeguarding farmland, preventing market distortions, and ensuring REAP funds directly benefit rural producers and small businesses while maintaining program fairness and integrity.

This revision streamlines, simplifies, and reduces burden for the application process. The Agency will publish a Notice of Funding Opportunity providing additional details on application procedures, funding priorities, and how applications will compete. REAP is a competitive grant program. Projects compete based on score, and funding to support all eligible applications is not guaranteed. Applicants whose projects are not funded must re-evaluate program eligibility and, if their project still meets the program criteria, may submit a new application in the following application cycle.

IV. Summary of Changes to the Rule

This section presents the changes to the existing grant regulation which includes revising subpart B into a more sequential order of events as they occur during the application, award, and post-award processes. Subpart B regulates grants for Renewable Energy Systems and Energy Efficiency Improvements. This subpart has been revised to prohibit the installation of solar and wind renewable energy systems on Cropland, prohibit a solar photovoltaic system or wind turbine consisting of any component made in a country named as a foreign adversary, limit applicant eligibility to the Highest-Level Owner, ensure alignment of the definition of Small Business with the definition used by the Small Business Administration, and shift the end date of the Project Period to 12 to 24 months prior to application. Subpart C regulates grants for Energy Audits and Renewable Energy Development Assistance. To promote clarity and reader comprehension defined terms have been capitalized throughout the preamble and regulatory text. Additional context and examples are outlined in the specific preamble sections that follow.

§ 4280.101 Purpose

This section was updated to move grants for Energy Audits and Renewable Energy Development Assistance out of subpart B and into subpart C because this portion of the program operates as a separate technical assistance program targeting a different pool of eligible applicants that compete in a separate competitive funding competition. The information regarding the use of up to 10 percent of the award amount for broadband infrastructure was moved to § 4280.125 because it is related to the use of funds.

§ 4280.102 Organization of Subpart

This section was revised to reflect the reorganization of the content to reflect the sequence of events as they occur during the application, award, and post-award processes.

§ 4280.103 Acronyms

This section was changed from ''Definitions'' to ''Acronyms.'' This section was added to make it easier for readers to quickly identify frequently used acronyms.

§ 4280.104 Definitions (Formerly § 4280.103)

This section was changed to remove language on exception authority as it is not authorized by the program's authorizing statute. Definitions were moved to this section to allow for the addition of the new Acronyms section located at § 4280.103. This section was revised to be consistent with the definitions for 2 CFR part 200 at 2 CFR 200.1. Language was also added to this section to clarify that additional defined terms can be found in applicable regulations. The following terms are removed, revised, or added.

Administrator was removed because the term is no longer used in the regulation.

Agency was revised to be consistent with the definition used in 7 CFR part 4284 subparts F, J, and K.

Agricultural commodity was added because it supports the revised definition for Agricultural Producer.

Agricultural producer was revised to more closely align with the definition used in 7 CFR part 4284 subpart J and subpart K. We have also included a section of the definition that specifically applies to wholly-owned Tribal entities to allow these entities to continue to be eligible for the program in a way that accommodates the way these entities are organized.

Ancillary infrastructure was added to clarify how this term is used in the context of this regulation.

Annual energy production was added to clarify how the annual output of energy produced by a Renewable Energy System should be reported.

Applicant was revised to more closely align with the definition used in 7 CFR part 4284 subparts F, J, and K.

Battery energy storage system was added to support the clarification of project eligibility in § 4280.122.

Biofuel was removed because it is no longer used in the regulation.

Biogas was revised to include examples of acceptable Renewable Energy Biogas projects.

Commercially available was revised to remove ambiguity and to remove the alternative to use a domestic or foreign system that has been certified by a recognized industry organization whose certification standards are acceptable to the Agency.

Complete application was removed because it is not needed. The concept of a complete application and its significance to the application process is explained in §§ 4280.131 and .140(a).

Costs incurred was removed because the term is no longer used in the regulation.

Cost sharing was added to be consistent with 2 CFR part 200.

Council was relocated to the newly added § 4280.204 because it is only applicable to the Energy Audit and Renewable Energy Development Assistance Grants.

Cropland was added to be consistent with 7 CFR 718.2.

Departmental regulations was removed because it is now addressed in § 4280.108(c).

Design/build method was removed because the term is no longer used in the regulation.

Distribution components was added to clarify how the term is used in the context of this regulation.

Eligible project costs was removed because uses of funds and allowable and unallowable costs are addressed in § 4280.125.

End user was added to support the revised section on conflict of interest in § 4280.106.

Energy assessment was revised to move the requirement for when the Energy Assessment needs to be submitted to § 4280.131(b)(2).

Energy audit was revised to limit the person who can conduct the Energy Audit to an Energy Auditor and to identify acceptable standards.

Energy efficiency improvement was revised to clarify that the Energy Efficiency Improvements must be for the Applicant's operations.

Equipment was added to be consistent with 2 CFR part 200.

Existing business was revised to clarify what is considered an Existing Business. The definition no longer treats a new business and Existing Business applying as co-Applicants as an existing business.

Farm or Ranch was added to support the revised definition of Agricultural Producers.

Feasibility study was revised to clarify that the individual conducting the report must have relevant knowledge, expertise, and experience and to further clarify that the findings must be related to the feasibility of the proposed Project or operation located at a specific site.

Federal award was added to be consistent with 2 CFR part 200.

Financial assistance agreement was revised to clarify what is included and which form is used.

Financial feasibility was removed because the term is no longer used in the regulation.

For-profit organization was added to be consistent with 2 CFR part 200.

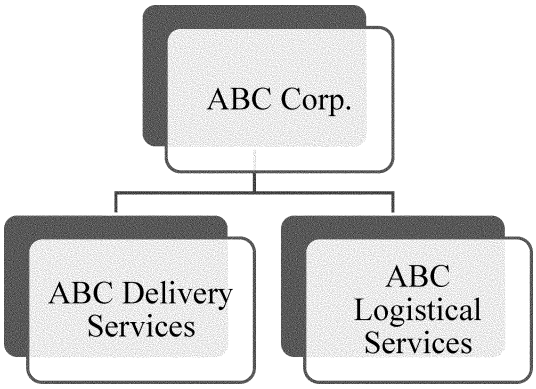
Geothermal source was added to support the Geothermal Direct Generation System and Geothermal Electric Generation System definitions.

Highest-level owner was added to support the revised section on Applicant eligibility in § 4280.120. Below are examples of what the Agency considers to be Highest-Level Owners:

(1) One example is a sole proprietorship. This company is owned by one individual and could apply as an Agricultural Producer if they are engaged in farming or ranching as their business. Alternatively, the company could apply as a Rural Small Business if it meets the definition of a Small Business and is located in a Rural area.

(2) Another example is an entity owned by a group of people, such as a family-owned LLC. This entity is owned by multiple individuals, not by one or more entities, and would be eligible to apply if it meets the definition of an Agricultural Producer or a Rural Small Business.

(3) A third example is an entity that owns two subsidiaries—ABC Corp. While the entity that owns the subsidiaries is eligible to apply as a Highest-Level Owner if it meets the definition of either Agricultural Producer or Rural Small Business, neither of the subsidiaries is eligible to apply as a Highest-Level Owner because they are owned by another entity—ABC Corp.



Hybrid is updated to the term Hybrid System.

Hydroelectric source is updated to Hydroelectric System.

Hydrogen project is updated to Hydrogen System.

Immediate family was revised to be consistent with the use of the term in 7 CFR part 4284.

Indian Tribe was added to be consistent with 7 U.S.C. 8101(10).

Institution of Higher Education was relocated to the newly added § 4280.204 because it is only applicable to the Energy Audit and Renewable Energy Development Assistance Grants.

Instrumentality was relocated to the newly added § 4280.204 because it is only applicable to the Energy Audit and Renewable Energy Development Assistance Grants.

Interconnection agreement was revised to clarify the definition.

Key service providers was added to clarify Project eligibility requirements in § 4280.122.

Kilowatt was added to support the definition of Rated System Size.

Kilowatt-hour was added to support the definition of Simple Payback.

Letter of conditions was added to support the award notification process described at § 4280.151.

Local government was added to support the updated conflict of interest policy located at § 4280.106.

Matching funds was removed to be consistent with 2 CFR part 200. The term Cost Sharing is now used to be consistent with 2 CFR part 200.

Megawatt was added to support the definition of Rated System Size.

Megawatt-hour was added to support the definition of Annual Energy Production.

Metering agreement was added to provide examples of the most common types of agreements. Examples of the most common metering agreements are described below.

(1) *Conventional Net Metering.* The entity sends excess electricity to the grid and receives a bill credit equivalent to the full retail price of power; in other words, the energy rate is credited on a 1:1 basis.

(2) *Net Billing.* The entity sends excess electricity to the grid and receives a bill credit equivalent to less than the full retail price of power; in other words, the energy rate is credited on a less than 1:1 basis. For example, the energy rate credited is the wholesale rate of the energy.

(3) *Aggregate Net Metering.* The entity sends excess energy to the grid, and that energy is used to offset the usage of other meters owned by the entity on same property.

(4) *Virtual Net Metering.* The entity sends excess energy to the grid, and that energy is used to offset the usage of other meters owned by the entity on one or more different properties.

Off-grid system was added to support the definition of Simple Payback.

Passive investor was removed because the term is no longer used in the regulation.

Person was removed because it was confusing and used inconsistently.

Power purchase agreement was revised to include the requirements for a Power Purchase Agreement.

Principals was added to support the Agency's compliance with screening for excluded parties as well as checking for duplicate applications submitted by entities owned by the same individuals.

Project was added to clarify what is meant when the Agency uses that term.

Project cost was added to be consistent with 2 CFR part 200.

Project period was added to reflect the timeframe during which allowable Project Costs are incurred.

Public power entity was relocated to the newly added § 4280.204 because it is only applicable to the Energy Audit and Renewable Energy Development Assistance Grants.

Qualified consultant was removed because the term is no longer used in the regulation. We are replacing this term with the phrase ''independent professional'' which is used in the same manner. The Agency continues to expect that the work is completed by an individual who possesses the necessary qualifications to do the work and that the individual has no conflict of interest as described in section .106 of this subpart.

Ranch was added to support the definition of Agricultural Producer.

Rated power was removed because the term is no longer used in the regulation.

Rated system size was added to allow the Agency to identify the eligibility system size restrictions for Hydroelectric System Projects and to obtain more consistent information about RES sizes as part of the application.

Real property was added to be consistent with 2 CFR part 200

Recipient was added to be consistent with 2 CFR part 200.

Refurbished was revised to clarify the definition.

Renewable Energy development assistance (REDA) was relocated to the newly added § 4280.204 because it is only applicable to the Energy Audit and Renewable Energy Development Assistance Grants.

Renewable Energy site assessment was relocated to the newly added § 4280.204 because it is only applicable to the Energy Audit and Renewable Energy Development Assistance Grants.

Renewable energy technical assistance was removed because the term is no longer used in the regulation.

Resource assessment was added to clarify the requirements for the Resource Assessment report.

Retrofitting was revised to clarify the definition and add examples.

Rural or Rural area was revised to simplify the definition.

Rural small business was revised to clarify the definition.

Simple payback was revised to re-order RES to be first because it is the more common application type, to adjust the calculation details to include actual values instead of projected, and to remove the paragraph related to new facilities for RES because those are no longer allowable. An example to further explain that the EEI project must have the same input and output conditions is, the calculation must include grain drying of 50,000 bushels for the 12 months prior to installation and grain drying of 50,000 bushels for 12 months after installation.

Small business was revised to simplify the definition by incorporating certain definitions and standards provided by the Small Business Administration.

Solar electric was added to clarify the requirement for the Resource Assessment.

Solar thermal was added to clarify the requirement for the Resource Assessment.

Steady state operating level was removed because the term is no longer used in the regulation.

Total eligible project costs was removed because the term is no longer used in the regulation.

Total project costs was removed and replaced with the term Project Costs.

Underserved communities was removed because the term is no longer used in the regulation.

Useful life was revised to clarify that it applies to the RES or EEI.

Veteran was removed because the term is no longer used in the regulation.

Wind energy was added to clarify the requirement for the Resource Assessment.

§ 4280.105 [Reserved]

This section is now reserved. The information on review or appeal rights is now located in § 4280.152, Notification of unsuccessful Applicants.

§ 4280.10 Conflict of Interest

This section is updated to strengthen and clarify the relationships and transactions that are subject to the conflict of interest policy and to include requirements identified in 2 CFR parts 200 and 400. Examples of relationships and transactions that can involve a COI include, but are not limited, to the following.

(1) *Relationships.* For purposes of this subpart, relationships among the following entities can involve a COI:

(i) Applicant, their parent, affiliate, or subsidiary companies, and their employees, consultants, and contractors;

(ii) End Users and their employees, consultants, and contractors;

(iii) System installers;

(iv) Developers; and

(v) All service providers, including Key Service Providers (for example Energy Auditors, Energy Assessors).

(2) *Transactions.* For the purposes of this subpart, all transactions must be arm's length transactions. An arm's length transaction is a transaction in which the involved parties act independently and have no relationship to each other. The concept of an arm's length transaction allows the market to ensure that both parties are acting in their own self-interest and are not subject to any pressure or duress from the other party. The following transactions can involve a COI:

(i) Advances or reimbursements of Federal Award funds;

(ii) Cost Sharing;

(iii) Procurement contracts;

(iv) Offtake agreement (*i.e.* agreement between the Applicant and whatever entity is taking the energy generated, *e.g.* End User);

(v) Site lease agreements, with the exception of agreements between the Highest-Level Owner and its wholly-owned subsidiary for the purpose of carrying out the RES or EEI;

(vi) Financing, with the exception of financing obtained through another entity wholly-owned owned by the Applicant;

(vii) Feasibility studies; and

(viii) Grant writing.

(3) *Examples.* Below are examples of relationships or transactions that the Agency considers to be conflicts of interest.

(i) An affiliated entity of the Applicant wants to install the system while taking profit.

(ii) The ownership of Applicant and the End User include one or more of the same individuals.

(iii) The RES developer conducts the Feasibility Study.

(iv) The RES developer writes the application.

(v) The RES developer provides financing, even through another entity owned by the developer.

(vi) The RES developer installs the system.

(vii) The RES developer purchases the tax credits.

(viii) The RES developer is an End User or an owner of the End User of the power.

§ 4280.108 Compliance With Other Laws and Regulations

This section is renamed and updated to clarify all levels of regulations that are applicable to this program, including Federal, Departmental, and Agency levels. The reference to 7 CFR

1901.204 was removed because that regulation is no longer available.

§ 4280.109 [Reserved]

This section is now reserved. The Applicant eligibility information formerly located in this section is moved under § 4280.120.

§ 4280.110 [Reserved]

This section is now reserved. The satisfactory performance information formerly located in this section is moved to § 4280.140. Information on application submission is moved to § 4280.133. Information on application limits is moved to § 4280.122. Information on application modification is removed because it is no longer permitted. Information on incomplete applications is moved to § 4280.140. Information on application withdrawal is now located under § 4280.141. Information on the technical report is removed. Information on the time limit for the use of award funds is moved to § 4280.122. Information on extensions is removed and is covered in the Financial Assistance Agreement. Information on return of funds to the Agency is removed and is covered in the Financial Assistance Agreement.

§ 4280.111 [Reserved]

This section is now reserved. Information on eligibility notification for eligible applications is removed. The Agency will no longer notify Applicants at the eligibility determination stage of application processing due to resource limitations. Information on eligibility notification for ineligible Applicants and applications is now located under § 4280.152. Information about notification of funding determinations is moved to §§ 4280.151–.152.

§ 4280.112 [Reserved]

This section is now reserved. Information on Applicant eligibility is now located under § 4280.120.

§ 4280.113 [Reserved]

This section is now reserved. Information on project eligibility is now located under § 4280.122.

§ 4280.114 [Reserved]

This section is now reserved. Information on ineligible projects is now located under § 4280.122.

§ 4280.115 [Reserved]

This section is now reserved. Information on minimum and maximum awards is moved to § 4280.122. Information on maximum grant assistance is removed. Applicants are restricted to submitting one application per funding cycle. Information on matching funds (now called cost sharing) is now located under § 4280.122. Information on eligible project costs (now called allowable use of funds) is moved to § 4280.125. Information on ineligible project costs (now called unallowable use of funds) is now located under § 4280.125. Information on award amount considerations is removed because it is duplicative. The Agency's application and award processes are moved to §§ 4280.140 and .150.

§ 4280.116 [Reserved]

This section is now reserved. Information on application submission is now located at § 4280.133. Information on application content is moved to § 4280.131. Information on evaluation of applications is now located at § 4280.140.

§ 4280.117 [Reserved]

This section is now reserved. Information on technical merit is incorporated into project eligibility under § 4280.122 and application processing under § 4280.140.

§ 4280.118 [Reserved]

This section is now reserved. Information on application requirements for applications with Project Cost of $200,000 or greater is now located under § 4280.131.

§ 4280.119 [Reserved]

This section is now reserved. Information on application requirements for applications with a Project Cost of more than $80,000 and less than $200,000 is moved to § 4280.131.

§ 4280.120 Applicant Eligibility

This section is changed from ''Grant applications for RES and EEI projects with total project costs of $80,000 or less'' to ''Applicant Eligibility.'' Information on application requirements for applications with a Project Cost of $80,000 or less is located under § 4280.131. Notable changes include:

i. The Agency clarified the requirement for which entities are eligible to apply for funds. Agricultural Producers and Rural Small Businesses remain eligible to apply, but they must be considered Highest Level Owners, meaning no other entity owns or controls the Applicant entity. This clarification was made to ensure that certain entities do not obtain a disproportionate share of available funds and to streamline the Agency's eligibility determination process.

ii. Rural Small Business Applicants must be considered small businesses by the Small Business Administration (SBA). Relying on SBA's process and expertise ensures consistent and accurate implementation and reduces the Agency's burden when determining whether Applicants applying as Rural Small Businesses are eligible.

iii. All Applicants must be an Existing Business at the time of application. This allows the Agency to perform a risk evaluation on all Applicants as required by 2 CFR 200.206. A ratio of current assets to current liabilities of at least 1:1 is required for the Applicant to be eligible.

iv. Applicants are only eligible for one award per Federal Fiscal Year. This ensures that entities do not obtain a disproportionate share of available funds and streamlines the Agency's eligibility determination process. For example, if John Smith and Jane Doe own ABC Corporation, the Agency will only make one award to ABC Corporation. No additional awards to ABC Corporation or to entities owned by John Smith and Jane Doe, including sole proprietorships, will be approved in a given FFY.

v. Applicants with any foreign investment or ownership will be evaluated by the Agency pursuant to applicable law. This aligns with Executive Order 14315, dated July 7, 2025, on ''Ending Market Distorting Subsidies for Unreliable, Foreign Controlled Energy Sources''.

vi. Applicants deriving any income from gambling activities are no longer eligible to apply. State authorized lottery proceeds and net revenues generated from gaming by a Tribe pursuant to Tribal law or the Indian Gaming Regulatory Act, 25 U.S.C. 2107 *et seq.,* conducted in part for the purpose of raising funds for the approved Project continue to be excluded from this restriction after Agency review.

§ 4280.121 [Reserved]

This section is now reserved. Information on scoring applications is moved to § 4280.140.

