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DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE–2025–BT–TP–0035]

RIN 1904–AG06

Energy Conservation Program: Test Procedures for Commercial Warm Air Furnaces

AGENCY: Office of Critical Minerals and Energy Innovation, Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (“DOE” or “the Department”) is withdrawing the test procedure for commercial warm air furnaces adopted under the Energy Policy and Conservation Act, specifically appendix B, “Uniform Test Method for Measurement of the Energy Efficiency of Commercial Warm Air Furnaces (Thermal Efficiency Two).” Upon reconsideration, DOE has determined that appendix B would have an uncertain increase in representativeness that does not outweigh the likely increase in burden. DOE has also determined that withdrawing the appendix B test procedure would be consistent with the proposed Process Rule, which states that for certain categories of equipment, including CWAFFs, DOE will adopt the industry test procedure, as contemplated by EPCA, except in very limited circumstances. Commercial warm air furnaces will continue to be subject to the testing requirements of appendix A, “Uniform Test Method for Measurement of the Energy Efficiency of Commercial Warm Air Furnaces (Thermal Efficiency).”

DATES: The effective date of this rule is December 7, 2026.

ADDRESSES: The docket, which includes Federal Register notices, public meeting attendee lists and transcripts, comments, and other supporting documents and materials, is available

for review at www.regulations.gov. All documents in the docket are listed in the www.regulations.gov index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The docket web page can be found at www.regulations.gov/docket/EERE-2025-BT-TP-0035. The docket web page contains instructions on how to access all documents, including public comments, in the docket, as well as a summary of the rulemaking.

FOR FURTHER INFORMATION CONTACT:

Appliance Standards Program, U.S. Department of Energy, Office of Critical Minerals and Energy Innovation, Building Technologies Office, CM–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Email: ApplianceStandardsQuestions@ee.doe.gov.

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–4798. Email: Eric.Stas@hq.doe.gov.

For further information on how to review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: ApplianceStandardsQuestions@ee.doe.gov. A plain language summary of the rule is also available on the Federal eRulemaking portal at www.regulations.gov.

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I. Introduction

The following section briefly discusses the statutory authority underlying this final rule, as well as some of the relevant historical background related to the establishment of test procedures for commercial warm air furnaces (“CWAFFs”).

A. Authority

The Energy Policy and Conservation Act, as amended (“EPCA”),¹ among other things, authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part C² of EPCA, Public Law 94–163 (42 U.S.C. 6311–6317, as codified) added by Public Law 95–619, Title IV, section 441(a), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency. This covered equipment includes CWAFFs, the subject of this final rule. (42 U.S.C. 6311(1)(J))

The energy conservation program under EPCA consists essentially of four parts: (1) testing; (2) labeling; (3) the establishment of Federal energy conservation standards; and (4) certification and enforcement procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6313), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), and the authority to require information and

¹ All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020), which reflect the last statutory amendments that impact Parts A and A–1 of EPCA.

² For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

reports from manufacturers (42 U.S.C. 6316; 42 U.S.C. 6296).

The Federal testing requirements consist of test procedures that manufacturers of covered equipment must use as the basis for: (1) certifying to DOE that their equipment complies with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6316(b); 42 U.S.C. 6296), and (2) making other representations about the efficiency of that equipment (42 U.S.C. 6314(d)). Similarly, DOE uses these test procedures to determine whether the equipment complies with relevant standards promulgated under EPCA.