§ 4280.122 Project Eligibility

This section is changed from ''Selecting RES and EEI grant applications for award'' to ''Project Eligibility.'' Information on selecting applications for an award is located under § 4280.150. This section now includes the former ''Technical Merit'' requirements identified in former § 4280.117 as well as Appendices A, B, and C. These requirements were treated as eligibility requirements by the

Agency, so adding them to this section clarifies the Agency's consideration of this information. Notable changes include:

i. The project must be completed between 12 to 24 months prior to the date of application. With the exception that for the first application window following the release of the updated regulation the Project Period end date may be between 12 and 36 months prior to submission of the application.

ii. The Applicant must also provide 12 months of actual energy production or energy savings as part of the application. This change is being implemented for several reasons:

a. Based on how the program has been implemented and utilized in the past, the Agency is aware that many applicants felt the need to begin their Projects as soon as they received notice that a complete application had been received by the Agency. But they were often confused about what charges were allowable to charge to the award, and this confusion resulted in a significant disallowance of costs and unexpected expenses to the applicants. By shifting the Project Period, applicants can now complete their Projects at a time that is best for their business and have a better-defined Project Period for determining cost allowability.

b. The Agency also determined that many previous applications were proposing Projects for systems that were significantly oversized for their business due to the financial incentive of receiving a grant. By shifting the Project Period to occur prior to application, the Agency is incentivizing right-sized systems that meet the needs of the applicant's business, while allowing for some growth, and are viable and sustainable both from a financial perspective and from an energy generation or energy savings perspective. We recognize that there is some uncertainty about whether an applicant will receive an award, but we expect that uncertainty to be a factor in the applicant's decision-making process about purchasing an RES or completing EEI. Because of the increase in focus on viability and sustainability, we expect any awards will contribute significantly to the health of the businesses that receive them and allow better future cash flow and expansion.

c. This change also ensures that the Agency receives actual data regarding the energy produced and/or saved for the Project. This actual data allows us to more accurately evaluate the merit of the Projects and to demonstrate program performance.

d. The Agency understands that there may be concerns from applicants about how to finance their Projects when the grant funding is expected after the Project is completed. To address those concerns, the Agency is making it clear that the REAP Guaranteed Loan Program, as implemented through 7 CFR 5001, is available to support potential applicants with up-front costs of the RES or EEI.

e. The Agency also understands the concerns expressed by recent applicants to the REAP RES EEI Program after a Stakeholder Announcement was issued on March 31, 2026 that discontinued processing pending applications. Structuring the program so that the Project Period occurs prior to the application date allows any applicants with pending applications to be able to resubmit applications, provided they meet the requirements of the program.

iii. The site must be owned or controlled via lease at least 12 months prior to the Project period. The regulation outlines items required in lease agreements. This change is made to align with the above requirement for when the Project must be completed.

iv. Wind and solar systems on Cropland cannot be retrofitted using REAP funds. This change is made as part of Executive Order 14315, ''Ending Market Distorting Subsidies for Unreliable, Foreign Controlled Energy Sources.''

v. The provision to allow Energy Efficiency Improvements for new building construction was removed to streamline program administration.

vi. The language on Key Service Provider qualifications and conflict of interest was clarified.

vii. Combined heat and power projects (CHP) using steam instead of Renewable Biomass must apply as an EEI project. This change was made to clarify how CHP Projects must apply.

viii. The minimum award amount for both RES and EEI is now $1,500, versus two thresholds for RES and EEI grant applications. This change was made to ensure consistency between RES and EEI applications.

ix. Rural area eligibility was amended so the project must be located in a rural area. This change was made to ensure funds are directed to rural areas.

x. Reference to environmental requirements were updated to refer to updated USDA regulations at 7 CFR 1b.

xi. The provision allowing shared meters with residences was removed. This change streamlines application processing and helps ensure that energy is not used for residential purposes.

xii. The provisions regarding eligible and noneligible residential use was clarified. Only community solar subscription programs, nursing homes and assisted living facilities, and for-profit hotels that meet the requirements noted in the regulation are eligible.

xiii. To facilitate the best use of government dollars, Simple Payback must be equal or less than the Useful Life of the project assets in order for the project to be eligible.

xiv. Energy storage systems including Battery Energy Storage Systems are limited to a capacity of 120% of the average energy use of the Applicant for the 12 months prior to the installation of the RES with energy storage system or completion of the EEI. This change was made to encourage installation of right-size systems.

xv. To streamline project completion and to ensure that each application represents one singular project, applications to install a RES or an EEI at more than one location are no longer eligible. The rationale is that it is more efficient in terms of application burden for both applicants and the agency. This efficiency can be seen in the way project eligibility must be demonstrated and assessed. An applicant with a multi-location project would have to provide eligibility information for each location and then the Agency would have to assess the eligibility for each location. One example is that the applicant must provide 12 months pre-installation and 12 months post-installation of utility bills for all locations. By restricting to one location, we remove the burden for the applicant and the agency in reviewing multiple locations worth of 2 years of utility bills. Another example is that a project with multiple locations would have to wait until the RES or EEI is installed at all locations prior to applying. Different locations may have different timelines and that could impact the overall eligibility for the program.

xvi. To carry out the Secretary's Small Family Farms Agenda and in response to feedback obtained during the normal course of business from applicants and stakeholders, (1) ground mount solar photovoltaic and wind turbines installed on certified Cropland, as defined by the Farm Service Agency in 7 CFR 718.2, are not eligible; (2) solar photovoltaic and wind systems that cannot document commensurate historical energy usage are not eligible; and (3) solar photovoltaic and wind systems, both ground mount and roof mount, consisting of any component made in a country named as a foreign adversary are not eligible. Note that the Agency has identified an exception for Projects completed prior to the publication of the regulation to allow for potential applicants to transition to

components made in countries not named as foreign adversaries.

xvii. To streamline program administration, flexible fuel pumps, electric vehicles, electric vehicle chargers and charging stations are identified as not eligible.

xviii. To preserve grant funds for projects that best fit the statutory purposes of REAP, the following projects are not eligible for REAP grant funds: (1) projects that include only moving Renewable Energy from one point to another, for example Biogas pipelines; (2) Retrofitting of an existing Renewable Energy System to add an energy storage system; (3) stand-alone energy storage system projects.

xix. Regarding the eligibility of mobile systems, EEI projects to a vehicle and RES projects that are not directly mounted on a vehicle used to carry the Applicant's business operations are ineligible for assistance. Examples of mobile systems that are not eligible are solar panels and battery storage systems mounted on a trailer. This change was made to clarify the eligibility of Projects involving mobile systems. Examples of eligible mobile systems include, but are not limited to, installing a solar panel on a food truck used by the applicant to conduct business operations—such as powering the truck's refrigeration system—or in alignment with Executive Order 14276, improving the energy efficiency of a reverse osmosis system on a fisherman's boat.

xx. The prohibition against systems that include a mechanism for dispending energy at retail was moved from the definition section to the section discussing eligibility to make the information easier to find. Examples of dispensing energy at retail that are not eligible includes electric vehicle chargers or charging stations and flexible fuel pumps.

xxi. The regulation clarifies that distribution-only Projects are ineligible. This information was previously discussed in the definitions section regarding Renewable Energy Systems and was moved to make the information easier to find. Examples of distribution-only projects that are not eligible include Biogas pipelines.

§ 4280.123 Reserved Funds Eligibility

This section is changed from ''Awarding and administering RES and EEI grants'' to ''Reserved funds eligibility.'' Information on award notification is located under § 4280.151.

§ 4280.124 Reserved

Information on servicing (now called monitoring) awards that is specific to the Agency is now located under § 4280.161. Other information is located in 2 CFR part 200. Information on reporting requirements is moved to § 4280.160.

§ 4280.125 Use of Funds (Formerly § .115(c) and (d))

This section is changed from ''Construction planning and performing development'' to ''Use of funds.'' Information on maximum open and free competition is now located under § 4280.122. Information on compliance with the Equal Employment Opportunity Act is now located under § 4280.122. Information on surety requirements is removed because it is no longer needed. Information on grantees accomplishing work is removed because it is no longer allowable based on the revised conflict of interest policy in § 4280.106. Information on forms used is removed because it is no longer needed. Information on technical services is located under § 4280.122. Information on design policies is located under § 4280.122. This section now includes allowable and unallowable uses of funds. This section clarifies and expands the identification of allowable and unallowable uses of funds.

§ 4280.131 Application Requirements (Formerly §§ 4280.116(b), .117, .118, .119, .120)

This section streamlines the requirements for an application. The statute requires three tiers of applications based on the cost of the activity funded by this subpart, and all application requirements are now located in this section. The Agency clarified the requirements and categorized them by the type of eligibility requirement (*i.e.* applicant or project) that the applicant must address. The requirements have also been updated to reflect the current eligibility for the program and to address the shift in project completion date. Formerly, information was requested based on project estimates and expectations. Now, information is requested based on actual project performance. Notable changes include:

i. The technical merit provisions of the regulation, including the appendices, have been streamlined given application volume. Specific technical questions will be incorporated into the application process. Projects will also be completed and operational prior to application filing, thus reducing the risk that the Project might not be completed and the Agency will have dedicated funding to a Project that is never operational. The Agency will also require certifications described in this section prior to payout.

ii. Former section 4280.125 Construction planning and performing development has been removed from the regulation given that projects will be complete prior to applying to the Agency. Applicants will be advised to follow provisions noted in 2 CFR 200 regarding procurement contracts, etc.

The applicant should consult with all applicable local, Tribal, state and/or Federal agencies to understand its legal, regulatory, and permitting obligations and liabilities. This includes consulting with applicable entities to ensure compliance with requirements for threatened and endangered species and cultural resources.

i. A change to application requirements that all Applicants must provide business level financial statements. Project with total projects costs of $200,000 or greater must also include two years of pro-forma financial data.

ii. Added requirement for Applicants to identify the name and percentage of foreign ownership to ensure the Agency can properly evaluate Applicants.

iii. Added requirement to identify country of origin for solar photovoltaic and wind turbine projects. This requirement applies to all system components. For example, if the system is a solar photovoltaic, the system components include the panel manufacturer, inverter manufacturer, racking manufacturer, and monitoring software.

§ 4280.133 Submission Requirements (Formerly § 4280.122)

This section provides specific information on the submission period, the submission address, submission format, and number of applications. This information was previously supplied in an annual notice because the former section in the regulation was vague. The Agency will publish annual application windows. REAP restricts applicants to one application per federal fiscal year. For example, if John Smith and Jane Doe own ABC Corporation, the Agency will only accept one application from ABC Corporation. No additional applications from ABC Corporation or from entities owned by John Smith or Jane Doe would be accepted, including sole proprietorships. The program previously restricted applicants to one RES application and one EEI application per federal fiscal year. This restriction is implemented to ensure better distribution of funding due to the historical oversubscription of the program.

§ 4280.137 [Reserved]

The combined loan and grant and guaranteed loan funding requirements formerly included in this section are no longer needed. An applicant may separately apply for and separately receive a REAP guaranteed loan under 7 CFR 5001 and a REAP grant under this subpart for the same project. The 75% maximum REAP grant and guaranteed loan funding limit is noted in § 4280.122(b). REAP guaranteed loans will follow provisions outlined in 7 CFR 5001.

§ 4280.140 Application Processing (Formerly §§ 4280.116(c) and .121)

This section combines all of the application evaluation information in one section. It also adds eligibility evaluation and the agency's risk evaluation process, which is required by 2 CFR 200.206. The merit evaluation criteria, also called scoring criteria, have been revised to better reflect the goals of the program, to remove duplication, and to streamline the evaluation process. An example of standard rounding practices used for scoring includes, if points are to be rounded to the nearest hundredth, 57.567 will be rounded to 57.57; if points are rounded to the nearest tenth, 91.44 will be rounded to 91.4; if points are rounded to the nearest integer, 7.6 will be rounded to 8.

§ 4280.141 Application Withdrawal

This is a new section that explains how an Applicant can withdraw an application from consideration. The language is consistent with other Agency programs.

§ 4280.149 [Reserved]

The Applicant eligibility information formerly included in this section has moved to 7 CFR part 4280 Subpart C.

§ 4280.150 Award Selection. (Formerly § 4280.122)

The Project eligibility information formerly included in this section is moved to 7 CFR4280 Subpart C. This section now includes information on how the Agency will select applications for an award. We have streamlined the process to simplify it and reduce burden. There are no longer multiple State and national competitions. There is one competition for applications of $20,000 or less and one national competition that includes unsuccessful applications for the $20,000 or less reserved funds and all other applications. To accommodate the lack of State competitions, the Agency will select the top two highest scoring applications in each State, provided those applications meet or exceed the minimum score established, and then fund applications in rank order until funds are expended or the minimum score is reached.

§ 4280.151 Notification of Successful Applicants (Formerly § 4280.123)

The ineligible projects information formerly included in this section is moved to 7 CFR 4280 Subpart C. This section now includes information on how Applicants will be notified if their application is selected for an award. This information has been streamlined and reduces burden. The insurance coverage in former section 4280.123(b) is no longer required. The matching funds information required in former section 4280.123(d) is now part of the application process under the new section 4280.131(a)(2)(O). The SAM registration information in former section 4280.123(e) is now under the new section 4280.131(a)(1)(C). The Power Purchase Agreement required under former section 4280.123(h) is now under the new section 4280.131(2)(C).

§ 4280.152 Notification of Unsuccessful Applicants (Formerly § 4280.111(b))

The grant funding for Energy Audit and information formerly included in this section is moved to 7 CFR part 4280 Subpart C. This section now includes only information on how unsuccessful Applicants will be notified.

§ 4280.153 Award Approval (Formerly § 4280.123(f) and (g))

The information formerly included in this section is moved to 7 CFR 4280 Subpart C. This section now includes information only on how an award is approved. This section clarifies that an award is approved only upon a fully executed Form RD 4280–2 and explains that the Agency will continue processing existing applications with a 1940–1 agreement signed by the Applicant and the Agency before the effective date of this regulation.

§ 4280.154–.159 [Reserved]

§ 4280.160 Reporting Requirements (Formerly § 4280.124(i))

This section streamlines and updates the financial and performance reporting requirements. Semi-annual reports, a final Project development report, and Form RD 4280–3D ''Annual Outcome Project Performance Certification'' are no longer required because the Project must be completed at the time of application. Twelve (12) months of actual energy generation or energy savings data will be provided at time of application versus the two or three years of annual outcome reports currently required. An Equipment report is added to the section to clarify the requirements for Equipment reporting.

§ 4280.161 Monitoring Awards (Formerly § 4280.124(h))

This section updates the description of how awards will be monitored. The language in this section has been streamlined because topics such as inspections, programmatic changes, prior approvals, disposition of property, financial management, audits, payment, monitoring, and close-out are addressed in 2 CFR 200 and supplemented by the Financial Assistance Agreement. Including more detailed language in this section would be duplicative.

§ 4280.162 Transfer of Obligations (Formerly § 4280.124(c))

This new section addresses transfers of obligations, which was previously covered in § 4280.124(c). The previous version of the regulation allowed an award or an obligation, to be transferred to a new entity, provided certain conditions were met. However, because the Projects must already be complete at the time of application, there is no reason for a transfer of obligation under this revision.

Appendix A to Subpart B of Part 4280—Technical Reports for Energy Efficiency Improvement (EEI) Projects

This appendix has been removed as specific technical questions will be incorporated into § 4280.131. Also, Projects must be complete and operational prior to application filing thus reducing technical risk.

Appendix B to Subpart B of Part 4280—Technical Reports for Renewable Energy System (RES) Projects With Total Project Costs of Less Than $200,000, But More Than $80,000

This appendix has been removed as specific technical questions will be incorporated into § 4280.131. Also, Projects must be complete and operational prior to application filing thus reducing technical risk.

Appendix C to Subpart B of Part 4280—Technical Reports for Renewable Energy System (RES) Projects With Total Project Costs of $200,000 and Greater

This appendix has been removed as specific technical questions will be incorporated into § 4280.131. Also, Projects must be complete and operational prior to application filing thus reducing technical risk.

Appendix D to Subpart B of Part 4280—Contents of Feasibility Study

This appendix has been removed and §§ 4280.131(b) Project Eligibility, technical sustainability, has been updated to reflect in detail the items required in a Feasibility study.

B. Subpart C—Energy Audit and Renewable Energy Development Assistance Grants

This subpart was created for the purpose of separating the program requirements for the Energy Audit and Renewable Energy Development Assistance Grants from the program requirements for the Renewable Energy Systems and Energy Efficiency Improvement Grants. Those requirements were formerly identified in §§ 4280.149–.159 and are now located in the following sections. Applicant eligibility (formerly § 4280.149) is located in section 4280.220. Project Eligibility and Ineligible Projects (formerly §§ 4280.150 and .151) are located in section 4280.222. The maximum grant amount (formerly § 4280.152(a) is located in section 4280.220. Eligible and ineligible Project Costs (formerly § 4280.152(b) and (c)) are located in section 4280.225. Application requirements (formerly § 4280.153) are located in section 4280.231. Evaluation and scoring of applications (formerly §§ 4280.154 and .155) are located in section 4280.240. Award selection (formerly § 4280.156) is located in 4280.250. Notification of successful Applicants and monitoring (formerly §§ 4280.158 and .159) are located in sections 4280.251, 4280.253, and 4280.261.

§ 4280.201 Purpose

This section was added to clearly state the purpose of the Energy Audit and Renewable Energy Development Assistance program.

§ 4280.202 Organization of Subpart

This section was added to reflect the content in the sequence in which it occurs during the application, award, and post-award processes.

§ 4280.203 Acronyms

This section was added to make it easier for readers to quickly identify frequently used acronyms.

§ 4280.204 Definitions

This section was added to be consistent with the way 2 CFR part 200 defines terms. See also the definitions from 7 CFR 4280.104 to streamline this subpart and to ensure consistency with the Renewable Energy Systems and Energy Efficiency Improvements Grant Program.

Council was removed from 7 CFR 4280.104 because it is not being used in subpart B of this part. The definition was also and revised to be consistent with 16 U.S.C. 3451.

Institution of Higher Education (IHE) was removed from 7 CFR 4280.104 and revised to be consistent with 2 CFR 200.1.

Key personnel was added to support the section on conflict of interest in § 4280.206 and to clarify Project eligibility requirements in § 4280.222.

Nonprofit organization was added to be consistent with 2 CFR part 200.

Public power entity was removed from 7 CFR 4280.104 and revised to be consistent with 16 U.S.C. 824q(a)(4)

Renewable Energy development assistance was removed from 7 CFR 4280.104 and revised to clarify the types of assistance to be funded by the program, including site-specific Feasibility Studies.

Renewable Energy site assessment was removed from 7 CFR 4280.104 and revised to ensure inclusion of key areas to be assessed.

Ultimate beneficiary was added to support the section on conflict of interest in § 4280.206 and to clarify Ultimate Beneficiary eligibility requirements in § 4280.221.

§§ 4280.205 [Reserved]

§ 4280.206 Conflict of interest (Formerly § 4280.106)

This section is updated to clarify with program related examples which relationships and transactions are subject to the conflict of interest policy as well as to include requirements identified in 2 CFR parts 200 and 400. Examples of relationships and transactions that can involve a COI include, but are not limited, to the following.

(1) *Relationships.* For the purposes of this subpart, relationships among the following entities can involve a COI.

(i) *Applicant.* Applicant and its parent companies, affiliates, subsidiaries, employees, consultants, contractors, and Immediate Family members of any individual owners of the preceding entities;

(ii) *Recipient.* Recipient and its parent companies, affiliates, subsidiaries, employees, consultants, contractors, and Immediate Family members of any individual owners of the preceding entities;

(iii) *Ultimate Beneficiary.* Ultimate Beneficiary and its parent companies, affiliates, subsidiaries, employees, consultants, contractors, and Immediate Family members of any individual owners of the preceding entities;

(iv) *End Users.* End Users and their parent companies, affiliates, subsidiaries, employees, consultants, contractors, and Immediate Family members of any individual owners of the preceding entities;

(v) *System installers.* System installers and their parent companies, affiliates, subsidiaries, employees, consultants, contractors, and Immediate Family members of any individual owners of the preceding entities;

(vi) *Service providers.* Service providers, and their parent companies, affiliates, subsidiaries, employees, consultants, contractors, and Immediate Family members of any individual owners of the preceding entities;

(2) *Transactions.* For the purposes of this subpart, all transactions must be a transaction in which the involved parties act independently and have no relationship to each other such that the transaction allows the market to ensure both parties in the deal are acting in their own self-interest and are not subject to any pressure or duress from the other party. Transactions that can involve a COI include, but are not limited to:

(i) Advances and reimbursements of Federal Award funds;

(ii) Cost Sharing;

(iii) Procurement contracts;

(iv) Agreements between the Ultimate Beneficiary and another entity, including, but not limited to, Power Purchase Agreements, off-take agreements, and lease agreements;

(v) Financing and other Project investments;

(vi) Feasibility Studies; and

(vii) Grant writing.

§ 4280.207 [Reserved]

§ 4280.208 Compliance With Other Laws and Regulations.

This section is added to clarify all levels of regulations that are applicable to this program, including Federal, Departmental, and Agency levels.

§§ 4280.209–.219 [Reserved]

§ 4280.220 Applicant Eligibility (Formerly § 4280.149)

This section is updated to alert Applicants with any percentage of foreign investment or ownership that the Agency will evaluate the entity's eligibility based on applicable law. This change was implemented in alignment with Executive Order 14315, dated July 7, 2025, on ''Ending Market Distorting Subsidies For Unreliable, Foreign Controlled Energy Sources''. We also revised the number of awards for which

an Applicant is only eligible from one for EA and one for REDA to one award per Federal Fiscal Year. This change allows funds to be distributed among more entities.

§ 4280.221 Ultimate Beneficiary Eligibility

This section is added to clarify the eligibility requirements for Ultimate beneficiaries.

§ 4280.222 Project Eligibility (Formerly §§ 4280.150, .151, .152)

This section updates the Project eligibility information by providing clarity on Project eligibility. The Agency clarifies that unrecovered indirect costs cannot be used for Cost Sharing and conducting Feasibility Studies that are statewide or not site-specific is not an eligible Project. It also clarifies the Agency's policy on how it will handle unallowable costs in the proposed budget.

§§ 4280.223–.224 [Reserved]

§ 4280.225 Use of Funds (Formerly § 4280.152)

This section is revised to use the terms allowable and unallowable use of funds instead of eligible and ineligible Project Costs, to be consistent with terms used in 2 CFR 200. This section clarifies and expands the identification of allowable and unallowable uses of funds to address questions and concerns that have been identified in previous funding cycles. Unallowable uses include: promotional items, raffles, and more than 10 percent of Project Costs for outreach and marketing.

§§ Section 4280.226–.229 [Reserved]

§ 4280.230 Notifications

This section is added to clarify the process that the Agency will use to notify the public about the amount of funding available, future requirements not addressed by the regulation, and other requirements that may be subject to change, based on the language in that section.

§ 4280.231 Application requirements (Formerly § 4280.153)

This section is updated to present the requirements in two distinct categories: Applicant eligibility and Project eligibility. Added requirements to explain how the Applicant meets one of the eligible entity types. Added requirement for written commitments from ultimate beneficiaries to support scoring edits. Provided greater detail regarding items to include in the budget. Requires submission of documents to evaluate quality of EA or REDA work products performed by Applicants for both eligibility and scoring purposes. Revised the number of applications that can be submitted to one application for either EA or REDA.

§ 4280.232 [Reserved]

§ 4280.233 Submission Requirements (Formerly § 4280.153)

This section provides specific information on the submission period, the submission address, submission format and number of applications. This information was previously supplied in an annual notice because the former section in the regulation was vague. Additionally, all applications must be submitted via *grants.gov*.

§§ 4280.234–.239 [Reserved]

§ 4280.240 Application Processing (Formerly §§ 4280.154 and .155)

This section combines all of the application evaluation information in one section. It also adds completeness, eligibility evaluation and the Agency's risk evaluation process, which is required by 2 CFR 200.206.

The risk evaluation process will evaluate financial and performance risk. The Applicant must have current ratio of at least 1:1 and must not have more than 2 performance deficiencies in order to be eligible.

The merit evaluation criteria, also called scoring criteria, have been revised to better reflect the goals of the program, to remove duplication, and to streamline the evaluation process. The criteria are amended to focus on the quality of work products provided by Applicants and to provide clarity on how points will be awarded within each criteria. The Agency also removed points for award recognition because they did not add value to the merit evaluation process. An example of how the agency will round the percentage of cost share when scoring includes, 10.45 percent will be rounded to 10.5 percent, whereas 25.44 percent will be rounded to 25.4 percent.

§ 4280.241 Application Withdrawal

This section was added to explain how an Applicant can withdraw an application from consideration. The language is consistent with other Agency programs.

§§ 4280.242–.249 [Reserved]

§ 4280.250 Award Selection (Formerly § 4280.156)

This section includes information on how the Agency will select applications for an award. We have streamlined the process to simplify it and reduce burden while preserving geographic distribution of awards. The Agency will select the top two highest scoring applications in each State, provided those applications meet or exceed the minimum score established in this section, and then fund applications in rank order until funds are expended or the minimum score is reached.

§ 4280.251 Notification of Successful Applicants

This section clarifies how Applicants will be notified if their application is selected for an award.

§ 4280.252 Notification of Unsuccessful Applicants (Formerly § 4280.156(d))

This section clarifies how unsuccessful Applicants will be notified.

§ 4280.253 Award Approval (Formerly §§ 4280.123, .158, .159)

This section clarifies the award approval process.

§§ 4280.254–.259 [Reserved]

§ 4280.260 Reporting Requirements (Formerly § 4280.159)

This section includes information on required financial status and performance reports. The outcome Project performance report has been removed and replaced with a requirement for Recipients to submit all written work products to the Agency. The information on disbursements has been removed and will be incorporated into the Financial Assistance Agreement.

§ 4280.261 Monitoring Awards (Formerly § 4280.159)

This section clarifies who will monitor the awards and identifies potential reasons for suspension or termination of an award.

§§ 4280.262–.298 [Reserved]

§ 4280.299 OMB Control Number

This section identifies the information collection approved to collect the reporting and recordkeeping requirements in this subpart, in accordance with the Paperwork Act of 1995.

V. Executive Orders/Acts

Executive Order 12372—Intergovernmental Consultation

These grants are not subject to the provisions of Executive Order 12372. The projects will be installed prior to application and therefore consultation is not required.

Executive Order 12866 and 13563

This rule has been determined to be significant under section 3(f) of

Executive Order 12866 (Regulatory Planning and Review) and was reviewed by the Office of Management and Budget. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. In accordance with Executive Order 12866, an Economic Impact Analysis was completed, outlining the costs and benefits of implementing this program in rural America. The complete analysis is available from *Regulations.gov* by searching for the Docket number.

Executive Order 14192, Unleashing Prosperity Through Deregulation

Executive Order 14192, titled ''Unleashing Prosperity Through Deregulation,'' requires that an agency, unless prohibited by law, identify at least ten existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation with total costs greater than zero. Executive Order 14192 further requires that new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least ten prior regulations. This final rule is considered a deregulatory action under Executive Order 14192.

Executive Order 12988—Civil Justice Reform

This rule has been reviewed under Executive Order 12988. In accordance with this rule: (1) unless otherwise specifically provided, all State and local laws that conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule except as specifically prescribed in the rule; and (3) administrative proceedings of the National Appeals Division of the Department of Agriculture (7 CFR part 11) must be exhausted before bringing suit in court that challenges action taken under this rule.

Executive Order 13132—Federalism

The policies contained in this rule do not have any substantial direct effect on 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. Nor does this rule impose substantial direct compliance costs on State and Local Governments. Therefore, consultation with the States is not required.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

This interim rule has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal government and Indian Tribes or on the distribution of power and responsibilities between the Federal government and Indian Tribes. Consultation is also required for any regulation that preempts Tribal law or that imposes substantial direct compliance costs on Indian Tribal governments and that is not required by statute.

The Agency has determined that this rule does not, to our knowledge, have Tribal implications that require Tribal consultation under Executive Order 13175. If a Tribe requests consultation, RBCS will work with the Office of Tribal Relations to ensure meaningful consultation is provided to help inform where changes, additions and modifications could be incorporated if they are not expressly mandated by Congress.

Assistance Listing Number (Formally Known as the Catalog of Federal Domestic Assistance)

The Assistance Listing Number assigned to the Rural Energy for America Program is 10.868. The Assistance Listings are available at *https://sam.gov/.*

Civil Rights Impact Analysis

Rural Development has reviewed this rule in accordance with USDA Regulation 4300–4, Civil Rights Impact Analysis, to identify any major civil rights impacts the rule might have on program participants on the basis of age, race, color, national origin, sex, disability, marital or familial status. Based on the review and analysis of the rule and all available data, issuance of this Interim Rule is not likely to negatively impact low and moderate-income populations, minority populations, women, Indian Tribes or persons with disability, by virtue of their age, race, color, national origin, sex, disability, or marital or familial status. No major civil rights impact is likely to result from this interim rule.

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 final rule as not a major rule, as defined by 5 U.S.C. 804(2).

E-Government Act Compliance

Rural Development is committed to the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible and to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

National Environmental Policy Act

In accordance with the National Environmental Policy Act of 1969, Public Law 91–190, this final rule has been reviewed in accordance with 7 CFR part 1b (''National Environmental Policy Act''). The Agency has determined that i) this action meets the criteria established in 7 CFR 1b.4(c)(31) and ii) no extraordinary circumstances exist. Therefore, the Agency has determined that the action does not have a significant effect on the human environment, and therefore neither an Environmental Assessment nor an Environmental Impact Statement is required.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 the Rural Business-Cooperative Service (RBCS or Agency), an agency within the United States Department of Agriculture (USDA), Rural Development (RD), announces its intention to request a revision to a currently approved information collection package for Rural Energy for America (REAP) program. The Agency invites comments on this information collection for which it intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by November 30, 2026 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Lauren Cusick, RD Innovation Center—Regulations Management Division, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250, Telephone: 202–720–1414, email: *Lauren.Cusick@usda.gov.*

SUPPLEMENTARY INFORMATION: The OMB regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that the Agency is submitting to OMB for extension.

Comments are invited on (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be submitted electronically by the Federal eRulemaking Portal, *https://www.regulations.gov/.* In the ''Search for dockets and documents on agency actions'' box enter the Docket No. RBS–26-Business-0529 and click the ''Search'' button. From the search results, click on or locate the document title: ''Notice of Extension of a Currently Approved Information Collection'' and select the ''Comment'' button. Before inputting comments, commenters may review the ''Commenter's Checklist'' (optional). To submit a comment: Insert comments under the ''Comment'' title, click ''Browse'' to attach files (if available), input email address, select box to opt to receive email confirmation of submission and tracking (optional), select the box ''I'm not a robot,'' and then select ''Submit Comment.'' Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''FAQ'' link. All comments will be available for public inspection online at the Federal eRulemaking Portal (*www.regulations.gov*).

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. Data furnished by the applicants will be used to determine eligibility for program benefits. Furnishing the data is voluntary; however, failure to provide data could result in program benefits being withheld or denied.

Title: Rural Energy for America (REAP) program.

OMB Control Number: 0570–0067.

Type of Request: Revision of a currently approved information collection.

Abstract: The primary purpose of REAP is to provide guaranteed loan financing and grant funding to agricultural producers and rural small businesses for renewable energy systems (RES) or to make energy efficiency improvements (EEI). RES and EEI projects will be scored and awarded in accordance with 7 CFR 4280.140. The REAP program also offers grant funding to assist agricultural producers and rural small businesses to conduct energy audits (EA) and provide recommendations and information on renewable energy development assistance (REDA). EA and REDA projects will be scored and awarded in accordance with 7 CFR 4280.240.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.34 hours per response.

Respondents: Nonprofit corporations and institutions of higher education.

Estimated Number of Respondents: 2,977.

Estimated Number of Responses per Respondent: 37.64.

Estimated Number of Responses: 112,073.

Estimated Total Annual Burden on Respondents: 150,883 hours.

Copies of this information collection can be obtained from Kimble Brown, RD Innovation Center—Regulations Management Division, Telephone: 202–720–6780, email: *Kimble.Brown@usda.gov.*

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–602) (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act (''APA'') or any other statute. The Administrative Procedures Act exempts from notice and comment requirements rules ''relating to agency management or personnel or to public property, loans, grants, benefits, or contracts'' (5 U.S.C. 553(a)(2)), so therefore an analysis has not been prepared for this rule.

Severability

It is USDA's intention that the provisions of this rule shall operate independently of each other. In the event that this rule or any portion of this rule is ultimately declared invalid or stayed as to a particular provision, it is USDA's intent that the rule nonetheless be severable and remain valid with respect to those provisions not affected by a declaration of invalidity or stayed. USDA concludes it would separately adopt all of the provisions contained in this final rule.

USDA Non-Discrimination Statement

In accordance with Federal civil rights laws and USDA civil rights regulations and policies, the USDA, its Mission Areas, agencies, staff offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication to obtain program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Program information may be made available in languages other than English.

To file a program discrimination complaint, a complainant should complete a Form AD–3027, *USDA Program Discrimination Complaint Form,* which can be obtained online at *https://www.usda.gov/sites/default/files/documents/ad-3027.pdf* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

a. *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Mail Stop 9410, Washington, DC 20250–9410; or

b. *Fax:* (202) 690–7442; or

c. *Email: program.intake@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

List of Subjects in 7 CFR Part 4280

Business and industry, Energy, Grant programs—business, Loan programs—business, Rural areas.

Accordingly, for the reasons set forth in the preamble, the Agency amends 7 CFR part 4280 as follows:

PART 4280—LOANS AND GRANTS

■ 1. The authority citation for part 4280 is revised to read as follows:

Authority: 7 U.S.C. 1989(a), 5 U.S.C. 301, 7 U.S.C. 8107, 7 U.S.C. 2008s.

■ 2. Revise and republish subpart B to read as follows:

Subpart B—Rural Energy for America Program—Grants for Renewable Energy Systems and Energy Efficiency Improvements

Sec.

4280.101 Purpose.
4280.102 Organization of subpart.
4280.103 Acronyms.
4280.104 Definitions.
4280.105 [Reserved]
4280.106 Conflict of interest.
4280.107 [Reserved]
4280.108 Compliance with other laws and regulations.
4280.109–4280.119 [Reserved]
4280.120 Applicant eligibility.
4280.121 [Reserved]
4280.122 Project eligibility.
4280.123 Reserved funds eligibility.
4280.124 [Reserved]
4280.125 Use of funds.
4280.126–4280.130 [Reserved]
4280.131 Application requirements.
4280.132 [Reserved]
4280.133 Submission requirements.
4280.134–4280.139 [Reserved]
4280.140 Application processing.
4280.141 Application withdrawal.
4280.142–4280.149 [Reserved]
4280.150 Award selection.
4280.151 Notification of successful applicants.
4280.152 Notification of unsuccessful Applicants.
4280.153 Award approval.
4280.154–4280.159 [Reserved]
4280.160 Reporting requirements.
4280.161 Monitoring awards.
4280.162 Transfer of obligations.
4280.163–4284.198 [Reserved]
4280.199 OMB control number.

§ 4280.101 Purpose.

This subpart contains the procedures and requirements for providing financial assistance under the Rural Energy for America Program (REAP) through grants to purchase and install a Renewable Energy System (RES) or make Energy Efficiency Improvements (EEI).

§ 4280.102 Organization of subpart.

The information in this subpart is organized into six main topics.

(a) *General information.* Sections 4280.101 through 4280.119 discuss the purpose of the program, definitions, conflict of interest, and compliance with other laws and regulations.

(b) *Eligibility information.* Sections 4280.120 through 4280.129 discuss the eligibility requirements for the program. These sections include information on Applicant eligibility, Project eligibility, and the use of funds. See § 4280.122 for information about award amounts, Project Period, and Cost Sharing requirements.

(c) *Application requirements information.* Sections 4280.131 through 4280.139 discuss the requirements for submitting an application. These sections include information on what forms and other information are required for a complete application as well as the format of the application, the application submission deadline, and how to submit the application.

(d) *Application processing information.* Sections 4280.140 through 4280.149 discuss how the Agency processes applications. These sections include information on how applications are reviewed for eligibility, how applications are evaluated for merit, and how an Applicant can withdraw an application from consideration.

(e) *Award information.* Sections 4280.150 through 4280.159 discuss how the Agency makes awards. These sections include information about how applications are selected for funding, how Applicants are notified whether their applications have been selected for funding, how Applicants can resolve disputes regarding funding selections, and the requirements for an Applicant to accept an award and be approved as a Recipient of an award.

(f) *Post-award information.* Sections 4280.160 through 4280.161 discuss the reporting requirements for Recipients as well as monitoring procedures that the Agency will use.

(g) *Other.* (1) Sections 4280.162 through 4280.198 are reserved.

(2) Section 4280.199 includes the Office of Management and Budget (OMB) control number for reporting and recordkeeping requirements under this subpart.

§ 4280.103 Acronyms.

(a) BESS Battery Energy Storage System.

(b) BTU British Thermal Unit.

(c) CFR Code of Federal Regulations.

(d) COI Conflict of Interest.

(e) CSP Concentrated Solar Power.

(f) EA Energy Audit.

(g) EEI Energy Efficiency Improvement.

(h) EV Electric Vehicle.

(i) FAA Financial Assistance Agreement.

(j) FFY Federal Fiscal Year.

(k) kW Kilowatts.

(l) kWh Kilowatt-Hours.

(m) LCFS Low Carbon Fuel Standard.

(n) LOC Letter of Conditions.

(o) MW Megawatts.

(p) MWh Megawatt-Hours.

(q) PV Photovoltaic.

(r) RES Renewable Energy System.

(s) RIN Renewable Identification Number (as issued under the Renewable Fuels Standard Program).

(t) SAM System for Award Management.

(u) UEI Unique Entity Identifier.

(v) U.S.C. United States Code.

(w) USDA United States Department of Agriculture.

§ 4280.104 Definitions.

These are the definitions for terms used in this subpart. All defined terms used in this subpart are capitalized.

Agency means the Rural Business-Cooperative Service, an agency of the United States Department of Agriculture, or a successor agency.

Agricultural commodity means an unprocessed product of Farms, Ranches, nurseries forests, and natural and man-made bodies of water that the Agricultural Producer has cultivated, raised, or harvested with legal access rights. Agricultural Commodities include plant and animal products and their by-products, such as crops, forestry products, hydroponics, nursery stock, aquaculture, meat, on-Farm generated manure, and fish and seafood products. Agricultural Commodities do not include animals raised or sold as pets, such as cats, dogs, and ferrets.

Agricultural producer means a For-Profit Organization that produces or has the legal right to harvest an Agricultural Commodity and meets one of the following ownership structures:

(1) *A tribal corporation or other business entity wholly owned by an Indian Tribe.* The tribal corporation or business is wholly owned by an Indian Tribe. The tribal corporation or business must participate in or oversee the day-to-day labor and/or management and field operations, whereby 50 percent or greater of their gross income is derived from the agricultural operations based on the most recent complete calendar year.

(2) *100 percent ownership by an individual or an individual and their Immediate Family.* The organization is 100 percent owned and operated by an individual or by an individual and their Immediate Family. All owners must participate in the day-to-day labor, management, and/or field operations of the organization. The majority-owner of the organization must derive at least 50 percent of their income from the agricultural operations. The income is based on the most recent complete calendar year. In the case of ownership by an individual and their spouse, the individual and their spouse are considered as one owner for the purpose of determining majority ownership.

Anaerobic digester means a Renewable Energy System that uses animal waste or other Renewable Biomass and may include other organic substrates to produce digestate and Biogas that may be sold in a gaseous or compressed liquid state or used to produce thermal or electrical energy.

Ancillary infrastructure means the supplementary components and systems that support a Renewable Energy System, such as energy storage that does not generate or save energy.

Annual energy production means the measured annual output of energy produced by a Renewable Energy System as measured by a meter at the common point of electrical coupling (*e.g.,* an inverter). It is typically reported using kWh or MWH as units of energy measurement. For example, 21,900 kWh/year will be produced by the solar photovoltaic system.

Applicant means the legal entity submitting an application to participate in the competition for program funding.

Battery energy storage system (BESS) means a device that uses rechargeable batteries to store electrical energy for later use.

Bioenergy project means a Renewable Energy System that produces fuel, Biogas, thermal energy, or electric power from a Renewable Biomass source only.

Biogas means gaseous fuel (including landfill and sewage waste treatment gas) derived from the degradation and decomposition of Renewable Biomass. Feedstock segregation is not a requirement given the Biogas is derived only from the degradation and decomposition of Renewable Biomass. Examples of acceptable Renewable Energy Biogas Projects may include: production of Biogas for conversion to electricity or heat; production of Biogas to pipeline quality renewable natural gas; production of Biogas to compressed natural gas used as a non-retail transportation or other fuel; or an upstream system that distributes existing Biogas to its initial point of sale.

Byproduct means an incidental or secondary product, regardless of whether it has a readily identifiable commercial use or value, generated under normal operations of the proposed Project that can be reasonably measured and monitored.

Commercially available means a domestic or foreign Renewable Energy System or Energy Efficiency Improvement, and their components, that meets all the following requirements:

(1) Has both a proven and reliable operating history and proven performance data for at least one year specific to the operation and use, including the specific feedstock used and specific process used to create or save energy. The history and data must be obtained from another source than the Applicant's use of the RES or EEI for the Project.

(2) Is based on established design and installation procedures and practices and is replicable.

(3) Has professional service providers, trades, large construction Equipment providers, and laborers who are familiar with installation procedures and practices.

(4) Has proprietary and balance of system Equipment and spare parts that are readily available.

(5) Has service that is readily available to properly maintain and operate the system.

(6) Has an existing established warranty that is valid in the United States for major parts and labor.

Cost sharing has the meaning located at 2 CFR 200.1.

Cropland has the meaning located at 7 CFR 718.2.

Distribution components mean the physical and operational infrastructure necessary to convey the following:

(1) Energy produced by a Renewable Energy System from its point of generation to the initial point of sale; or

(2) Inputs or feedstocks to a Renewable Energy System. This includes Equipment and systems that utilize Renewable Energy for upstream applications, regardless of ownership by an entity other than the original energy producer.

End user means a consumer that uses or purchases the proposed energy to be generated or saved.

Energy assessment means a report conducted and signed by an Energy Auditor or Energy Assessor that assesses energy use, cost, and efficiency by analyzing energy bills and surveying the target building and/or Equipment.

Energy assessor means an independent professional who has at least three years of experience and completed at least five Energy Assessments or Energy Audits on similar type Projects and who adheres to generally recognized engineering principles and practices.

Energy audit (EA) means a comprehensive report prepared and signed by an Energy Auditor. It documents current energy usage; recommended potential improvements (typically called energy conservation measures) and their costs; energy savings from these improvements; dollars saved per year; and Simple Payback. The methodology of the Energy Audit must meet professional and industry standards such as the standards set forth in the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHREA) Level II Energy Survey; American National Standards Institute (ANSI); or American Society of Agricultural and Biological Engineers (ASABE) S162 Standard for performing on-Farm Energy Audits.

Energy auditor means an independent professional that meets one of the following criteria:

(1) An Energy Auditor certified by the Association of Energy Engineers;

(2) An energy manager certified by the Association of Energy Engineers;

(3) A licensed professional engineer in the State in which the audit is conducted who has at least one year of experience and who has completed at least two similar Energy Audits; or

(4) An individual with a four-year engineering or architectural degree who has at least three years of experience and who has completed at least five similar Energy Audits.

Energy efficiency improvement (EEI) means improvements to an existing building or systems and/or improvements or replacement of Equipment, owned by the Applicant, that reduces energy consumption on an annual basis for the Agricultural Producer's or Rural Small Business' operations.

Equipment has the meaning located at 2 CFR 200.1.

Existing business means a business that has been producing and delivering goods or providing services for at least one full year. The following will be treated as Existing Business provided there is not a significant change in operations of the Existing Business: Mergers by an Existing Business with a new or Existing Business, a change in business name.

Farm or Ranch means any place from which $1,000 or more of Agricultural

Commodities were raised and sold or would have been raised and sold during the previous year, but for an event beyond the control of the farmer or rancher. It does not include ''hobby farms,'' where less than 50 percent of the gross income of the majority owner is derived from its operation. In the case of ownership by an individual and their spouse, the individual and their spouse are considered as one owner for the purpose of determining majority ownership.

Feasibility study means a report, conducted by an independent professional possessing relevant knowledge, expertise, and experience, that includes an opinion or finding evaluating the economic, market, technical, financial, and management feasibility of a proposed Project or operation located at a specific site in terms of its expectation for success.

Federal award has the meaning located at 2 CFR 200.1.

Federal fiscal year means the 12-month period beginning October 1 of each year and ending on September 30 of the following year; it is designated by the calendar year in which it ends.

Financial assistance agreement (FAA) means an agreement between the Agency and the Recipient setting forth the terms and conditions under which the Federal Award will be administered. The FAA is executed using Form RD 4280–2.

For-profit organization has the meaning located at 2 CFR 200.1.

Geothermal direct generation system means a Renewable Energy System that uses thermal energy directly from Geothermal Sources.

Geothermal electric generation system means a Renewable Energy System that uses thermal energy from a Geothermal Source to produce electricity.