Federal energy efficiency requirements for covered products/equipment established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6316(b)(2)) DOE may, however, grant waivers of Federal preemption in limited circumstances for particular State laws or regulations, in accordance with the procedures and other provisions set forth under EPCA. (42 U.S.C. 6316(b)(2)(D))

Under 42 U.S.C. 6314, EPCA also sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered equipment. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results which reflect energy efficiency, energy use, or estimated annual operating cost of a given type of covered equipment during a representative average use cycle (as determined by the Secretary) and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2))

EPCA requires that the test procedure for CWAFFs be those generally accepted industry testing procedures or rating procedures developed or recognized by the Air-Conditioning, Heating, and Refrigeration Institute (“AHRI”) or by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (“ASHRAE”), as referenced in ASHRAE Standard 90.1, “Energy Standard for Buildings Except Low-Rise Residential Buildings” (“ASHRAE Standard 90.1”). (42 U.S.C. 6314(a)(4)(A)) Further, if such industry test procedure is amended, DOE must amend its test procedure to be consistent with the amended industry test procedure, unless DOE determines, by rule published in the **Federal Register** and supported by clear and convincing evidence, that such amended test procedure would not meet the requirements in 42 U.S.C. 6314(a)(2) and (3) related to representative use and

test burden, in which case DOE may establish an amended test procedure that does satisfy those statutory provisions. (42 U.S.C. 6314(a)(4)(B) and (C))

EPCA also requires that, at least once every seven years, DOE evaluate test procedures for each type of covered equipment, including CWAFFs, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures to not be unduly burdensome to conduct and be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle. (42 U.S.C. 6314(a)(1)–(3))

In addition, if DOE determines that a test procedure amendment is warranted, the Department must publish proposed test procedures in the **Federal Register** and afford interested persons an opportunity (of not less than 45 days duration) to present oral and written data, views, and arguments on the proposed test procedures. (42 U.S.C. 6314(b)) If DOE determines that test procedure revisions are not appropriate, DOE must publish in the **Federal Register** its determination not to amend the test procedures. (42 U.S.C. 6314(a)(1)(A)(ii))

B. Background

In January 2023, ASHRAE released a new version of ASHRAE Standard 90.1 (“ASHRAE Standard 90.1–2022”), which updated the referenced industry standards for testing CWAFFs to reflect the most recent versions of those standards that are currently available, thereby triggering DOE’s rulemaking obligations under EPCA.³ Consequently, DOE conducted a rulemaking to consider amending the test procedure for CWAFFs in satisfaction of both the “ASHRAE trigger” requirement under 42 U.S.C. 6314(a)(4)(B) and the 7-year-lookback review requirement specified in EPCA under 42 U.S.C. 6314(a)(1). DOE completed this rulemaking by publication of a final rule in the **Federal Register** on June 2, 2023 (“June 2023 Final Rule”), through which the Department prescribed the currently applicable test procedure (*i.e.*, 10 CFR part 431, subpart D, appendix A (“appendix A”)) for CWAFFs manufactured on and after May 28, 2024. 88 FR 36217. The June 2023 Final Rule also established a new metric

Thermal Efficiency Two (“TE2”) and corresponding test procedure at 10 CFR part 431, subpart D, appendix B (“appendix B”), the use of which is not required until the compliance date of any energy conservation standards for CWAFFs denominated in terms of TE2.

The June 2023 Final Rule was challenged by AHRI, which filed a petition for review on August 1, 2023 in the United States Court of Appeals for the Fourth Circuit. In a February 6, 2024 order, the Fourth Circuit granted a voluntary remand of the June 2023 Final Rule to DOE to determine whether establishment of the test procedure for the TE2 metric is supported by the specific provisions applicable to CWAFFs under EPCA. More specifically, DOE agreed in this voluntary remand to not enforce the TE2 test procedure unless and until the Department determines that the TE2 test procedure is consistent with the amended industry test procedure, or determines, supported by clear and convincing evidence, that the amended industry test procedure fails to satisfy the statutory requirements.