Geothermal source means the earth's natural underground heat reservoir.

Highest-level owner means the entity applying does not have any other entity that owns or controls it.

Hybrid system means a combination of two or more Renewable Energy technologies that are incorporated into a unified system to support a single Project.

Hydroelectric system means a Renewable Energy System producing electricity using various sources of moving water including, but not limited to, diverted run-of-river water, in-stream run-of-river water, and in-conduit water.

Hydrogen system means a Renewable Energy System that produces hydrogen derived from a Renewable Biomass or water using wind, solar, ocean (including tidal, wave, current, and thermal), geothermal, or hydroelectric sources as an energy transport medium in the production of mechanical or electric power or thermal energy.

Immediate family means individuals who are closely related by blood, marriage, or adoption, or live within the same household, such as a spouse, domestic partner, parent, child, sibling, aunt, uncle, grandparent, grandchild, niece, or nephew.

Indian Tribe has the meaning located at 25 U.S.C. 5304.

Inspector means an independent professional who has at least three years of experience and has completed at least five inspections on similar type Projects.

Interconnection agreement means a contract containing the terms and conditions governing the interconnection and parallel operation of the electric generation Equipment and the End User or the Biogas production system and gas pipeline.

Key service providers means developers, general contractors, project managers, subcontractors, electricians, plumbers, foundation and framing crews, HVAC technicians, professional engineers, consultants, Energy Auditors, or any other qualified professional who provides services to the Project. They must be licensed to do work in the State of Project, if licensing is applicable.

Kilowatt (kW) means a metric unit of power that measures the rate of energy consumption. It is equal to 1,000 watts, which is equivalent to 1.34 horsepower.

Kilowatt-hour (kWh) means a measure of energy used to quantify how much electricity is consumed or produced within a one-hour period. It is equivalent to one Kilowatt of power used continually for one hour.

Letter of conditions (LOC) means the letter that the Agency issues to an entity whose application is selected for funding. The letter outlines all the conditions of the award that must be met before the award can be approved.

Local Government means a legally established governing body that manages public administration and services within a defined local area, including but not limited to a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments, or any agency or Instrumentality of such entities.

Megawatt (MW) means a unit of power equal to 1,000,000 watts. It is commonly used to measure the power output of large power plants, wind turbines, solar farms, and other large-scale power generation Equipment.

Megawatt-hour (MWh) means a measure of energy used to quantify how much electricity is consumed or produced within a one-hour period. One Megawatt-hour is equivalent to one Megawatt of power used continually for one hour.

Metering agreement means the agreement between an entity and the utility company regarding how energy will be valued or credited to the entity

Ocean energy means energy created by use of various types of moving water in the ocean and other large bodies of water (*e.g.,* Great Lakes) including, but not limited to, tidal, wave, current, and thermal changes.

Off-grid system means a self-sustaining energy system that operates independently of private or publicly-managed utilities.

Period of performance has the meaning located at 2 CFR 200.1.

Project period means the timeframe during which allowable Project costs are incurred. It is based on the development, design, and installation of the RES or EEI and must be no more than 24 months. The Project Period ends no later than 30 days after the RES or EEI is installed and the end date must be between 12 and 24 months prior to the submission of an application. With the exception that for the first application window following the release of the updated regulation the Project Period end date may be between 12 and 36 months prior to submission of the application.

Power purchase agreement means the terms and conditions governing the sale and transportation of power produced by the Applicant to a third party. It must include energy quantity, connection point, and revenue to be paid by buyer to seller.

Principals means the following:

(1) Individuals or Indian Tribe who own the Applicant;

(2) Individuals who are responsible for handling Federal funds associated with the Project; and

(3) Individuals who are responsible for overseeing the Project (for example, the Executive Director, or individual who has signature authority for the Applicant).

Project means all of the allowable activities to be funded by the Federal Award and Cost Share.

Project cost has the meaning located at 2 CFR 200.1.

Ranch has the meaning located under Farm in this section.

Rated system size means the maximum output of power, usually in Kilowatts or Megawatts as units of energy measurement, that a generator or energy resource is designed to produce under specific conditions as specified by the manufacturer of the Renewable Energy System. For example, a 10 kW

solar photovoltaic system has a rated size of 10 kW.

Real property has the meaning located at 2 CFR 200.1.

Recipient has the meaning located at 2 CFR 200.1.

Refurbished means a piece of Equipment or RES that has been brought into a commercial facility, has been thoroughly inspected, had worn parts replaced, and has a warranty that is approved by the Agency.

Renewable biomass means:

(1) Materials, pre-commercial thinnings, or invasive species from National Forest System land or public lands (as defined in section 104 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) that:

(i) Are Byproducts of preventive treatments that are removed to reduce hazardous fuels; to reduce or contain disease or insect infestation; or to restore ecosystem health;

(ii) Would not otherwise be used for higher-value products; and

(iii) Are harvested in accordance with applicable law and land management plans and the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512) and large-tree retention of subsection (f) of section 102; or

(2) Any organic matter that is available on a renewable or recurring basis from non-Federal land or land belonging to an Indian or Indian Tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including the following items:

(i) Renewable plant material (including feed grains; other agricultural commodities; other plants and trees; and algae); and

(ii) Waste material including crop residue; other vegetative waste material (including wood waste and wood residues); animal waste and Byproducts (including fats, oils, greases, and manure); and food waste and yard waste.

Renewable energy means energy derived from—

(1) A wind, solar, Renewable Biomass, ocean (including tidal, wave, current, and thermal), geothermal or hydroelectric source; or

(2) Hydrogen derived from Renewable Biomass or water using an energy source described in paragraph (1) in this definition.

Renewable energy system (RES) means a system that produces usable energy from a Renewable Energy source and:

(1) May include Distribution Components necessary to move energy produced by such a system to initial point of sale; and

(2) May include other components and Ancillary Infrastructure of such system, such as a storage system.

(3) Does not include a mechanism for dispensing energy at retail.

(4) Is divided into four subcategories under this subpart:

(i) Energy replacement systems are those that replace 120 percent or less of the annual energy use prior to installation of the RES, where annual energy use is calculated using the 12 months prior to installation.

(ii) Energy generation systems are those that produce energy in excess of 120 percent of annual energy use prior to installation of the RES, where annual energy use is calculated using the 12 months prior to installation.

(iii) Retrofitting an existing RES.

(iv) Distribution Components and Ancillary Infrastructure as part of an RES.

Resource assessment means a report that describes the quality and availability of the renewable resource and the amount of Renewable Energy generated through the deployment of the proposed system.

Retrofitting means adding Equipment or processes to or altering or enhancing an existing Renewable Energy System to improve production, efficiency, or financial viability or for the replacement of existing components with components that improve the original design. Activities that are considered operations and maintenance of existing assets to ensure they function properly and safely are not Retrofitting. Examples of Retrofitting include, but are not limited to:

(1) Installing a feedstock pre-treater on an existing biodiesel production plant;

(2) Installing a steam turbine at an ethanol plant; or

(3) Taking an existing wind turbine and installing newly designed blades to enhance energy production;

Rural or Rural area means any area of a State not in a city or town that has a population of more than 50,000 inhabitants, not in the urbanized area contiguous and adjacent to a city or town that has a population of more than 50,000 inhabitants, and excluding certain populations pursuant to 7 U.S.C. 1991(a)(13)(H) and (I). For information on ''string exclusions'' and ''rural in character'' determinations, please consult the Agency website.

Rural small business. A Small Business that is located in a Rural area.

Simple payback means a calculation assessing the financial feasibility of the RES or EEI. See below for how to calculate it based on Project type.

(1) RES Simple Payback = (Project Cost) ÷ (dollar value of energy units replaced, credited, sold, or used and fair market value of Byproducts as applicable in a typical year).

(i) The value of energy replaced will be calculated based on the Applicant's historical energy consumption with actual average price paid for the energy replaced, as documented by 12 consecutive months of utility bills prior to the installation of the system. For the average price paid, the following charges must be excluded: fixed meter charge, demand charges, subsidy charges, and sales tax. In the case of Off-Grid Systems, the historical energy consumption must be documented through a written statement from the utility company that services the Project location that identifies the average price per kW hour for the 12-month period prior to installation.

(ii) The value of energy credited or sold will be calculated based on the amount of energy units to be credited or sold at the actual rate per unit, as documented in utility net metering or crediting policies and/or a Power Purchase Agreement.

(iii) The value of Byproducts produced by and used in the project or related enterprises must be documented at the fair market value to be received for the Byproducts in a typical year.

(iv) The calculation does not include any one-time benefits such as, but not limited to, construction and investment-related benefits, nor credits which do not provide annual income to the project, such as tax credits.

(2) EEI Simple Payback = (Project Cost) ÷ (dollar value of energy saved).

(i) Energy saved will be determined by subtracting the actual energy consumed from the historical energy consumed and converting the result to a monetary value using a constant value or price of energy.

(A) Actual energy used in the original building and/or Equipment, as applicable, prior to the EEI Project, must be based on the actual average annual total energy used in British thermal units (BTU) over the most recent 12, 24, 36, 48, or 60 consecutive months of operation, as documented in utility bills and summarized in the Energy Audit or Energy Assessment.

(B) Actual energy use after the EEI project has been in place for the original building and/or Equipment, as applicable, for 12 months post-installation of the EEI Project, to include the same input and output conditions.

(C) Value or price of energy must be the actual average price paid over the same time period used to calculate the actual energy used. When calculating the actual average price of energy, only include energy charges directly reduced by the unit of energy being replaced or saved. For the average price paid, the following charges must be excluded: fixed meter charge, demand charges, subsidy charges, and sales tax.

(ii) The EEI projects Simple Payback calculation does not allow Applicants to monetize EEI benefits other than the dollar amount of the energy savings the Agricultural Producer or Rural Small Business realizes as a result of the improvement.

Small business means a business entity organized for profit that is independently owned and operated and that meets the definition of ''business concern'' located at 13 CFR 121.105 and meets the criteria located at 13 CFR 121.301(b) and (f) and meets the size threshold established by 13 CFR 121.201.

Solar electric means the conversion of energy from sunlight into electricity either directly using photovoltaics (PV) or indirectly using concentrated solar power (CSP).

Solar thermal means converting sunlight into heat for use in industry.

State means any of the 50 States of the United States, the Commonwealth of Puerto Rico, the District of Columbia, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands.

Used Equipment means any Equipment that has been used and is provided in an ''as is'' condition.

Useful life means estimated durations of utility placed on the RES or EEI. Useful life estimations terminate at the point when assets are expected to become obsolete, require major repairs, or cease to deliver economical results. The Agency determines the useful life of the RES or EEI based on the technology type and system components.

Wind energy means a Renewable Energy System that harnesses the power of the wind to generate electricity.

§ 4280.105 [Reserved]

§ 4280.106 Conflict of interest.

No conflict of interest will be allowed.

(a) *Description.* A conflict of interest (COI) occurs when an individual or entity has a competing personal, professional, or financial interest that may make it difficult for the individual or entity to act impartially

(b) *Recipient conflicts of interest.* Recipients must comply with 2 CFR 400.2, regarding written disclosure, employee and organizational conflicts of interest, and internal controls.

(c) *Assistance to employees, relatives, and associates.* The Agency will process any requests for financial assistance under this subpart in accordance with 7 CFR part 1900, subpart D.

(d) *Member/delegate clause.* No member of or delegate to Congress shall receive any share or part of the financial assistance awarded through this subpart or any benefit that may arise therefrom; provided, however, that this provision shall not be construed to bar, as a contractor under the Federal Award, a publicly held corporation whose ownership might include a member of Congress.

§ 4280.107 [Reserved]

§ 4280.108 Compliance with other laws and regulations.

Applicants and Recipients must comply with all applicable laws and regulations.

§§ 4280.109–4280.119 [Reserved]

§ 4280.120 Applicant eligibility.

Applicants must meet the following requirements to be eligible for financial assistance through this program.

(a) *Eligible entities.* Entities are eligible for assistance through this program if all the following requirements are met:

(1) *System for Award Management (SAM) registration and Unique Entity Identifier (UEI).* Applicants and Recipients must be registered in SAM. This registration must remain current, accurate, and complete at the time of application, while the application is under consideration for funding, and while a Recipient has an active Federal Award. This registration includes obtaining a UEI, or its successor, and completing the process for ''All Awards'' through *SAM.gov*. When registering in *SAM.gov*, all Applicants must select the All Awards option.

(2) *Small Business Administration (SBA) profile.* An Applicant applying as a Rural Small Business must establish and maintain an active SBA profile within *SAM.gov* and be identified as a Small Business through the Small Business Search feature, or its successor.

(3) *Legal authority.* Each Applicant must have the legal authority necessary to apply for and carry out the purpose of the Federal Award.

(4) *Entity type.* The Applicant must be organized or incorporated under State. Tribal, or Federal law and must meet the definition of an Agricultural Producer or Rural Small Business at the time of application.

(5) *Existing Business.* The Applicant must be an Existing Business at least 12 months prior to the start of the Project Period.

(6) *Ownership and control.* The Applicant must be the Highest-Level Owner or wholly owned by an Indian Tribe. All Applicants must own the RES or EEI that is the subject of the Project and own or control the site for the Project. This ownership must be in place at least 12 months prior to the Project Period for the Project through the time of application and continue until the final payment is disbursed for the Project.

(7) *Financial capability.* The Applicant is financially sustainable and can maintain the Project into the future.

(i) *Current ratio.* The balance sheet from the Applicant's most recent fiscal year must show a current ratio of at least 1:1, which means that its current liabilities do not exceed its current assets.

(ii) *Cash flow.* The cash flow statement for the Applicant's most recent fiscal year must show a positive cash flow.

(iii) *Revenue.* The Applicant must have available at the time of application satisfactory sources of revenue in an amount sufficient to provide for the operation, management, maintenance, and any debt service of the Project for the Useful Life of the Project. In addition, the Applicant must control the revenues and expenses of the Project, including revenues and expenses related to operation and maintenance.

(8) *Number of awards.* No more than one award from each Highest-Level Owner and entities owned by its individual owners or each corporation/business wholly owned by an Indian Tribe will be approved each Federal Fiscal Year. Notwithstanding corporations/businesses wholly owned by Indian tribes, the Highest Level Owners individually are eligible for only one award per FFY and may not apply to the program using a different entity owned in whole or in part.

(b) *Ineligible entities.* Entities are ineligible for assistance from all programs listed in this subpart if any of the following occurs:

(1) *Outstanding judgment.* An outstanding judgment has been obtained against the entity by the United States in a Federal Court (other than in the United States Tax Court). The entity is ineligible for assistance until the judgment is paid in full or otherwise satisfied. Funds from this program may not be used to satisfy the judgment.

(2) *Federal income tax delinquency.* The entity is delinquent on the payment of Federal income taxes.

(3) *Federal debt delinquency.* The entity is delinquent on Federal debt.

(4) *Debarment or suspension.* The entity is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs.

(5) *Felony criminal violation.* The entity has been convicted of a felony criminal violation under any Federal law within the past 24 months.

(6) *Unpaid Federal tax liability.* The entity has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, unless a Federal agency has considered suspension or debarment of the organization and has made a determination that this further action is not necessary to protect the interests of the Government.

(7) *Individual.* The entity is an individual.

(8) *Active Federal Award.* The entity has an active award through this program for which the Project Period is not scheduled to end until after September 30 of the year in which the application is submitted.

(9) *Foreign ownership.* If the entity has foreign investment or ownership, the Agency will evaluate the entity's ability to participate in the Rural Energy for America Program consistent with applicable law. Entities that are headquartered in countries determined to be foreign adversaries as defined by 15 CFR 791.4, are not eligible to participate in the program.

(10) *Business operations.* Entities that derive income from one or more of the following activities:

(i) *Gambling activity.* Business operations deriving income from gambling activity. Gambling activities include any lease income from space or machines used for gambling activities. State or authorized lottery proceeds and net revenues generated from gaming by a Tribe pursuant to Tribal law or the Indian Gaming Regulatory Act, 25 U.S.C. 2107 *et seq.,* conducted in part for the purpose of raising funds for the approved Project are excluded.

(ii) *Sexual activities.* Business operations deriving income from activities of a sexual nature.

(iii) *Racing activities.* Business operations deriving income from racetracks or facilities for conducting either professional or amateur races of animals, or by professional or amateur drivers or jockeys, or any other type of racing.

(iv) *Illegal activities.* Business operations deriving income from activities prohibited by local, state, Tribal, or federal law.

§ 4280.121 [Reserved]

§ 4280.122 Project eligibility.

Projects must meet the following requirements to be eligible for financial assistance through this subpart.

(a) *Eligible Projects.* Eligible Projects must meet all of the following requirements. Failure to meet one or more of these requirements means the application is not eligible for funding.

(1) *Project purpose.* The Project must be for an RES or an EEI that has been completed between 12 and 24 months prior to the date of application.

(i) *RES Projects.* All RES Projects must be for one of the following purposes:

(A) The purchase of a new RES;

(B) The purchase of a Refurbished RES; or

(C) The Retrofitting of an existing RES.

(ii) *EEI Projects.* All EEI Projects must use less energy on an annual basis than the original building or equipment being improved or replaced as demonstrated in an Energy Assessment or Energy Audit, as applicable. Combined heat and power Projects using steam instead of Renewable Biomass must apply as an EEI Project. The purpose of the Project must include one of the following:

(A) *Energy Efficiency Improvements.* The Project completed EEI to existing buildings or Equipment.

(B) *Efficiency improvements.* The Project completed EEI to an existing RES.

(C) *Replacement of previously funded Project.* The EEI Project replaced the same specific EEI Equipment that previously received funds under this subpart at or after the end of the Useful Life, as specified in the FAA, provided the EEI is more energy efficient than the previously funded improvement.

(2) *Amount requested.* Both RES and EEI Projects have minimum and maximum amounts for the Federal Award that can be requested and approved.

(i) *Minimum request.* The minimum request for a grant application is $1,500. If an application includes unallowable expenses that when removed, reduce the amount that can be awarded below the minimum amount, the Project is not eligible for funding.

(ii) *Maximum request.* The maximum request for a RES grant application is $500,000 and the maximum request for an EEI grant application is $250,000.

(3) *Cost Sharing.* Cost Sharing is required for at least 75 percent of the Project Cost. For example, if the Project Cost is $1,000,000, Cost Sharing must be at least $750,000. Cost Sharing funds must be available for use during the Project Period, and they must be for allowable expenses.

(4) *Rural area.* The Project must be located in a Rural area, including those areas determined as ''string exclusions'' or ''rural in character.''

(5) *Allowable use of funds.* All Project Costs, regardless of source, must be used for allowable purposes. See § 4280.125 for additional information.

(6) *Project Period.* The Project Period begins when the first allowable Project Cost is incurred for the Project. It is based on the development, design, and installation of the RES or EEI and must be no more than 24 months. The Project Period ends no later than 30 days after the RES or EEI is installed and the end date must be between 12 and 24 months prior to the submission of an application. With the exception that for the first application window following the release of the updated regulation the Project Period end date may be between 12 and 36 months prior to submission of the application. For EEI Projects, the Project Period would typically start with the development of the Energy Assessment or Energy Audit. For RES Projects, the Project Period would typically start with the development of the Resource Assessment but could also start with the installation of the RES for smaller-scale systems.

(7) *Commercially Available technology.* The Project must utilize Commercially Available technology.

(8) *Technical sustainability.* The Project must demonstrate that it is technically feasible and sustainable based on the information provided in the application. The Agency will assess resource availability, feedstock agreements, off-take agreements, operations and maintenance agreements, third-party certifications for the next year after application. The RES or EEI system must operate and perform over the project's Useful Life in a reliable, safe, and cost-effective manner. EEI Projects must demonstrate this information through an Energy Audit or an Energy Assessment, as appropriate. RES Projects must demonstrate this information through a Resource Assessment or a Feasibility Study, as described in paragraphs (a)(8)(i) and (ii) of this section.

(i) *Resource Assessment.* A Resource Assessment is a report that describes the quality and availability of the renewable resource and the amount of Renewable Energy generated through the

deployment of the proposed system. All of the following must be described in the report for each source of Renewable Energy:

(A) *Source of energy.* The report must identify the source of Renewable Energy to be used for the Project.

(B) *Type of technology.* The report must identify the type of technology that will be used for the RES Project: Biomass, Bioenergy, Geothermal Direct Generation, Geothermal Electric Generation, Hydrogen, Hydroelectric, Ocean Energy, Solar, or Wind Energy. The Applicant must also identify whether there are storage components in the system.

(C) *Energy output.* The report must identify the type of energy output that the system produces (for example, liquid transportation fuel-ethanol, biodiesel, renewable diesel, Biogas, renewable natural gas, Biogas to electricity, wood pellets, wood briquettes).

(D) *Byproducts.* The report must indicate whether or not the system produces Byproducts. If it does, the Applicant must identify the Byproduct(s) and the amount produced during the 12 months immediately following installation of the RES.

(E) *Storage system.* The report must identify whether or not a storage system is included in the Project, and if it is, what type (*e.g.,* BESS). The Applicant must clearly state the use cases for the battery (*e.g.,* peak shaving, load shifting, resilience) and how this use benefits the Applicant and/or off taker. The Applicant must provide the dispatch curves for the storage system for the 12 months immediately following installation. Curves must support use case of the RES with energy storage.

(F) *Use of energy.* The report must identify how the energy is used in the Project.

(*1*) *Interconnection.* Indicate whether the RES is interconnected.

(*2*) *End User.* Indicate who the End User is. Does the Project include Distribution Components and/or Ancillary Infrastructure? Is the energy produced dispensed at retail?

(3) Metering Agreement. Indicate if there is a Metering Agreement, and what type (*e.g.* conventional net metering, net billing, aggregate net metering, virtual net metering).

(G) *Sale of energy.* The report must provide the following information about how the energy produced or saved was used.

(*1*) *Percentage.* Indicate the percentage of energy that was sold.

(*2*) *Quantity.* Indicate the quantity of energy that was sold for energy output and/or Byproducts and whether there are credits that are applicable, such as LCFS/RIN. If yes, what is the amount?

(*3*) *Price.* Indicate the price per unit of energy output and/or Byproducts that was paid. Are there LCRS/RIN credits that are applicable? If yes, what is the amount?

(*4*) *Buyer.* Indicate the name of the entity buying the energy.

(*5*) *Type of agreement.* Indicate the type of agreement for the sale of energy (*e.g.* Power Purchase Agreement, energy sales agreement, energy service agreement, off-take agreement, and/or delivery agreement)? The report must provide the following information:

(*i*) *Purchasing energy output.* Indicate whether there is an agreement for purchasing energy output. If yes, what is the name of the counter party (*i.e.* purchaser)?

(*ii*) *Byproducts.* Indicate if there Byproducts. If yes, is there an agreement to purchase the Byproduct? If yes, what is the name of the counter party (*i.e.* purchaser)?

(H) *Additional information.* The Resource Assessment must include the additional information described below based on energy source and technology.

(*1*) *Wind.* The Resource Assessment must provide the following information for Wind Energy Projects:

(*i*) *Source.* Indicate the source of the wind data.

(*ii*) *Conditions and assumptions.* Describe the conditions of the wind monitoring when collected at the site or the assumptions made when applying nearby wind data to the site.

(*2*) *Solar.* The Resource Assessment must provide the following information for Solar Projects:

(*i*) *Source.* Indicate the source of the solar data.

(*ii*) *Type of system.* Indicate whether the system is Solar Electric or Solar Thermal.

(*iii*) *Assumptions.* Describe the assumptions made.

(*3*) *Bioenergy/Biomass Project.* The Resource Assessment must provide the following information for Bioenergy and Biomass Projects:

(*i*) *Renewable Biomass resource.* Indicate the type, quantity, quality, and seasonality of the Renewable Biomass resource, including harvest and storage, where applicable.

(*ii*) *Shipping and receiving.* Where applicable, indicate shipping or receiving method and required infrastructure for shipping.

(*iii*) *Process method.* Indicate the process method: dry-mill, wet-mill, screw-press, chemical, or other.

(*iv*) *Woody biomass.* Document that any and all woody biomass feedstock from National Forest System land or public lands was not be used as a higher value wood-based product.

(*v*) *Feedstock.* Provide the following information for the feedstock for the RES: the substrates used as digester inputs, including animal wastes or other Renewable Biomass in terms of type, quantity, seasonality, and frequency of collection; any special handling of feedstock that may be necessary; the process for determining the feedstock resource; the annual feedstock requirement of the system in pounds, tons, metric tons, cords of wood, or other; any seasonality considerations for the feedstock; the annual amount of feedstock required by the system will be secured; the term of the feedstock agreement; the renewal options for the feedstock agreement; and who controls the option to renew the feedstock agreement.

(*4*) *Geothermal Electric Generation.* The Resource Assessment must provide the following information for Geothermal Electric Generation Systems:

(*i*) *Ground-source.* Indicate whether the system is a ground-source heat pump.

(*ii*) *Quality of the resource.* Indicate the quality of the geothermal resource, including temperature, flow, and sustainability and what conversion system is to be installed.

(*iii*) *Special handling.* Describe any special handling of cooled geothermal waters that may be necessary.

(*iv*) *Resource determination.* Describe the process for determining the geothermal resource, including measurement setup for the collection of the geothermal resource data.

(*5*) *Geothermal Direct Generation.* The Resource Assessment must provide the following information for Geothermal Direct Generation Systems:

(*i*) *Quality of resource.* Indicate the quality of the geothermal resource, including temperature, flow, and sustainability and what direct use system is to be installed.

(*ii*) *Special handling.* Describe any special handling of cooled geothermal waters that may be necessary.

(*iii*) *Resource determination.* Describe the process for determining the geothermal resource, including measurement setup for the collection of the geothermal resource data.

(*6*) *Biogas.* The Resource Assessment must include the following information for Biogas Projects:

(*i*) *Capture and treatment.* Identify the method of gas capture and treatment: landfill, food waste, sewage waste treatment, or other.

(*ii*) *Feedstock information.* Provide the following information for the

feedstock for the RES: the substrates used as digester inputs, including animal wastes or other Renewable Biomass in terms of type, quantity, seasonality, and frequency of collection; any special handling of feedstock that may be necessary; the process for determining the feedstock resource; the annual feedstock requirement of the system in pounds, tons, metric tons, cords of wood, or other; any seasonality considerations for the feedstock; how the annual amount of feedstock required by the system will be secured; the term of the feedstock agreement; the renewal options for the feedstock agreement; and who controls the option to renew the feedstock agreement.

(*7*) *Anaerobic Digester.* The Resource Assessment must include the following information for Anaerobic Digester Projects:

(*i*) *Type of system.* Indicate whether the system is one of following: complete mix, plug-flow, attached film, covered lagoon, or other.

(*ii*) *Feedstock information.* Provide the following information for the feedstock for the RES: the substrates used as digester inputs, including animal wastes or other Renewable Biomass in terms of type, quantity, seasonality, and frequency of collection; any special handling of feedstock that may be necessary; the process for determining the feedstock resource; the annual feedstock requirement of the system in pounds, tons, metric tons, cords of wood, or other; any seasonality considerations for the feedstock; how the annual amount of feedstock required by the system will be secured; the term of the feedstock agreement; the renewal options for the feedstock agreement; and who controls the option to renew the feedstock agreement.

(*iii*) *Gas production estimates.* Provide either tabular values or laboratory analysis of representative samples that include biodegradability studies to produce gas production estimates for the project on daily, monthly, and seasonal basis.

(*iv*) *Type of operation.* Identify the type of operation (*e.g.,* dairy, swine, layer, etc.), along with breed, herd population size and demographics.

(*v*) *Waste collection.* Identify the method and the frequency of waste collection.

(*vi*) *System developer.* Identify the system developer.

(*vii*) *Digester design assumptions.* Describe the digester design assumptions such as the number and type of animals, the bedding type and estimated annual quantity used, the manure and wastewater volumes.

(*viii*) *Treatment of digester effluent.* Describe the treatment of digester effluent (*e.g.,* none, solids separation by screening, etc. with details including use or method of disposal).

(*8*) *Hydrogen Project.* The Resource Assessment must include the following information for Hydrogen Systems.

(*i*) *Resource information.* Indicate the type, quantity, quality, and seasonality of the Renewable Biomass resource.

(*ii*) *Renewable resource.* For solar, wind, or Geothermal Sources of energy used to generate hydrogen, indicate the renewable resource where the Hydrogen System was installed. Local resource maps may be used as an acceptable preliminary source of renewable resource data.

(*9*) *Hydroelectric/Ocean Energy Projects.* The Resource Assessment must include the following information for Hydroelectric System and Ocean Energy Projects.

(*i*) *Quality of the resource.* Indicate the quality of the resource, including temperature (if applicable), flow, and sustainability of the resource.

(*ii*) *Resource evaluation.* Describe the resource evaluation process, including the date and duration of the evaluation process.

(*iii*) *Measurement setup.* Describe the specifications of the measurement setup.

(*iv*) *Proximity.* Describe the proximity of the resource to the proposed site.

(*10*) *Storage components.* For Projects that include storage components, the Resource Assessment must provide the following information related to the type of technology, as described in paragraphs (a)(8)(i)(A)(*1*) through (*9*) of this section.

(*i*) *Storage system specifications.* Describe the storage system specifications.

(*ii*) *Integration of the system.* Describe how the storage system is integrated with the RES, including application, size, lifetime, response time, capital and maintenance costs associated with the operation.

(*iii*) *Distribution of the stored resource(s).* Describe the distribution of the stored resource(s).

(ii) *Feasibility Study.* A Feasibility Study is a report, conducted by an independent professional possessing relevant knowledge, expertise, and experience, that includes an opinion or finding evaluating the economic, market, technical, financial, and management feasibility of a proposed Project or operation located at a specific site in terms of its expectation for success. It must include the following content:

(A) *Economic analysis.* The economic analysis is a cost-benefit analysis. It includes all of the following information:

(*1*) Minimum amount of inputs (*e.g.* labor, infrastructure, utilities, renewable resources, and feedstocks) to operate successfully;

(*2*) Contracts in place and contracts to be negotiated, including terms and renewals;

(*3*) Environmental risks;

(4) Cost of Project relative to the increase in revenues or benefits provided; and

(*5*) Overall economic impact of Project, including new markets created and economic development.

(B) *Market analysis.* The market analysis is an analysis of the current and future market potential, competition, sales or service estimations, including current and prospective buyers and End Users. The market analysis includes all of the following information:

(*1*) Competition;

(*2*) Type of Project: service, product, or commodity based;

(*3*) Target market, including new versus established;

(*4*) End User analysis, including captive versus competitive;

(*5*) By-product revenue streams; and

(*6*) Industry risk.

(C) *Technical analysis.* The technical analysis is an analysis of the reliability of the technology to be used and/or the analysis of the delivery of goods or services, including transportation, business location, and the need for technology, materials, and labor. It includes all of the following information:

(*1*) Commercial availability;

(*2*) Product and process success record and duplication of results;

(*3*) Experience of the service providers;

(*4*) Infrastructure, including roads, rail, and airports;

(*5*) Need for local transportation;

(*6*) Labor market;

(*7*) Availability of materials;

(*8*) Use, age, and reliability of technology; and

(*9*) Construction risk.

(D) *Financial analysis.* The financial analysis is an analysis of the operation to achieve sufficient income, credit, and cashflow to financially sustain the Project over the long term and meet all debt obligations. It includes all of the following information:

(*1*) Commercial or Project underwriting;

(*2*) Management's assumptions;

(*3*) Accounting policies;

(*4*) Source of repayment;

(*5*) Dependency on other entities;

(*6*) Equity contribution;
(*7*) Market demand forecast;
(*8*) Peer industry comparison;
(*9*) Cost-accounting system;
(*10*) Availability of short-term credit;
(*11*) Adequacy of raw materials and supplies; and
(*12*) Sensitivity analysis.

(E) *Management analysis.* The management analysis is an analysis of the legal structure of the business or operation and the ownership, governance, and management. It includes all of the following information:
(*1*) History of the business or organization;
(*2*) Professional and educational background;
(*3*) Experience;
(*4*) Skills; and
(*5*) Qualifications necessary to implement the Project.

(F) *Recommendation.* The recommendation of the independent professional(s) conducting the Feasibility Study must be included.

(G) *Qualifications.* The qualifications of the consultant(s) conducting the Feasibility Study must be included.

(9) *Qualified Key Service Providers.* All Key Service Providers must be qualified. In particular, the entity installing the RES or EEI must be licensed in the State where installation will occur and have previously installed at least three RES or EEI similar to what is proposed in the application. Individuals or entities who have a conflict of interest are not considered qualified Key Service Providers. (See § 4280.106 for more information on conflict of interest.)

(10) *Key Service Provider selection.* All Key Service Providers must be selected using procurement procedures that comply with 2 CFR 200.318 through 200.327.

(11) *Completion certificate.* The Applicant must certify that the design, engineering, testing, and monitoring is sufficient for the Project's intended purpose. For larger-scale Projects, more complex Projects, or with a Project Cost of $200,000 or more, the Agency requires a completion certificate completed by a professional engineer licensed in the State where the Project was completed as a condition of an award.

(12) *Environmental requirements.* Environmental review documentation must comply with the requirements in 7 CFR part 1b.

(13) *Architectural barriers.* All facilities intended for or accessible to the public or in which physically handicapped individuals may be employed must comply with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 *et seq.*) as implemented by 41 CFR 101–196, section 504 of the Rehabilitation Act of 1973 (42 U.S.C. 1474 *et seq.*) as implemented by 7 CFR parts 15 and 15b, and Titles II and III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*).

(14) *Seismic safety.* All new structures, fully or partially enclosed, used or intended for sheltering individuals or property will be designed with appropriate seismic safety provisions in compliance with applicable local, state, Tribal, and federal law, such as the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 *et seq.*) and Executive Order 13717, ''Establishing a Federal Earthquake Risk Management Standard.''

(15) *Bioenergy.* For Bioenergy Projects, woody biomass feedstock from National Forest System land or public lands cannot be used as a higher value wood-based product.

(16) *Dedicated metering.* The Project must have a dedicated meter(s). For example, if an Applicant has one meter that covers its Rural Small Business and its residence, the Applicant must install a separate meter that is dedicated to the Rural Small Business to allow the energy generated to be measured.

(17) *Residential use exceptions.* Only the following uses of energy related to residential use are eligible for the program.

(i) Providing energy through a community solar subscription program where the End Users do not own the assets;

(ii) Providing energy for nursing homes and assisted living facilities that provide full-time 24 hours a day, seven days a week, licensed medical care for residents; and

(iii) Providing energy for for-profit hotels that provide short-term housing (30 days or less).

(18) *Simple Payback Period.* The Simple Payback Period must be equal to or less than the Agency approved Useful Life of the RES or EEI.

(19) *Energy Storage Systems including BESS.* For RES Projects with an associated energy storage system, the total Annual Energy Production of the RES is limited to a capacity of 120 percent of the annual energy consumption of the Applicant for the 12 months prior to project installation or the maximum production allowable by the interconnected utility, which shall not exceed 120 percent of annual energy consumption. The size of the energy storage system must not exceed 100 percent of the size of the RES with which it is paired.

(20) *Permits and codes.* The completed Project comply with all applicable local, State, Tribal, and Federal codes and all required permits must be obtained.

(b) *Ineligible projects.* Projects that include one or more of the following are ineligible for assistance under this subpart:

(1) *Amount requested.* The application requests less than the minimum or more than the maximum award amount.

(2) *Research and development.* The Project includes research and development, as defined in 2 CFR 200.1, or trials, demonstration units, and pilot projects.

(3) *Technology.* The Project involves technology (including the system, improvements, process, and components) that is not Commercially Available.

(4) *Residential.* The Project includes residential RES or EEI, including, but not limited to, primary residences, such as apartments, single-family homes, and residences attached to businesses, in-home businesses, farm labor housing, apartment complexes, bed and breakfasts, and vacation rentals by owner (*e.g.* VRBOs, Airbnbs), regardless of whether the owner lives on-site or not.

(5) *Use of energy.* The energy is used for residential purposes, except for the following uses:

(i) Providing energy through a community solar subscription program where the End Users do not own the assets;

(ii) Providing energy for nursing homes and assisted living facilities that provide full-time 24 hours a day, seven days a week, licensed medical care for residents; and

(iii) Providing energy for for-profit hotels that provide short-term housing (30 days or less).

(6) *Co-firing with non-Renewable Energy sources.* RES Projects that use dual fuel sources where at least one source is not renewable. Non-Renewable Energy sources include, but are not limited to the following: fossil fuels, natural gas, petroleum-based products, materials such as coal, and other non-renewable fuels, oils, and chemicals, tires and plastic.

(7) *RES Retrofitting Projects.* The Project retrofits an existing ground mount solar or wind RES or any solar or wind RES on Cropland.

(8) *EEI replacement Projects.* The Project replaces the same specific EEI Equipment that had previously received funds under this subpart prior to the end of the Useful Life, as specified in the FAA, even if it is more energy

efficient than the previously funded improvement.

(9) *Multiple technologies.* The Project utilizes two or more different types of RES technologies that are not incorporated into a Hybrid System.

(10) *Multiple locations.* The Project installs an RES or an EEI at more than one location.

(11) *Cropland installation.* The Project involves a ground mount solar photovoltaic system or wind turbine installed on Cropland.

(12) *Rated System Size.* The Project involves the installation or retrofit of a Hydroelectric System Project with a Rated System Size of greater than 30 MW.

(13) *Historical Energy Usage Documentation.* The Project involves ground mount solar photovoltaic or ground mount wind systems that cannot document commensurate historical energy usage.

(14) *Mobile system.* The Project involves an RES not directly mounted on a vehicle that is used to carry out the Applicant's full-time business operations, or the Project involves EEI to any vehicle.

(15) *Dispensing energy at retail.* The Project includes a mechanism for dispensing energy at retail are not eligible.

(16) *Labor only Projects.* The Project includes only labor costs and no Equipment and materials costs for the RES or EEI.

(17) *Distribution only Projects.* The Project includes only moving Renewable Energy from one point to another.

(18) *Storage systems.* The Project involves the following activities related to storage systems:

(i) *Retrofitting an existing RES to add an energy storage system.* Includes Battery Energy Storage Systems as well as other energy storage systems.

(ii) *Stand-alone energy storage systems.* Includes Battery Energy Storage Systems as well as other energy storage systems.

(19) *Foreign components.* The Project includes a solar photovoltaic system or wind turbine consisting of any component made in a country named as a foreign adversary as listed in 15 CFR 791.4, with the exception that Projects that were installed prior to the publication date of this regulation are exempt. All other completeness and eligibility requirements identified in this subpart must be met.

(20) *REAP funding limitation.* The Project includes a REAP funding request where the total amount of REAP funding (grant and guaranteed loan) would represent more than 75% of the Project Cost.

(21) *Unallowable costs.* The Project budget includes more than 25 percent of costs as unallowable costs. Projects that include 25 percent or less of unallowable costs will have the unallowable costs removed prior to considering other eligibility factors. Unallowable costs are identified in § 4280.125(b).

(22) *Conflict of interest.* The Project includes any conflict of interest. See § 4280.106 for more information on conflict of interest.

§ 4280.123 Reserved funds eligibility.

Applications requesting $20,000 or less in award funds are eligible to compete for reserved funds.

§ 4280.124 [Reserved]

§ 4280.125 Use of funds.

Allowable and unallowable uses of funds are described as follows:

(a) *Allowable uses of funds.* The following types of activities and expenses are allowable, provided that they are directly related to the approved RES or EEI Project, incurred as part of the installation of the RES or EEI, and integral to the operation of the RES or EEI. Additional information on allowability of costs can be found at 2 CFR part 200, subpart E, for all entity types.

(1) Purchase and installation of new or Refurbished Equipment related to the installation and/or operation of the RES or EEI, provided that the Project budget includes both Equipment and installation of the system or improvements as a whole;

(2) Construction related to the installation of the RES or EEI, Retrofitting, replacement, and improvements;

(3) Energy Assessment or Energy Audit, unless the cost was charged in whole or in part to another Federal Award;

(4) Resource Assessment, unless the cost was charged in whole or in part to another Federal Award;

(5) Fees for construction permits and licenses and fees required by an Interconnection Agreement;

(6) Architectural fees;

(7) Engineering fees;

(8) Installation of a dedicated meter for an RES Project;

(9) Up to 25 percent of Project Costs for Distribution Components and Ancillary Infrastructure for RES Projects that include Distribution Components and Ancillary Infrastructure; and

(10) Up to 10 percent of the award amount to construct, improve, or acquire broadband infrastructure related to the project financed, subject to the requirements of 7 CFR part 1980, subpart M;

(b) *Unallowable uses of funds.* Activities and expenses related to any of the following are unallowable:

(1) Real Property;

(2) Agricultural, lawn, and garden Equipment and power tools, including, but not limited to: tractors, bailers, lawn mowers, weed whipper/eaters, cultivators, skid steers, bulldozers, chain saws, and wood splitters;

(3) Used Equipment;

(4) Equipment not wholly owned by the Recipient, for example, utility-owned substation upgrades, overhead lines, and poles;

(5) Vehicles, including motorized, unmotorized, and electric vehicles, and modifications that are used to improve a vehicle's ability to propel itself (*e.g.,* modifying an existing vehicle's engine to run on renewable fuels or replacing an older vehicle with a new, more efficient vehicle);

(6) Lease payments, including lease to own or capitalized leases;

(7) Feasibility studies;

(8) Monthly meter fees;

(9) Insurance;

(10) Operations and maintenance;

(11) Extended warranties;

(12) Perimeter fencing;

(13) Costs for labor completed by any individual who owns the Applicant entity;

(14) Goods or services from an individual or entity who has a conflict of interest with the Recipient (see § 4280.106);

(15) Funds used for political or lobbying activities;

(16) Funds used to repay any Federal direct or guaranteed loans or other Federal debt or judgment;

(17) Costs for the preparation of the grant application;

(18) Expenses not directly related to the funded Project, including construction or Equipment (*e.g.,* the foundation for a building where an RES is installed, storage-only grain bins connected to drying systems, or the roof of a building where solar panels are attached);

(19) Expenses paid for by another Federal Award;

(20) Activities that are considered unallowable by the applicable cost principles, most of which are included in 2 CFR part 200, subpart E; and

(21) Costs incurred outside the Project Period.

§§ 4280.126–4280.130 [Reserved]

§ 4280.131 Application requirements.

This section identifies the items required for a complete application. All

applications must include the following items, with the exception of the information in paragraph (a)(14) of this section, which is optional.

(a) *Applicant eligibility.* The following requirements support Applicant eligibility.

(1) *Applicant's legal name.* The Applicant must provide its legal name. This name must match what is entered in *SAM.gov* and what is on the Certificate of Good Standing.

(2) *Applicant's address.* The Applicant must provide its primary address. This address must match what is entered in *SAM.gov*.

(3) *Identification numbers.* The Applicant must provide its Unique Entity Identifier from its *SAM.gov* registration and Social Security number (SSN) or Taxpayer Identification Number (TIN) in order for the Agency to assess eligibility.