On January 17, 2025, DOE published a final determination in the **Federal Register** (“January 2025 Final Determination”), which provided DOE’s conclusion that the amended industry test procedure fails to satisfy EPCA’s statutory requirements, thereby supporting DOE’s finding that the test procedure incorporating the TE2 metric is justified under the applicable statutory criteria. 90 FR 5560. In the January 2025 Final Determination, DOE highlighted the industry standard’s failure to account for CWAFF jacket losses or part-load operation, which the Department considered significant factors with regard to CWAFF energy use. Thus, DOE reasoned that the industry standard does not account for significant variations in energy use across different CWAFF models. Consequently, DOE determined that the industry test procedure was not reasonably designed to produce test results which reflect energy efficiency during a representative average use cycle that, as determined by DOE, includes jacket losses and part-load operation for the TE2 metric. 90 FR 5560, 5565–5566 (Jan. 17, 2025).

On May 16, 2025, DOE published a notice of proposed rulemaking in the **Federal Register** (“May 2025 NOPR”), stating that it was revisiting the test procedure for CWAFFs codified at 10 CFR part 431, subpart D, appendices A and B. 90 FR 20909, 20911. DOE noted that the Secretary of Energy (“Secretary”) is pursuing a policy to reduce regulatory burden wherever possible. Under that policy, DOE

³ More recently, ASHRAE released the latest version of ASHRAE Standard 90.1 (“ASHRAE Standard 90.1–2025”). However, that document contained no updates pertaining to CWAFFs, so DOE’s rulemaking obligations under EPCA were not triggered.

proposed to reevaluate existing test procedures to determine whether they are unduly burdensome to conduct. After a reevaluation of the CWAf's test procedure pursuant to the authority in 42 U.S.C. 6314(a)(1)–(4), the Secretary tentatively determined, after reviewing the reasoning of the June 2023 Final Rule and the January 2025 Final

Determination, that DOE had insufficient evidence to support adoption of the TE2 metric and that DOE had overestimated the impacts of jacket losses and part-load operation on CWAf energy use. Furthermore, the Secretary tentatively concluded that DOE had underestimated the burdens of the TE2 test procedure in appendix B.

Accordingly, DOE proposed to remove the definition of “Thermal efficiency two” and appendix B from its regulations for commercial warm air furnaces. *Id.*

DOE received comments in response to the May 2025 NOPR from the interested parties listed in Table III.1.

TABLE III.1—LIST OF COMMENTERS WITH WRITTEN SUBMISSIONS IN RESPONSE TO THE MAY 2025 NOPR

Commenter(s)	Reference in this Final Rule	Comment No. in the docket	Commenter type
AAON	AAON	9	Manufacturer.
Air-Conditioning, Heating, and Refrigeration Institute	AHRI	16	Trade Association.
Appliance Standards Awareness Project and American Council for an Energy-Efficient Economy.	ASAP and ACEEE	13	Energy-Efficiency and Environmental Advocacy Organizations.
Center for Biological Diversity	CBD	11	Energy-Efficiency and Environmental Advocacy Organization.
District of Columbia Department of Energy and Environment, Maine Governor's Energy Office, the Maryland Energy Administration, the Massachusetts Department of Energy Resources, the Minnesota Department of Commerce, the New York State Energy Research and Development Authority, and the Washington State Department of Commerce.	DOEE <i>et al.</i>	10	State Agencies.
Johnson Controls	JCI	12	Manufacturer.
Northwest Energy Efficiency Alliance	NEEA	15	Energy-Efficiency and Environmental Advocacy Organization.
Michael Ravnitzky	Ravnitzky	7	Individual.
Rheem Manufacturing Company	Rheem	14	Manufacturer.
Daniel Simpson	Simpson	6	Individual.
Trane Technologies	Trane	8	Manufacturer.

A parenthetical reference at the end of a comment quotation or paraphrase provides the location of the item in the public record.⁴ To the extent that interested parties have provided written comments that are substantively consistent with any oral comments provided during the May 29, 2025 public meeting, DOE cites the written comments throughout this final rule. DOE did not identify any oral comments provided during the May 29, 2025 public meeting that are not also substantively addressed by written comments.