(4) *Incorporation date.* The Applicant must provide the date it was incorporated.

(5) *Certificate of Good Standing.* The Applicant must provide a current Certificate of Good Standing from the State in which the Applicant is incorporated or registered, or from the Bureau of Indian Affairs or Tribe, as applicable

(6) *Entity bylaws.* The Applicant must provide its bylaws or operating agreements that show its legal authority to apply for and carry out the Project.

(7) *Principals.* The Applicant must provide the names and SSN or TIN of the Principals for this Federal Award. The identification numbers will be used to assess eligibility for the Federal Award.

(8) *Applicant entity type.* The Applicant must indicate whether it is applying as an Agricultural Producer or a Rural Small Business.

(i) *Agricultural Producer.* If the Applicant is applying as an Agricultural Producer, it must provide all of the following information:

(A) *Owner names.* The Applicant must provide the exact legal name(s) of all owners in the organization.

(B) *Percentage of ownership.* The Applicant must provide the percentage of ownership for each owner.

(C) *Participation in operations.* The Applicant must indicate whether the owners participate in the day-to-day labor, management, and/or field operations of the Applicant.

(D) *Agricultural Commodity.* The Applicant must identify the primary Agricultural Commodity produced or that the Applicant has the legal right to harvest.

(E) *Annual income.* The Applicant must indicate the total annual income of the majority-owner and the amount of annual income derived by that majority-owner from the Applicant's operations from the most recent tax year.

(ii) *Rural Small Business.* If the Applicant is applying as a Rural Small Business, it must indicate whether the Applicant has been designated by the Small Business Administration as a Small Business in *SAM.gov.* Additionally, it must provide all of the following information:

(A) *Owner names.* The Applicant must provide the exact legal name(s) of all owners in the organization.

(B) *Percentage of ownership.* The Applicant must provide the percentage of ownership for each owner.

(9) *Financial statements.* Applicants must provide financial statements as described below.

(i) *All applications.* The Applicant must provide the following business-level financial statements: an income statement, balance sheet, and statement of cash flows, including all revenue streams from the Project, debt-service of the Project, annual operations and maintenance, investments, and incentives from the Applicant's most recent completed fiscal year prior to the date of application. Project-level financial statements will not be accepted.

(ii) *Project Cost $200,000 and greater.* In addition to the financial statements required in the paragraph above, the Applicants with Projects that have Project Cost of $200,000 or greater must provide two years of pro forma financial statements for the Project, including income statements, balance sheets, statements of cash flows, and assumptions.

(10) *Summary of REAP awards.* The Applicant must describe any current or previous awards received through the REAP program, including both grants and guaranteed loans. The description must include the Project Period, the amount, and a summary of the Project.

(11) *Business operations.* The Applicant must describe its business, including the time period that it has been in operation and earning revenue, the type of products or services provided, the number of employees, who the customers are, and the sources of revenue from its business operations, including if the operations include gambling, sexual activities, professional or amateur racing of animals, or illegal activities. Note that each employee is counted as one, regardless of their status as full-time, part-time, temporary, or seasonal. To calculate the number for the application, use the average number of employees over the most recent 12 consecutive months.

(12) *Foreign ownership.* The Applicant must identify any foreign ownership, including the name(s) of the foreign owners and the percentage of ownership.

(13) *Conflict of interest.* The Applicant must identify whether or not the Applicant or its individual owners has a known relationship or association with an Agency or Rural Development employee. If there is a known relationship, the Applicant must identify each Agency or Rural Development employee with whom the Applicant has a known relationship. The Applicant must also certify that there is no conflict of interest, as defined in § 4280.106.

(b) *Project eligibility.* The following requirements support Project eligibility.

(1) *Project description.* The Applicant must provide a brief description of the Project.

(2) *Type of Project.* The Applicant must indicate whether the Project is an RES or an EEI Project and the purpose under § 4280.122(a)(1). If the Project is an RES, the Applicant must indicate whether it is considered to be an energy replacement or energy generation Project (see the definition of Renewable Energy System in this subpart for more information).

(3) *Technical sustainability.* For EEI Projects, the Applicant must provide an Energy Assessment if the Project Cost is $80,000 or less; otherwise it must provide an Energy Audit. For RES Projects, the Applicant must provide a Resource Assessment, or the Applicant can provide a Feasibility Study in lieu of a Resource Assessment. In addition, the Applicant must provide the information from the Energy Assessment, Energy Audit, Resource Assessment, or Feasibility Study, as applicable, to allow the Agency to assess the technical sustainability of the Project.

(4) *Agreements.* For Projects with a Project Cost of more than $80,000, the Applicant must submit copies of all agreements related to the Project, including, but not limited to, Power Purchase Agreements, Interconnection Agreements, lease agreements, feedstock agreements, off-take agreements, End User agreements, financing agreements, and operations and maintenance agreements.

(5) *Country of origin.* For solar and Wind Energy Projects, the Applicant must identify the country of origin for all system components.

(6) *Commercially Available technology.* The Applicant must describe how the Project meets the definition of Commercially Available technology, as provided below.

(i) *Operating history.* The Applicant must describe the operating history of the RES or EEI to demonstrate that the RES or EEI is proven and reliable. The operating history must include names or examples of other RES or EEI installed using the same type of RES or EEI technology used in the Applicant's Project, including feedstock(s) and integrated processes, rather than the specific operating history for the Applicant's RES or EEI.

(ii) *Performance data.* The Applicant must provide performance data for at least one year that is specific to the operation and use of the RES or EEI. This data must be from a system other than the Applicant's.

(iii) *Feedstock.* If applicable, the Applicant must identify the specific feedstock used.

(iv) *Process to produce or save energy.* The Applicant must describe the specific process used to produce or save energy.

(v) *Design and installation procedures.* The Applicant must describe how the RES or EEI is based on established design and installation procedures.

(vi) *Replicability.* The Applicant must describe how the RES or EEI is replicable.

(vii) *Service providers.* The Applicant must describe how the RES or EEI has professional service providers, trades, large construction Equipment providers, and laborers who are familiar with installation procedures and practices.

(viii) *Equipment availability.* The Applicant must describe how the RES or EEI has proprietary and balance of system Equipment and spare parts that are readily available.

(ix) *Service availability.* The Applicant must describe how the RES or EEI has service that is readily available to properly maintain and operate the system.

(x) *Warranty.* The Applicant must describe the warranty for major parts and labor for the RES or EEI that is valid in the United States.

(7) *Key Service Providers.* The Applicant must provide the following information for all Key Service Providers.

(i) Name;

(ii) Type of service provided (for example, installation);

(iii) License type and number for the State in which the installation occurred;

(iv) Description of qualifications, including how many similar systems have been installed;

(v) Description of how the Key Service Provider was selected (for example, how many bids were received and how was the decision made to select the Key Service Provider); and

(vi) A certification that there is no conflict of interest between the Key Service Provider and the Applicant and between the Key Service Provider and any other Key Service Provider working on the Project.

(8) *Procurement contracts.* The Applicant must provide a description for each procurement contract utilized for the Project. The description must include—

(i) The name of contractor;

(ii) The amount of contract;

(iii) A description of work performed under the contract; and

(iv) A description of how the contractor was selected.

(9) *Dedicated meter.* The Applicant must certify that the Project uses a dedicated meter.

(10) *Completion certificate.* The Applicant must certify that the design, engineering, testing, and monitoring is sufficient for the Project's intended purpose. For Projects with a Project Cost of $200,000 or more, the Agency requires a completion certificate completed by a professional engineer licensed in the State where the Project was completed.

(11) *Project location.* The Applicant must provide the address for the Project location.

(12) *Cropland usage.* The Applicant must indicate if Cropland was used for the Project, and if so, how many acres.

(13) *Size of RES.* The Applicant must provide the Rated System Size and Annual Energy Production of the RES.

(14) *Project Period.* The Applicant must provide the dates when costs were incurred for the Project, *i.e.* the Project Period. As a reminder, the Project Period must end between 12 and 24 months prior to the date of application. With the exception that for the first application window following the release of the updated regulation the Project Period end date may be between 12 and 36 months prior to submission of the application. For example, if the application is submitted on August 31, 2027, then the Project Period must end no later than August 31, 2026. With an ending date of August 31, 2026, the Project Period must start no earlier than September 1, 2024.

(15) *Budget.* The Applicant must provide an itemized budget that includes all Cost Sharing provided, Program Income, Project Cost, and itemized Project expenses. The budget must include a listing of each cost, with a description, expense category, amount, date incurred, date paid, and whether the expense was paid with Cost Sharing or Federal funds.

(16) *Cost Sharing verification.* The Applicant must provide verification of Cost Sharing if the Cost Share was provided by a third party. The Applicant must submit a commitment letter signed by an authorized official of the third party. The letter must be specific to the project, identify the dollar amount, and identify any applicable rates and terms.

(17) *Simple Payback.* The Applicant must provide the information for the Simple Payback calculation, including the following data:

(i) *Energy amount.* For RES projects, the Applicant must provide the historical energy use in terms of quantity and unit of measurement for the 12 consecutive months pre-installation and 12 months of energy produced post-installation of the RES. For EEI projects, the Applicant must submit the pre-installation energy consumption of the existing building or system and the post-installation energy consumption of the improved building or system as documented in the Energy Assessment or Energy Audit.

(ii) *Energy value.* For RES Projects, the Applicant must submit the dollar value of the energy produced on a per unit basis for the 12 months pre-installation and for the 12 months post-installation. For the average dollar value, the following charges should be excluded: fixed meter charge, demand charges, subsidy charges, and sales tax. For EEI Projects, the Applicant must submit the dollar value of the energy saved based on the Energy Audit, as updated 12 months post-installation. For both RES and EEI Project Off-Grid Systems (regardless of historical energy source), the Applicant must provide a written statement from the utility company that services the Project location that identifies the average price per kW hour for the 12 month period prior to installation.

(18) *Ownership of the RES or EEI.* The Applicant must confirm that it owns the RES or EEI that is the subject of the application at the time of application. The Applicant must confirm that it intends to maintain the ownership of the RES or EEI until the final disbursement for the Federal Award is made. Note that the Applicant will be required to provide copies of all invoices and payments if an award is made, and these documents must all demonstrate that the Applicant owns the RES or EEI.

(19) *Ownership of the Project site.* The Applicant must confirm that it owns or controls (through a lease or in the case of tribal trust land through beneficial interest)) the site where the RES or EEI is installed for at least 12 months prior

to the Project Period for the Project through the time of application. The Applicant must also confirm that it intends to maintain the ownership or control until the final disbursement for the Federal Award is made. If the site is owned by the Applicant, the Applicant must provide a copy of the deed or tax assessment for the Project site. If the site is controlled through a lease agreement or tribal trust land through beneficial interest, a copy of the executed lease or deed must be provided at the time of application. In particular, the lease agreement must include the following information:

(i) Parties to the lease, where one party is the Applicant;

(ii) Start and end dates of the lease term; and

(iii) Legal description of the Project location that matches the site footprint of the RES or EEI.

(20) *Architectural barriers.* The Applicant must certify that all facilities intended for or accessible to the public or in which physically handicapped individuals may be employed are in compliance with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 *et seq.*) as implemented by 41 CFR 101–196, section 504 of the Rehabilitation Act of 1973 (42 U.S.C. 1474 *et seq.*) as implemented by 7 CFR parts 15 and 15b, and Titles II and III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*).

(21) *Seismic safety.* The Applicant must certify that all new structures, fully or partially enclosed, used or intended for sheltering individuals or property were designed with appropriate seismic safety provisions in compliance with the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 *et seq.*), and Executive Order 13717, Establishing a Federal Earthquake Risk Management Standard.

(22) *Applicable laws, regulations, agreements, permits, codes, and standards.* The Applicant must certify that the Project was completed in accordance with applicable laws, regulations, agreements, permits, codes, and standards.

§ 4280.132 [Reserved]

§ 4280.133 Submission requirements.

The following information identifies when applications can be submitted, where applications must be submitted, and the format of applications.

(a) *Submission period.* The Agency will publish the dates for the application period on its website.

(1) *Applications requesting $20,000 or less.* Applicants requesting a grant of $20,000 or less can submit their applications during the published application period to be considered for reserved funding. Applications are due by 5:00 p.m. Eastern time on the published deadline. Applications received after the deadline will not be considered for funding in this competition. Applications not funded as a result of this competition will be considered as part of the ''All other applications'' competition in paragraph (a)(2) of this section unless the application is withdrawn by the Applicant in accordance with § 4280.141.

(2) *All other applications.* All other applications must be submitted during the published application period. Applications are due by 5:00 p.m. Eastern time on the published deadline. Applications received after the deadline will not be considered for funding.

(b) *Submission process.* All items required for the application must be submitted in a single application. No attachments other than the required items will be considered. Incomplete applications will be rejected by the Agency during its completeness evaluation (see § 4280.140 for more information). An annual notification for the program will provide instructions on how and where to submit completed applications for REAP funding.

(c) *Number of applications.* No more than one application from each Highest-Level Owner and entities owned by its individual owners or each corporation/business wholly owned by an Indian Tribe will be accepted each Federal Fiscal Year. An application for a specific Project can only be submitted one time per FFY.

§§ 4280.134–4280.139 [Reserved]

§ 4280.140 Application processing.

The following information describes the way the Agency will process applications. Applications will be evaluated for completeness, eligibility, risk, and merit.

(a) *Completeness evaluation.* The Agency will review all submitted applications for completeness. Applications must include all information needed to assess eligibility, risk, and merit, including all of the requirements identified in § 4280.131, in order to be further processed for eligibility, risk, and merit evaluations. The Agency will notify Applicants who submitted incomplete applications in accordance with § 4280.152.

(b) *Eligibility evaluation.* The Agency will review all complete applications to determine if they are eligible for assistance based on the requirements in this subpart and other applicable laws and regulations. As part of this process, the Agency will check the OMB-designated repository of government information, and Applicants that are excluded from Federal funding will be determined ineligible (see 2 CFR 200.206 for more information). Applications that do not meet one or more eligibility requirements will not be further processed for risk and merit evaluations. The Agency will notify Applicants who submitted ineligible applications in accordance with § 4280.152.

(c) *Risk evaluation.* The Agency will review all eligible applications for risk based on the financial and performance factors described in § 4280.140(c)(1) and (2). Principals for the Applicant and Project will be evaluated for risk based on paragraph (c)(3) of this section.

(1) *Financial risk evaluation.* The Agency will review the Applicant's most recent independent audit (if available) and financial statements. The Applicant's financial solvency, internal controls, and any audit findings will be assessed. Applicants whose ratio of current assets to current liabilities is not at least 1:1 will be considered to be too high of a risk to fund and will be notified that their application cannot be funded and the Agency will issue a written notification in accordance with § 4280.152. Other types of deficiencies or risks will be assessed on a case-by-case basis. The Agency will consider reasonable options to mitigate identified risks. However, for deficiencies and risks that are significant or cannot be reasonably mitigated, the Agency will determine that the application cannot be funded and will issue a written notification in accordance with § 4280.152.

(2) *Performance risk evaluation.* The Agency will review any Federal Awards the Applicant, its affiliates, or its individual owners received during the five years prior to the application deadline through SAM (or its successor system), the Do Not Pay system (or its successor system), other Federal or Departmental level award or performance systems adopted by the Agency, and the Agency's internal financial record-keeping systems and files. The Applicant's ability to submit required reports and documents, complete approved tasks on time, meet approved budget requirements, and use Project funds properly will be evaluated. Applicants, their affiliates, and their individual owners with more than a total of two Federal Awards with performance deficiencies will be considered too high of a risk to be funded and will be notified in accordance with § 4280.152. Other types

of deficiencies or risks will be assessed on a case-by-case basis. The Agency may consider reasonable options to mitigate identified risks. However, for deficiencies and risks that are significant or cannot be reasonably mitigated, the Agency will determine that the application cannot be funded and will issue a written notification in accordance with § 4280.152.

(3) *Principals.* The Agency will review any available records in SAM, DNP, other Federal or Departmental systems, and the Agency's systems for financial risks and performance deficiencies on Federal Awards. If the Agency determines that a Principal is an excluded party or poses a significant risk to the performance under the proposed Project, it will determine that the application cannot be funded and will issue a written notification in accordance with § 4280.152.

(d) *Merit evaluation.* The Agency will conduct a merit evaluation for those applications that are determined eligible for the program, unless a risk evaluation determines that the application cannot be funded (see § 4280.140(c)). The merit evaluation will be conducted by USDA employees, who will score the application based on the criteria below. The total points available are 90. An additional 10 points are possible through the priority points described in paragraph (e) of this section. Note that in cases where points and percentages must be rounded, the standard rounding process will be applied.

(1) *Impact (0–10 points).* The Agency will award points as described in paragraphs (d)(1)(i) and (ii) of this section.

(i) *Number of employees (0 or 5 points).* The Agency will award 5 points for Applicants that employ at least three employees, other than the individuals who own the Applicant entity. The Agency will award zero points for Applicants that employ less than three people.

(ii) *Critical community impact (0 or 5 points).* The Agency will award 5 points for Applicants that are businesses that provide critical community services, such as grocery stores, laundry facilities, veterinary clinics, and medical offices. The Agency will award zero points for Applicants that do not fit into this category.

(2) *Quantity of energy to be saved or produced per award dollar requested (0–25 points).* The Agency will award points as described in paragraphs (d)(2)(i) and (ii) of this section:

(i) *EEI.* The Agency will award points based on annual energy saved per award dollar requested. The quantity of energy saved per award dollar requested will be determined by dividing the total annual energy saved (as converted to BTUs) by the award dollars requested. Points will be awarded based on the annual amount of energy saved based on the calculation in this paragraph (d)(2)(i). The points will be rounded to the nearest hundredth and are capped at 25.

Equation 1 to Paragraph (d)(2)(i)

BTUs of energy saved per award dollar requested ÷ 100 = points

(ii) *RES.* The Agency will award points based on annual energy produced by the RES Project per award dollar requested. The quantity of energy produced per award dollar requested will be determined by dividing the total annual energy generated (as converted to BTUs) by the award dollars requested. Points will be awarded based on the annual amount of energy produced based on the calculation in this paragraph (d)(2)(ii). The points will be rounded to the nearest hundredth and are capped at 25.

Equation 2 to Paragraph (d)(2)(ii)

BTUs of energy generated per award dollar requested ÷ 100 = points

(3) Percentage of energy saved or replaced (0–20 points)—(i) *EEI.* The Agency will award points based on the amount of energy saved by the Project compared to the amount of energy consumed by the Applicant at the Project location over a 12-month period. The calculation will be based on the Applicant's consumption of energy for the 12 months prior to making the improvements and compared to the 12 months after making the improvements.

TABLE 1 TO PARAGRAPH (d)(3)(i)

Percent of energy saved	Points awarded
9.4% or less	0
9.5%–19.4%	5
19.5%–34.4%	10
34.5%–49.4%	15
49.5% and above	20

(ii) *RES.* The Agency will award points based on the amount of energy replaced by the Project compared to the amount of energy consumed by the Applicant at the Project location over a 12-month period. The calculation will be based on the Applicant's consumption of energy for the 12 months prior to installing or Retrofitting the RES and compared to the 12 months after installing or Retrofitting the system.

TABLE 2 TO PARAGRAPH (d)(3)(ii)

Percent of energy replaced	Points awarded
9.4% or less	0
9.5%–24.4%	5
24.5%–49.4%	10
49.5%–74.4%	15
74.5%–109.4%	20
109.5% and above	0

(4) *Environmental benefits (0–5 points).* The Agency will award points based on the environmental benefits directly attributable to the proposed Project as assessed at the Project level based on the description in this paragraph (d)(4).

(i) *EEI.* The Agency will award points to EEI Projects as described in this paragraph (d)(4)(i).

(A) *Greenhouse gases (0 or 3 points).* Projects that do not produce greenhouse gases receive 3 points. All other Projects receive 0 points.

(B) *Forest conservation (0 or 1 point).* Projects that take into consideration fire hazards on forest lands receive 1 point if the consideration is effectively discussed in the application. All other Projects receive 0 points.

(C) *Water conservation (0 or 1 point).* Projects that use water as part of the EEI that demonstrate a reduced use of water receive 1 point. All other Projects receive 0 points. Examples of Projects that could receive points are converting gravity to subsurface drip irrigation, using less water than industry standard, cleaning up existing surface or ground water, and stewardship practices going above environmental regulation minimums.

(ii) *RES.* The Agency will award points to RES Projects as described in this paragraph (d)(4)(ii):

(A) *Greenhouse gases (0 or 3 points).* Projects that do not produce greenhouse gases receive 3 points. All other Projects receive 0 points.

(B) *Forest conservation (0 or 1 point).* Projects that take into consideration fire hazards on forest lands receive 1 point if the consideration is effectively discussed in the application. All other Projects receive 0 points.

(C) *Renewable fuel standard (0 or 1 point).* Projects that comply with EPA's renewable fuel standards receive 1 point. All other Projects receive 0 points.

(5) *Prior awards (0–15 points).* The Agency will award points to both EEI and RES Projects based on whether the Applicant has been approved for a Federal Award under this subpart.

(i) *Prior award within two years (0 points).* The Applicant has been approved for a Federal Award under

this subpart within the two previous Federal Fiscal Years.

(ii) *No prior awards within two years (5 points).* The Applicant has not been approved for a Federal Award under this subpart within the two previous Federal Fiscal Years.

(iii) *No prior awards (15 points).* The Applicant has never been approved for a Federal Award under this subpart.