In response to the May 2025 NOPR, ASAP and ACEEE, CBD, DOEE *et al.*, and NEEA generally opposed the proposal to rescind the test procedures for CWAf's; while AAON, AHRI, JCI, Rheem, and Trane generally supported the proposal. (ASAP and ACEEE, No. 13 at p. 2; CBD, No. 11 at p. 1; DOEE *et al.*, No. 10 at p. 2; NEEA, No. 15 at p. 2; AAON, No. 9 at p. 1; AHRI, No. 16 at p. 1; JCI, No. 12 at p. 1; Rheem, No. 14 at p. 1; Trane, No. 8 at p. 1)

Specific comments are discussed in detail in the following sections.

II. Discussion

A. Legal Issues

In response to the May 2025 NOPR, DOE received several comments on various legal issues regarding the proposed changes to the CWAf's test procedure. These comments are discussed and addressed in the subsections that follow.

1. Consideration of EPCA Requirements

AHRI commented that DOE is required to amend the test procedure consistent with the industry test procedure referenced in ASHRAE Standard 90.1 unless DOE makes a determination that there is clear and convincing evidence to support a finding that the ASHRAE test procedure does not meet the EPCA requirements. AHRI stated that it had previously filed a legal challenge to the adoption of the appendix B test procedure due to failure to follow the ASHRAE process as outlined in EPCA. (AHRI, No. 16 at pp. 1–2)

Rheem, AHRI, and JCI commented that DOE did not provide clear and convincing evidence that ASHRAE Standard 90.1–2022 did not meet EPCA requirements. (Rheem, No. 14 at p. 1; AHRI, No. 16 at p. 2; JCI, No. 12 at p.

2) AAON commented that the TE2 metric was not developed through the ASHRAE 90.1 consensus process. (AAON, No. 9 at p. 1) Rheem and AHRI commented in support of using the TE metric over the TE2 metric due to the lack of justification for the TE2 metric. (Rheem, No. 14 at p. 1; AHRI No. 16 at pp. 2–3)

An individual commented that the proposal in the May 2025 NOPR would reverse the result of DOE's seven-year lookback review and the ASHRAE-triggered rulemaking, in which DOE adopted the TE2 metric with clear findings that jacket-losses and part-load efficiency materially affect real-world energy use. (Ravnitzky, No. 7 at p. 1)

As discussed in sections II.B through II.E of this final rule, DOE has reevaluated the test procedure in appendix B consistent with EPCA's requirements. As noted by AAON, the TE2 test metric was not developed through the ASHRAE consensus process and has not been referenced in ASHRAE Standard 90.1 as the appropriate industry test procedure for measuring the energy efficiency of CWAf's. Particularly given the ongoing manufacturer critiques of the TE2 test procedure, DOE has come to see that its adoption of that test method may have been premature and based upon speculative improvements in representativeness as compared to

⁴ The parenthetical reference provides a reference for information located in the docket of DOE's rulemaking to amend test procedures for CWAf's. (Docket No. EERE–2025–BT–TP–0035, which is maintained at: www.regulations.gov). The references are arranged as follows: (commenter name, comment docket ID number at page of that document).

increases in test burden, as discussed in section II.C and II.D, respectively. Accordingly, upon reconsidering the uncertainty of both the increased representativeness and test burden of the test procedure, DOE has determined that withdrawing appendix B is appropriate, consistent with the May 2025 NOPR.

Furthermore, this modified approach is consistent with relevant provisions of the notice of proposed rulemaking (“NOPR”) published in the **Federal Register** on July 7, 2026, which would revise DOE’s Process Rule in the Code of Federal Regulations (“CFR”) at 10 CFR part 430, subpart C, appendix A (“Procedures, Interpretations, and Policies for Consideration of New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Certain Commercial/Industrial Equipment”). 91 FR 42034. More specifically, section 8(c) of the proposed DOE Process Rule states that the Department will adopt industry test standards as DOE test procedures for covered products and equipment, unless such methodology would be unduly burdensome to conduct or would not produce test results that reflect the energy efficiency, energy use, water use (as specified in EPCA), or estimated operating cost of that equipment during a representative average use cycle. *Id.* at 91 FR 42079. Section 9(b) of the proposed Process Rule states that for ASHRAE equipment (which includes the subject CWAFFs), DOE will adopt the revised industry test procedure, as contemplated by EPCA, except in very limited circumstances. *Id.* at 91 FR 42080.