(6) *Simple payback (0–15 points).* The Agency will award points as described in this paragraph (d)(6).

(i) *EEI.* The Agency will award points based on the Simple Payback of the EEI.

Equation 3 to Paragraph (d)(6)(i)

Simple Payback = (Project Cost) ÷ (dollar value of energy saved).

TABLE 3 TO PARAGRAPH (d)(6)(i)

Simple payback	Points awarded
More than 12	0
At least 8 and up to 12	5
At least 4 and up to 7	10
Less than 4	15

(ii) *RES.* The Agency will award points based on the Simple Payback of the RES as described in this paragraph (d)(6)(ii).

Equation 4 to Paragraph (d)(6)(ii)

Simple Payback = (Project Cost) ÷ (dollar value of energy units replaced, credited, sold, or used and fair market value of Byproducts as applicable in a typical year).

TABLE 4 TO PARAGRAPH (d)(6)(ii)

Simple payback	Points awarded
More than 25 years	0
At least 15 and up to 25	5
At least 10 and up to 14	10
Less than 10	15

(e) *Priority points (0–10 points).* RBCS may select priorities that are applicable to the program. These priorities will be provided on the program website.

§ 4280.141 Application withdrawal.

During the period between the submission of an application and award approval, the Applicant must notify the Agency in writing if the Project is no longer viable or the Applicant no longer is requesting financial assistance for the Project. When the Applicant notifies the Agency, the selection will be withdrawn from consideration for funding.

§§ 4280.142–4280.149 [Reserved]

§ 4280.150 Award selection.

Applications that have been fully processed and are determined to be complete, eligible for funding, and are not removed from consideration due to high risk will be evaluated based on the merit evaluation criteria and priority criteria (see § 4280.140). A grant award is not automatically guaranteed, and an applicant may not receive any funding. The points awarded for merit evaluation and priority criteria will be added for each application. Applications will then be ranked solely based on the points awarded. The Agency will select applications for funding based on the following procedures.

(a) *Applications requesting $20,000 or less.* Applications requesting $20,000 or less and submitted by the deadline identified in § 4280.133(a)(1) will be funded in rank order until the available reserve has been expended or a minimum score of 40 points is reached. No application is guaranteed funding.

(b) *All other applications.* For applications not competing for the reserved funds for applications requesting $20,000 or less, the Agency will first select the highest-scoring application from each State (where Puerto Rico, the Virgin Islands, and the Western Pacific are each considered a State) in rank order and available funds permitting, provided that no application scores lower than 40 points. If more than $100 million is available, the Agency will first select the top two highest-scoring applications from each State (where Puerto Rico, the Virgin Islands, and the Western Pacific are each considered a State) in rank order and available funds permitting, provided that no application scores lower than 40 points. Then applications will be funded in rank order until available funds have been expended or a minimum score of 40 points is reached. No application is guaranteed funding.

§ 4280.151 Notification of successful applicants.

The following process will be used to notify Applicants whose applications are selected for funding.

(a) *Notification.* The Agency will notify the Applicants whose applications can be funded using available funds with an LOC. The LOC will provide the conditions under which an award can be approved as well as a copy of the terms of the award.

(b) *Meeting the conditions of the Federal Award.* An Applicant receiving an LOC will have 60 calendar days to meet the conditions of the Federal Award, unless otherwise specified in the LOC. If the Applicant does not meet the conditions within the specified time frame, the Agency will discontinue processing the application.

(c) *Standard award terms and conditions.* The standard award terms and conditions are available on the program website.

§ 4280.152 Notification of unsuccessful Applicants.

Applicants whose applications are not eligible for financial assistance through this program, who are removed from funding consideration due to a high level of risk, or whose applications did not score high enough to be funded will be notified as soon as practicable. No further processing of the application will occur.

§ 4280.153 Award approval.

This section applies to all awards made before or after October 1, 2026. Once the Applicant has met all the conditions specified in the LOC, the Agency will review the Federal Award for approval. The approval will be conveyed through the execution of Form RD 4280–2, which is the FAA, and provides all the terms of the Federal Award. Costs must be allowable and be incurred during the approved Project Period. Applications with a Form 1940–1 ''Request for Obligation of Funds'' signed by the Applicant and the Agency prior to the effective date of this regulation will continue to be processed, provided that their project remains in line with applicable terms and conditions. Each person or entity is subject to maximum amount of grant assistance per Federal fiscal year. Entities that share common management or ownership, regardless of percent owned, either directly or indirectly through another entity or person, are considered one entity for which aggregate funding cannot exceed the applicable dollar limit.

§§ 4280.154–4280.159 [Reserved]

§ 4280.160 Reporting requirements.

Recipients are required to submit reports on financial status, performance, and Equipment, as described below.

(a) *Financial report.* A final financial report is due 120 calendar days after award approval. The report must include the submission of the SF–425, ''Federal Financial Report,'' and any additional information specified in Form RD 4280–2, ''Financial Assistance Agreement.''

(b) *Performance report.* A final performance report is due 120 calendar days after award approval. The report must include the information specified in Form RD 4280–2, ''Financial Assistance Agreement.''

(c) *Equipment report.* Equipment reporting procedures must be in compliance with 2 CFR 200.313 and are

identified in Form RD 4280–2, ''Financial Assistance Agreement.''

§ 4280.161 Monitoring awards.

Awards will be monitored by the Agency in accordance with applicable laws, regulations, and policies. The Agency may terminate or suspend the award for lack of adequate or timely progress, reporting, documentation, or for failure to comply with Agency or award requirements.

§ 4280.162 Transfer of obligations.

The Agency will not approve any transfer of obligations for this program.

§§ 4280.163–4284.198 [Reserved]

§ 4280.199 OMB control number.

The reporting and recordkeeping requirements contained in this subpart have been approved by OMB and have been assigned OMB control number 0570–0067 in accordance with the Paperwork Reduction Act of 1995.

■ 3. Add subpart C, consisting of §§ 4280.201 through 4280.299, to read as follows:

Subpart C—Rural Energy for America Program: Grants for Energy Audits and Renewable Energy Development Assistance

Sec.

4280.201 Purpose.
4280.202 Organization of subpart.
4280.203 Acronyms.
4280.204 Definitions.
4280.205 [Reserved]
4280.206 Conflict of interest.
4280.207 [Reserved]
4280.208 Compliance with other laws and regulations.
4280.209–4280.219 [Reserved]
4280.220 Applicant eligibility.
4280.221 Ultimate Beneficiary eligibility.
4280.222 Project eligibility.
4280.223–4280.224 [Reserved]
4280.225 Use of funds.
4280.226–4280.230 [Reserved]
4280.231 Application requirements.
4280.232 [Reserved]
4280.233 Submission requirements.
4280.234–4280.239 [Reserved]
4280.240 Application processing.
4280.241 Application withdrawal.
4280.242–4280.249 [Reserved]
4280.250 Award selection.
4280.251 Notification of successful Applicants.
4280.252 Notification of unsuccessful Applicants.
4280.253 Award approval.
4280.254–4280.259 [Reserved]
4280.260 Reporting requirements.
4280.261 Monitoring awards.
4280.262–4284.298 [Reserved]
4280.299 OMB control number.

§ 4280.201 Purpose.

This subpart contains the procedures and requirements for providing financial assistance under the Rural Energy for America Program (REAP) through grants to eligible entities to assist Agricultural Producers and Rural Small Businesses to become more energy efficient and to use Renewable Energy technologies and resources.

§ 4280.202 Organization of subpart.

The information in this subpart is organized into six main topics.

(a) *General information.* Sections 4280.201 through 4280.219 discuss the purpose of the program, definitions, exception authority, conflict of interest, and compliance with other laws and regulations.

(b) *Eligibility information.* Sections 4280.220 through 4280.229 discuss the eligibility requirements for the program. These sections include information on Applicant eligibility, project eligibility, and the use of funds. See § 4280.222 for information about award amounts, Period of Performance, and Cost Sharing requirements.

(c) *Application requirements information.* Sections 4280.230 through 4280.239 discuss the requirements for submitting an application. These sections include information on what forms and other information are required for a complete application as well as the format of the application, the application submission deadline, and how to submit the application.

(d) *Application processing information.* Sections 4280.240 through 4280.249 discuss how the Agency will process applications. These sections include information on how applications will be reviewed for eligibility, how applications will be evaluated for merit, and how an Applicant can withdraw an application from consideration.

(e) *Award information.* Sections 4280.250 through 4280.259 discuss how the Agency will make awards. These sections include information about how applications will be selected for funding, how Applicants will be notified whether their applications have been selected for funding, how Applicants can resolve disputes regarding funding selections, and the requirements for an Applicant to accept an award and be approved as a Recipient of an award.

(f) *Post-award information.* Sections 4280.260 through 4280.261 discuss the reporting requirements for Recipients after an award is approved as well as monitoring procedures that the Agency will use.

(g) *Other.* (1) Sections 4280.262 through 4280.298 are reserved.

(2) Section 4280.299 includes the Office of Management and Budget (OMB) control number for reporting and recordkeeping requirements under this subpart.

§ 4280.203 Acronyms.

(a) BESS—Battery Energy Storage System.
(b) CFR—Code of Federal Regulations.
(c) COI—Conflict of Interest.
(d) EA—Energy Audit.
(e) EEI—Energy Efficiency Improvement.
(f) FAA—Financial Assistance Agreement.
(g) LOC—Letter of Conditions.
(h) REDA—Renewable Energy Development Assistance.
(i) RES—Renewable Energy System.
(j) SAM—System for Award Management.
(k) UEI—Unique Entity Identifier.
(l) U.S.C.—United States Code.
(m) USDA—United States Department of Agriculture.

§ 4280.204 Definitions.

These are the definitions for terms used in this subpart. See also the defined terms located at 7 CFR 4280.104. All defined terms used in this subpart are capitalized.

Council has the meaning located under the Resource Conservation and Development Program, at 16 U.S.C. 3451.

Institution of Higher Education (IHE) has the meaning given the term in section 1002(a) of Title 20.

Instrumentality means an organization recognized, established, and controlled by a State, Indian Tribal, or Local Government, for a public purpose or to carry out a special purpose.

Key personnel means the owners, employees, new hires, consultants, and/or contractors who will be overseeing and/or completing the tasks in the work plan.

Nonprofit organization has the meaning located at 2 CFR 200.1.

Period of performance has the meaning located at 2 CFR 200.1.

Public power entity has the meaning located at 16 U.S.C. 824q(a)(4).

Renewable Energy site assessment means a structured and methodical evaluation process designed to determine the feasibility and potential of Renewable Energy resources within a defined scope, particularly with respect to sustainability. This assessment examines resource availability, technological maturity, economic viability, and environmental implications. It is site specific and considers historical energy consumption of the Agricultural Producer or Rural Small Business. It investigates how a

Renewable Energy System could replace the historical energy use or how the RES could generate an increase in revenue to support the sustainability of the operation.

Renewable energy development assistance (REDA) means technical assistance provided to Agricultural Producers and Rural Small Businesses on how to use Renewable Energy technologies and resources in their operations through conducting a Renewable Energy Site Assessment, Resource Assessment, and Feasibility Studies.

Ultimate beneficiary means an entity that on whose behalf the Energy Audit or Renewable Energy Development Assistance is conducted.

§ 4280.205 [Reserved]

§ 4280.206 Conflict of interest.

No conflict of interest will be allowed.

(a) *Description.* A conflict of interest (COI) occurs when an individual or entity has a competing personal, professional, or financial interest that makes it difficult for the individual or entity to act impartially

(b) *Recipient conflicts of interest.* Recipients must comply with 2 CFR 400.2, regarding written disclosure, employee and organizational conflicts of interest, and internal controls.

(c) *Assistance to employees, relatives, and associates.* The Agency will process any requests for financial assistance under this subpart in accordance with 7 CFR part 1900, subpart D.

(d) *Member/delegate clause.* No member of or delegate to Congress shall receive any share or part of the financial assistance awarded through this subpart or any benefit that may arise therefrom; provided, however, that this provision shall not be construed to bar, as a contractor under the Federal Award, a publicly held corporation whose ownership might include a member of Congress.

§ 4280.207 [Reserved]

§ 4280.208 Compliance with other laws and regulations.

Applicants and Recipients must comply with all applicable laws and regulations.

§§ 4280.209–4280.219 [Reserved]

§ 4280.220 Applicant eligibility.

Applicants must meet the following requirements to be eligible for financial assistance through this program.

(a) *Eligible entities.* Entities are eligible for financial assistance through this program if all the following requirements are met.

(1) *System for Award Management (SAM) registration and Unique Entity Identifier (UEI).* An Applicant and a Recipient must have an active registration in SAM. This registration must remain current, accurate, and complete at the time of application, while the application is under consideration for funding, and while the Recipient has an active Federal Award. This registration includes obtaining a UEI, or its successor, and completing the process for Federal Assistance registration through *SAM.gov.*

(2) *Legal authority.* An Applicant must have the legal authority necessary to apply for and carry out the purpose of the Federal Award.

(3) *Entity type.* An Applicant must be one of the following entity types:

(i) A unit of State government, Indian Tribal government, or Local Government;

(ii) An Institution of Higher Education; including land grant colleges and universities;

(iii) A Rural electric cooperative;

(iv) A Public Power Entity;

(v) An Instrumentality; or

(vi) A Council.

(4) *Number of Awards.* An Applicant is only eligible for one award per Federal Fiscal Year.

(b) *Ineligible entities.* Entities are ineligible for financial assistance through this program if any of the following occurs:

(1) *Outstanding judgment.* An outstanding judgement has been obtained against the entity by the United States in a Federal Court (other than in the United States Tax Court). The entity is ineligible for assistance until the judgment is paid in full or otherwise satisfied. Funds from this program may not be used to satisfy the judgment.

(2) *Federal income tax delinquency.* The entity is delinquent on the payment of Federal income taxes.

(3) *Federal debt delinquency.* The entity is delinquent on a Federal debt.

(4) *Debarment or suspension.* The entity is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, ''Debarment and Suspension.'' (See 2 CFR part 417.)

(5) *Felony criminal violation.* The entity has been convicted of a felony criminal violation under any Federal law within the past 24 months.

(6) *Unpaid Federal tax liability.* The entity has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, unless a Federal agency has considered suspension or debarment of the organization and has made a determination that this further action is not necessary to protect the interests of the Government.

(7) *Active REAP EA/REDA or REAP TAG Award.* The entity has an award through the REAP EA/REDA program in this subpart or the REAP Technical Assistance Grant (TAG) program for which the Period of Performance is scheduled to end after September 30 of the Federal Fiscal Year in which the application is submitted.

(8) *Nonprofit Organization.* The entity is a Nonprofit Organization of a type not listed in § 4280.220(a)(3).

(9) *Individual.* The entity is an individual.

(10) *Foreign ownership.* If the entity has foreign investment or ownership, the Agency will evaluate the entity's ability to participate in the Rural Energy for America Program consistent with applicable law. Entities that are headquartered in countries determined to be foreign adversaries as defined by 15 CFR 791.4, are not eligible to participate in the program.

§ 4280.221 Ultimate Beneficiary eligibility.

Ultimate Beneficiaries must meet all of the following requirements to receive assistance through Recipients of this program.

(a) *Type of entity.* Ultimate Beneficiaries must be Agricultural Producers or Rural Small Businesses.

(b) *Location.* Ultimate Beneficiaries must have a place of business located in a State, and the assistance must be provided to them at that location.

(c) *Cost Sharing.* Ultimate Beneficiaries must provide at least 25 percent of the cost of an Energy Audit.

§ 4280.222 Project eligibility.

Projects must meet the following requirements to be considered for financial assistance through this program.

(a) *Eligible Projects.* Eligible Projects must meet all of the following requirements. Failure to meet one or more of these requirements means the application is not eligible for funding.

(1) *Project purpose.* The purpose of the Project must be to assist Agricultural Producers or Rural Small Businesses by conducting Energy Audits, Renewable Energy Site Assessments, Resource Assessments, and Feasibility Studies.

(2) *Project location.* The project location is required to be in a Rural area, as defined in 7 CFR 4280.104, within a State.

(3) *Amount requested.* The maximum amount that can be requested is $100,000.

(4) *Cost Sharing.* No Cost Sharing is required from the Recipient, although the contribution of Cost Sharing is part of the merit evaluation process. See § 4280.240(d) for more information on the merit evaluation process. See § 4280.221(c) for the requirement for Ultimate Beneficiaries. The Cost Sharing obtained under § 4280.221(c) shall be retained by the Recipient to cover part of the cost of the Energy Audit. It is considered program income and must be used to further the objectives of the Project during the Period of Performance. If it cannot be used in this manner, it must be applied to the Federal Award under this subpart in accordance with 2 CFR 200.307(b)(1). Unrecovered indirect costs are not allowed as Cost Sharing.

(5) *Allowable use of funds.* The Project must use award funds and Cost Sharing for allowable purposes. See § 4280.225 for additional information.

(6) *Period of Performance.* The Period of Performance is one year.

(b) *Ineligible Projects.* The following types of projects are not eligible for financial assistance through this program.

(1) *Amount requested.* Requests more than the maximum grant amount;

(2) *Research and development.* Projects including theoretical and/or applied research;

(3) *Feasibility Studies.* Projects involving state-wide or non-site-specific Feasibility Studies.

(4) *Ineligible Entities.* Projects providing assistance to entities other than Agricultural Producers or Rural Small Businesses.

(5) *Computer software.* Projects including developing computer software or programs.

(6) *Residential.* Projects providing EA or REDA for residential purposes.

(7) *Unallowable costs.* Projects including unallowable costs exceeding 10 percent of the Federal Award Amount requested. If 10 percent or less of the Project budget includes unallowable costs, the unallowable costs will be removed. If the Agency cannot identify what percentage of costs are unallowable, the application will be considered ineligible for funding.

(8) *Conflict of interest.* Projects including a conflict of interest. See § 4280.206 for more information on conflict of interest.

§§ 4280.223–4280.224 [Reserved]

§ 4280.225 Use of funds.

See the Cost Principles located at 2 CFR part 200, subpart E. Additional information about allowable and unallowable uses of funds are described as follows.

(a) *Allowable uses of funds.* The following categories of expense are allowable, provided that they are incurred after a Federal Award has been approved under this subpart.

(1) Salaries;

(2) Fringe benefits;

(3) Travel expenses;

(4) Office supplies;

(5) Contractual expenses for qualified contractors to perform EA and REDA; and

(6) Indirect costs up to five percent of the Federal Award made under this subpart. Note that this limitation is statutory and is in effect regardless of whether the Applicant has a Negotiated Indirect Cost Rate Agreement with the Federal government.

(b) *Unallowable uses of funds.* The following categories of expense are not allowable.

(1) Real Property purchase or improvements;

(2) Building or facility planning, developing, repair, rehabilitation, or acquisition;

(3) Equipment purchase, lease, or installation, that is not part of the RES or EEI;

(4) Vehicle purchase or repair;

(5) Construction and construction-related activities;

(6) Cost of preparing the application for financial assistance under this subpart;

(7) Any expenses not directly related to the funded Project;

(8) Payment or waiver of student tuition, including for graduate students;

(9) Costs associated with training individuals to become qualified to conduct EA or REDA;

(10) Promotional items including, but not limited to, pens, cups, apparel, magnets, and decorations.

(11) Raffles;

(12) More than 10 percent of Project Costs for outreach and marketing of the Recipient's available services under the proposed work plan;

(13) More than 5 percent of the Federal Award amount requested for indirect costs;

(14) Goods and services provided by an individual or entity that has a conflict of interest, as described in § 4280.206;

(15) Payment of any judgment or debt owed to the United States;

(16) Political or lobbying activities, consistent with 31 U.S.C. 1352 (g)(1); and

(17) Activities considered unallowable by the applicable cost principles, mostly of which are included in 2 CFR part 200, subpart E.

§§ 4280.226–4280.230 [Reserved]

§ 4280.231 Application requirements.

This section identifies the items required for a complete application. Each Applicant can only submit one application for EA or for REDA.

(a) *Applicant Eligibility.* The following requirements must be submitted to support Applicant eligibility:

(1) *Form SF–424.* The Applicant must submit the Form SF–424, ''Application for Federal Assistance.''

(2) *Entity Type.* Applicant must demonstrate how they qualify as one of the following entity types:

(i) A unit of State government, Indian Tribal government, or Local Government;

(ii) An Institution of Higher Education; including land grant colleges and universities;

(iii) A Rural electric cooperative;

(iv) A Public Power Entity;

(v) An Instrumentality; or

(vi) A Council.

(3) *Conflict of interest.* The Applicant must identify whether or not the Applicant or its individual owners has a known relationship or association with an Agency or Rural Development employee. If there is a known relationship, the Applicant must identify each Agency or Rural Development employee with whom the Applicant has a known relationship. The Applicant must also certify that there is no conflict of interest, as described in § 4280.206.

(4) *Summary of REAP awards.* The Applicant must describe any current or previous awards received through the REAP EA REDA and REAP TAG programs. The description must include the Period of Performance, the amount, and a summary of the Project.

(b) *Project Eligibility.* The following requirements must be submitted to support Project eligibility.

(1) *Work plan.* A proposed work plan for the proposed Project, including the following items:

(i) *Project title.* Provide a title for the proposed Project.

(ii) *Project description.* The Project description must include a brief summary of the type of service(s) to be provided, the service area, and the type and number of Ultimate Beneficiaries to be served.

(iii) *Goals.* Provide a description of the goals of the Project.

(iv) *Service area.* Provide the following information about the proposed service area:

(A) Description of the service area, including the State(s) served, the total number of counties in the State(s), as

well as the number of counties served in each State;

(B) The reason(s) the service area was selected; and

(C) The needs of the service area.

(v) *Ultimate Beneficiaries.* Provide the following information about the Ultimate Beneficiaries:

(A) If selected at the time of application, a list of Agricultural Producers and Rural Small Businesses to be served, including which type of Ultimate Beneficiary they are and the names and locations (city, state) of the Ultimate Beneficiaries;

(B) The methodology used or that will be used to select the Ultimate Beneficiaries; and

(C) Written commitments from Ultimate Beneficiaries, if selected at the time of application.

(vi) *Services.* Provide the following information for each proposed service.

(A) A description of the service;

(B) The time period during which the service is expected to be accomplished;

(C) The Key Personnel who will be responsible for completing the service; and

(D) The potential environmental benefits from the proposed services.

(vii) *Outreach plan.* Provide an outreach plan that describes the actions the Applicant plans to take to ensure that the proposed services are marketed to Agricultural Producers and/or Rural Small Businesses in the service area. This must include the marketing and outreach strategies and goals. The Applicant must provide data that supports these strategies and goals. If the Ultimate Beneficiaries are already selected, describe how the services were marketed to select those entities.

(viii) *Applicant experience.* Provide the following information regarding the Applicant's experience.

(A) *Past services.* Provide a description of similar services completed in the past, including the following:

(*1*) The number of commercial EA or REDA provided directly to Agricultural Producers and/or Rural Small Businesses in the past;

(*2*) A description of the energy savings or energy generation resulting from previous EA or REDA activities with Agricultural Producers and/or Rural Small Businesses. The energy savings or energy generation must be quantified in units of the appropriate energy measurement;

(*3*) The time period that the Applicant performed the similar services.

(B) *Example of past service.* Provide a copy of at least one EA, Renewable Energy Site Assessment, Resource Assessment, or Feasibility Studies that the Applicant has completed within the last year. If the example provided does not meet one of the definitions identified in the previous sentence, the application will be considered incomplete and not eligible for funding. See § 4280.240 for how these examples will be used for the merit evaluation.

(ix) *Budget.* The Applicant must provide a detailed breakdown of all estimated Project Costs including the Federal Award and Cost Sharing, including the following:

(A) The names of Key Personnel and each individual's salaries and fringe benefits, including hourly rate/annual salary and what is included in fringe benefits;

(B) Descriptions of trips to be taken, including who is traveling, the purpose of the travel, and the cost of each trip;

(C) An itemized list of office supplies to be purchased and their purpose; and

(D) An itemized list of contracts, including vendor, purpose, and amount.

(2) *Cost Sharing.* Cost Sharing is not required for the program, but it is considered as part of the merit evaluation process (see § 4280.240(d) for more information). Cost Sharing must be in cash from the Applicant or from a third-party and must be committed in writing to the Project at the time of application. The commitment must demonstrate that funds will be available during the proposed Period of Performance, can be used for allowable costs identified in the proposed scope of work, and be signed by an authorized representative of the source of the funding.

(3) *Financial statements.* The Applicant must provide the following business-level financial statements: income statement, balance sheet, and statement of cash flows, from the Applicant's most recent completed fiscal year prior to the date of application.

§ 4280.232 [Reserved]

§ 4280.233 Submission requirements.

The following information identifies when applications can be submitted, where applications must be submitted, and the format of the applications.

(a) *Submission period.* The application period will be published by the agency and will close at 5:00 p.m. Eastern time on the published deadline. Applications received prior to the opening date or after the closing date will not be considered for funding.

(b) *Submission address.* Applications must be submitted electronically through *Grants.gov*, unless otherwise stated in the annual Notice.

(c) *Submission format.* All items required for the application must be submitted in a single application. No attachments other than the required items will be considered.

(d) *Number of applications.* No more than one application from each Applicant will be accepted.

§§ 4280.234–4280.239 [Reserved]

§ 4280.240 Application processing.

The following information describes the way the Agency will process applications. Applications will be evaluated for completeness, eligibility, risk, and merit.

(a) *Completeness evaluation.* The Agency will review all submitted applications for completeness. Applications must include all information needed to assess eligibility, risk, and merit, including all of the requirements identified in § 4280.231, to be further processed for eligibility, risk, and merit evaluations. The Agency will notify Applicants who submitted incomplete applications in accordance with § 4280.252.

(b) *Eligibility evaluation.* The Agency will review all complete applications to determine if they are eligible for assistance based on the requirements in this subpart and other applicable laws and regulations. As part of this process, the Agency will check the OMB-designated repository of government information, and Applicants that are excluded from Federal financial assistance will be determined ineligible (see 2 CFR 200.206 for more information). Applications that do not meet one or more eligibility requirements will not be further processed for risk and merit evaluations. The Agency will notify Applicants who submitted ineligible applications in accordance with § 4280.252.

(c) *Risk evaluation.* The Agency will review all eligible applications for risk based on the financial and performance factors described in paragraphs (c)(1) and (2) of this section. Principals for the Applicant and Project will be evaluated for risk based on paragraph (c)(3) of this section.

(1) *Financial risk.* The Agency will review the Applicant's most recent independent audit (if available) and financial statements. The Applicant's financial solvency, internal controls, and any audit findings will be assessed. Applicants whose, ratio of current assets to current liabilities, is not at least 1:1 will be considered too high of a risk to fund and will be notified that the application cannot be funded and will issue a written notification in accordance with § 4280.252. Other types of deficiencies or risks will be assessed on a case-by-case basis. The Agency will

consider reasonable options to mitigate identified risks, such as payment by reimbursement and more frequent reporting requirements. However, for deficiencies and risks that are significant or cannot be reasonably mitigated, the Agency will determine that the application cannot be funded and will issue a written notification in accordance with § 4280.252.

(2) *Performance risk evaluation.* The Agency will review any Federal Awards received during the five years prior to the application deadline through SAM (or its successor system), the Do Not Pay system (or its successor system), any other available Federal or Departmental level award or performance systems, and the Agency's internal financial record-keeping systems and files. The Applicant's ability to submit required reports and documents, complete approved tasks on time, meet approved budget requirements, and proper use of Project funds will be evaluated.

(i) *Performance deficiencies.* Applicants with more than two Federal Awards with performance deficiencies will be considered too high of a risk to be funded and will be notified in accordance with § 4280.252. Examples of performance deficiencies include, but are not limited to, reports that are more than 60 days overdue, failure to execute the approved work plan and budget by the end of an approved Period of Performance, deliverables that do not meet Agency definitions and standards, and submission of more than 10 percent of the approved budget for unallowable costs. Other types of deficiencies or risks will be assessed on a case-by-case basis.

(ii) *Mitigation of risk.* The Agency will consider reasonable options to mitigate identified risks, such as payment by reimbursement and more frequent reporting requirements. However, for deficiencies and risks that are significant or cannot be reasonably mitigated, the Agency will determine that the application cannot be funded and will issue a written notification in accordance with § 4280.252.

(3) *Principals.* The Agency will review any available records in SAM, DNP, other Federal or Departmental systems, and the Agency's systems for financial risks and performance deficiencies on Federal Awards. If the Agency determines that a Principal is an excluded party or poses a significant risk to the performance under the proposed Project, it will determine that the application cannot be funded and will issue a written notification in accordance with § 4280.252.

(d) *Merit evaluation.* The Agency will conduct a merit evaluation for those applications that are determined eligible for the program, unless a risk evaluation determines that the application cannot be funded (see § 4280.240(c)). The merit evaluation will be conducted by USDA employees, who will score the application based on the criteria below. The total points available are 100. The application must score at least 40 points to be eligible for funding.

(1) *Applicant experience (0–15 points).* The Agency will use the information provided in the application under § 4280.231(b)(1)(viii)(B) to evaluate this criterion. The Agency will award points based on the quality of the EA or REDA work products that are submitted. A quality work product is one that meets the definition of EA, Renewable Energy Site Assessment, Resource Assessment, or Feasibility Study. If the Applicant is applying for an EA award, the work product submitted must be one or more EAs. If the Applicant is applying for a REDA award, the work product submitted must be one or more Renewable Energy Site Assessments, Resource Assessments, or Feasibility Studies.

(i) *One quality work product (0 points).* The Agency will award zero points if the Applicant submits only one EA or REDA quality work product in providing the proposed services because this is the baseline for eligibility for the program.

(ii) *Two quality work products (5 points).* The Agency will award five points if the Applicant submits two quality work products that meet the definition of either an EA, Renewable Energy Site Assessment, Resource Assessment, or Feasibility Study, as applicable.

(iii) *Three quality work products (10 points).* The Agency will award 10 points if the Applicant submits three quality work products that meet the definition of either an EA, Renewable Energy Site Assessment, Resource Assessment, or Feasibility Study, as applicable.

(iv) *Four quality work products (15 points).* The Agency will award 15 points if Applicant submits four quality work products that meet the definition of either an EA, Renewable Energy Site Assessment, Resource Assessment, or Feasibility Study, as applicable.

(2) *Service area (0–25 points).* The Agency will use the information provided in the application under § 4280.231(b)(1)(iv) to evaluate this criterion. The Agency will award points based on the identified need of the Ultimate Beneficiaries and the area of the State covered as follows:

(i) *Identified need (0–5 points).* The Agency will award 0—5 points, with more points for those applications that describe how the service area was determined, based on the identified need(s) of the Ultimate Beneficiaries.

(ii) *Fewer than 10 percent of counties (0 points).* The Agency will award 0 points for Projects with a proposed service area that includes less than 10 percent of the counties in a single State.

(iii) *10–24 percent of counties (5 points).* The Agency will award 5 points for Projects with a proposed service area that includes more than 10 percent, but less than 25 percent, of the counties in a single State.

(iv) *25–49 percent of counties (10 points).* The Agency will award 10 points for Projects with a proposed service area that includes at least 25 percent, but less than 50 percent, of the counties in a single State.

(v) *50–74 percent of counties (15 points).* The Agency will award 15 points for Projects with a proposed service area that includes at least 50 percent, but less than 75 percent, of the counties in a single State.

(vi) *75–100 percent of counties or multi-state (20 points).* The Agency will award 20 points for Projects with a proposed service area that includes at least 75 percent of the counties in a single State or when in more than one State, includes at least 50 percent of counties in each State.

(3) *Number of Ultimate Beneficiaries to be served (0–10 points).* The Agency will use the information provided in the application under § 4280.231(b)(1)(v) to evaluate this criterion. The Agency will award points as follows:

(i) *Less than 5 Ultimate Beneficiaries (0 points).* The Agency will award zero points for applications that propose to assist less than five Ultimate Beneficiaries.

(ii) *5–9 Ultimate Beneficiaries (2 points).* The Agency will award two points for applications that propose to assist less than 10 Ultimate Beneficiaries.

(iii) *10–25 Ultimate Beneficiaries (5 points).* The Agency will award five points for Projects that propose to assist at least 10 and no more than 25 Ultimate Beneficiaries.

(iv) *More than 25 Ultimate Beneficiaries (10 points).* The Agency will award 10 points for Projects that propose to assist more than 25 Ultimate Beneficiaries.

(4) *Commitment of Ultimate Beneficiaries (0–10 points).* The Agency will use the information provided in the application under § 4280.231(b)(1)(v)(C) to evaluate this criterion. The Agency will award points as follows:

(i) *Less than 5 commitments (0 points).* The Agency will award zero

points for applications that provide written commitments from less than five of the Ultimate Beneficiaries that are identified in the proposed work plan.

(ii) *5–10 commitments (2 points).* The Agency will award two points for applications that provide written commitments from five to ten of the Ultimate Beneficiaries that are identified in the proposed work plan.

(iii) *11–15 commitments (5 points).* The Agency will award five points for applications that provide written commitments from 11 to 15 of the Ultimate Beneficiaries that are identified in the proposed work plan.

(iv) *16–20 commitments (8 points).* The Agency will award eight points for applications that provide written commitments from 16 to 20 of the Ultimate Beneficiaries that are identified in the proposed work plan.

(v) *21 or more commitments (10 points).* The Agency will award 10 points for applications that provide written commitments from 21 or more of the Ultimate Beneficiaries that are identified in the proposed work plan.

(5) *Potential of project to produce energy savings or generation and environmental benefits (0–10 points).* The Agency will use the information provided in the application under § 4280.231(b)(1)(viii)(B) to evaluate this criterion. The Agency will award points based on the potential of the proposed Project to produce energy savings and environmental benefits as follows:

(i) *Energy savings or energy generation (0–5 points).* The Agency will award zero to five points for Projects that demonstrate a clear potential for energy savings or energy generation based on services provided. Zero points will be awarded if the application does not include energy information on energy savings for the proposed services.

(A) EA.

(*1*) 0 points will be awarded if the application does not address § 4280.231(b)(1)(viii)(A)(*2*) or properly meet the definition of EA.

(*2*) Up to 5 points will be awarded if the Applicant's work product meets the definition of EA.

(B) REDA.

(*1*) 0 points will be awarded if the application does not address § 4280.231(b)(1)(viii)(A)(*2*) or properly meet the definition of Feasibility Study, Renewable Energy Site Assessment or Resource Assessment as applicable.

(*2*) Up to 5 points will be awarded if the Applicant's work product meets the definition of Feasibility Study, Renewable Energy Site Assessment or Resource Assessment as applicable.

(ii) *Environmental benefits (0–5 points).* The Agency will award zero to five points for Projects that demonstrate potential for environmental benefits based on the proposed services. Examples of environmental benefits are conserving Cropland, forests, and water; improving air and water quality; and meeting renewable fuel standards. Zero points will be awarded if the application does not include information on environmental benefits for the proposed services. One to two points will be awarded if the application includes general information about the potential environmental benefits for the proposed services. Three to four points will be awarded if the application includes quantitative measures for the potential environmental benefits for less than 75 percent of the proposed services. Five points will be awarded if the application includes quantitative measures for the potential environmental benefits for at least 75 percent of the proposed services.

(6) *Outreach and information (0–10 points).* The Agency will use the information provided in the application under § 4280.231(b)(1)(vii) to evaluate this criterion. The Agency will award points based on the plan of the Applicant for performing outreach and providing information and assistance to Agricultural Producers and Rural Small Businesses on the benefits of energy efficiency and Renewable Energy development. Points will be awarded as follows:

(i) *Strategies (0–5 points).* The Agency will award zero to five points for the strategies that the Applicant proposes to use to perform outreach and provide information and assistance. Strategies that are more comprehensive and better targeted to eligible Ultimate Beneficiaries in the service area will receive more points. Strategies include methods and frequency of communication, technology, locations, and timing. Zero points will be awarded if the application does not include at least one strategy. One or two points will be awarded if the application has at least one strategy identified. Three or four points will be awarded if the application identifies at least two strategies that are well-targeted to the service area and intended Ultimate Beneficiaries. Five points will be awarded if the application identifies at least three strategies that are well-targeted to the service area and the intended Ultimate Beneficiaries.

(ii) *Goals (0–5 points).* The Agency will award zero to five points for the goals the Applicant proposes to use for its outreach. Goals that are clear and include a way to measure the success of the outreach plan in a quantitative way, including a baseline and target for the measurement will receive more points. Zero points will be awarded if the application does not include at least one goal, performance measurement, baseline of the metric, and target for the metric. One or two points will be awarded if the application has at least one goal, one metric, the baseline of the metric, and a target for the metric. Three or four points will be awarded to applications that exceed this threshold. Five points will be awarded to applications that exceed the threshold and have exceptional goals, metrics, baselines, and targets.

(7) *Cost sharing (0–20 points).* The Agency will use the information provided in the application under § 4280.231(b)(2) to evaluate this criterion. The Agency will award points based on the ability of the Applicant to leverage other sources of funding as Cost Sharing for the Project. To be awarded points for this criterion, Cost Sharing must be in cash from the Applicant or from a Third-Party and must be committed in writing to the Project at the time of application. Unrecovered indirect costs cannot be used as Cost Sharing. The commitment must demonstrate that funds will be available during the proposed Period of Performance, can be used for allowable costs identified in the proposed scope of work, and be signed by an authorized representative of the source of the funding. Note that Cost Sharing provided by an Ultimate Beneficiary for the purpose of an Energy Audit is not considered for this criterion because it is required by statute. Points will be awarded as follows. Note that the Agency will use normal rounding procedures, where 4 and below is rounded down and 5 and above is rounded up.

TABLE 1 TO PARAGRAPH (D)(7)

Cost share amount as percentage of award amount	Points awarded
5.4% or less	0
5.5–10.4%	5
10.5–25.4%	10
25.5%–50.4%	15
50.5% or more	20

§ 4280.241 Application withdrawal.

During the period between the submission of an application and award approval, the Applicant must notify the Agency in writing if the Project is no longer viable or the Applicant no longer is requesting financial assistance for the Project. When the Applicant notifies the

Agency, the application will be withdrawn from consideration for funding.

§§ 4280.242–4280.249 [Reserved]

§ 4280.250 Award selection.

Applications that have been fully processed and are determined to be complete, eligible for funding, and are not removed from consideration due to high risk will be evaluated based on the merit evaluation criteria and priority criteria (see § 4280.240). The points awarded for merit evaluation and priority criteria will be added for each application. Applications will then be ranked solely based on the points awarded. The Agency will first select the top two highest-scoring applications from each State (where Puerto Rico, the Virgin Islands, and the Western Pacific are each considered a State), as long as the top two highest-scoring applications score at least 40 points. Applications that score below 40 points will not be selected for funding, regardless of their ranking. Then the Agency will select applications for funding based on rank order until available funds have been expended or a minimum score of 40 points is reached. If funding still remains the Agency may select the next highest scoring applications from the field.

§ 4280.251 Notification of successful Applicants.

The following process will be used to notify Applicants whose applications are selected for funding.

(a) *Notification.* The Agency will notify the Applicants whose applications can be funded using available funds with a Letter of Conditions (LOC). The LOC will provide the conditions under which an award can be approved as well as a copy of the terms of the award.

(b) *Meeting the conditions of the Federal Award.* An Applicant receiving an LOC will have 60 calendar days to meet the conditions of the Federal Award, unless otherwise specified in the LOC. If the Applicant does not meet the conditions within the specified time frame, the Agency will discontinue processing the application.

(c) *Standard award terms and conditions.* The standard award terms and conditions are available on the program website.

§ 4280.252 Notification of unsuccessful Applicants.

Applicants whose applications are not eligible for financial assistance through this program, who are removed from funding consideration due to a high level of risk, or whose applications did not score high enough to be funded will be notified as soon as it is practicable. No further processing of the application will occur.

§ 4280.253 Award approval.

The Agency will approve a Federal Award once the Applicant has met all the conditions specified in the LOC. The approval will be conveyed through the execution of a Form RD 4280–2, which is the FAA, and provides all the terms of the Federal Award. Once the Federal Award has been approved, the Recipient must begin work on the Project and incur costs as described in the approved work plan and budget, which are attached to Form RD 4280–2. Costs must be allowable and be incurred during the approved Period of Performance.

§§ 4280.254–4280.259 [Reserved]

§ 4280.260 Reporting requirements.

Recipients are required to submit reports on financial status and performance, as described below.

(a) *Financial reports.* Financial reports must be submitted using Form SF–425 and any additional information specified in the Financial Assistance Agreement (FAA).

(1) *Semi-annual.* Semi-annual financial reports are due 30 calendar days after the reporting period ends, or as directed by 2 CFR 200.328(c). The reporting periods are October 1–March 31 and April 1–September 30.

(2) *Final.* A final financial report is due 120 calendar days after the Period of Performance ends, or the Project is completed, whichever occurs sooner, or as directed by 2 CFR 200.328(c).

(b) *Performance report.* Performance reports must include the information specified in the FAA. Typically, performance reports are required to include a description of the objective(s) for the reporting period; whether the objective(s) were met and if not, what action is being taken to ensure the objective(s) is met during the next reporting period; and all written work product(s) such as copies of Energy Audits, Renewable Energy Site Assessments, Resource Assessments, and Feasibility Studies to demonstrate that the objective was carried out.

(1) *Semi-annual.* Semi-annual performance reports are due 30 calendar days after the reporting period ends, or as directed by 2 CFR 200.329(c). The reporting periods are October 1–March 31 and April 1–September 30.

(2) *Final.* A final performance report is due 120 calendar days after the Period of Performance ends, or the Project is completed, whichever occurs sooner, or as directed by 2 CFR 200.329(c).

§ 4280.261 Monitoring awards.

Awards will be monitored by Agency personnel in accordance with applicable laws, regulations, and policies. The Agency may terminate or suspend the award for lack of adequate or timely progress, reporting, documentation, or for failure to comply with Agency or award requirements.

§§ 4280.262–4284.298 [Reserved]

§ 4280.299 OMB control number.

The reporting and recordkeeping requirements contained in this subpart have been approved by OMB and have been assigned OMB control number 0570–0067 in accordance with the Paperwork Reduction Act of 1995.

Gimmie Jansonius,

Administrator, Rural Business Cooperative Service.

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LIST OF PUBLIC LAWS

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This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

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October 22	Nov 6	Nov 12	Nov 23	Nov 27	Dec 7	Dec 21	Jan 20
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October 26	Nov 10	Nov 16	Nov 25	Nov 30	Dec 10	Dec 28	Jan 25
October 27	Nov 12	Nov 17	Nov 27	Dec 1	Dec 11	Dec 28	Jan 25
October 28	Nov 12	Nov 18	Nov 27	Dec 2	Dec 14	Dec 28	Jan 26
October 29	Nov 13	Nov 19	Nov 30	Dec 3	Dec 14	Dec 28	Jan 27
October 30	Nov 16	Nov 20	Nov 30	Dec 4	Dec 14	Dec 29	Jan 28