2. Other Legal Comments

CBD commented that while DOE provided justification for the amended CWAFF test procedures in two separate rulemakings (88 FR 36217 and 90 FR 5560), it has not provided justification for the proposed change to rescind them. Further, CBD stated that DOE’s proposal is in violation of the Administrative Procedures Act’s (“APA’s”) requirement that agencies implement statutory objectives in line with the language and purpose of the statute (citing *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024)). (CBD, No. 11 at p. 2) Additionally, CBD commented that DOE’s proposed rule violates the APA’s requirements that an agency action must not be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law (citing 5 U.S.C. 706(2)(A)). (CBD, No. 11 at p. 3) CBD stated that the APA requires agencies to examine relevant data and articulate a rational connection

between facts and the policy choice made, asserting that DOE did not provide any reasoned explanation or evidence for rescinding the CWAFF test procedures. (*Id.*) CBD also asserted that DOE has not followed the APA’s requirement that a policy reversal must be based on factual findings, and account for reliance interests. (*Id.*) CBD commented that, at a minimum, DOE should issue a new proposed rulemaking and allow public comments before moving forward. (*Id.*)

An individual also commented that the May 2025 NOPR violates the APA because it does not provide clear and convincing evidence to support its claims and is, therefore, arbitrary and capricious. (Ravnitzky, No. 7 at p. 1)

As discussed in the May 2025 NOPR, the Secretary is pursuing a policy to reduce regulatory burden wherever possible. 90 FR 20909, 20911 (May 16, 2025). Under that policy, DOE proposed to reevaluate existing test procedures to determine whether they are unduly burdensome to conduct. After a reevaluation of the CWAFFs test procedure pursuant to the authority in 42 U.S.C. 6314(a)(1)–(4), the Secretary tentatively determined, after reviewing the reasoning of the June 2023 Final Rule and the January 2025 Final Determination, that DOE had insufficient evidence (*i.e.*, that it lacked the required clear and convincing evidence) to support adoption of the TE2 metric and that DOE had overestimated the impacts of jacket losses and part-load operation on CWAFF energy use. Furthermore, the Secretary tentatively concluded that DOE had underestimated the burdens of the TE2 test procedure in appendix B. Accordingly, DOE proposed to remove the definition of “Thermal efficiency two” and appendix B from its regulations for commercial warm air furnaces. *Id.* In response to CBD’s assertions, DOE has presented the arguments relevant to the benefits and burdens of the TE2 test procedure (discussed in more detail in sections II.B through II.E of this document) and DOE has determined that appendix B would have an uncertain increase in representativeness that does not outweigh the likely increase in burden, and determined that rescinding the TE2 test procedure is appropriate.

After reviewing information received in response to the May 2025 NOPR (including a number of supportive public comments), DOE has determined that withdrawing appendix B is appropriate under EPCA’s requirements for establishing test procedures and the procedural requirements of the APA, as well as being consistent with the

Department’s and Administration’s goals of reducing regulatory burden specified in E.O. 14192, “Unleashing Prosperity Through Deregulation.” 90 FR 9065 (Feb. 6, 2025).

CBD also commented that DOE must comply with the National Environmental Policy Act (“NEPA”) when carrying out the proposed deregulatory action, and argued, contrary to DOE’s claims, that none of the NEPA’s categorical exclusions are applicable in this case. (CBD, No. 11 at p. 3) Similarly, an individual commented that DOE’s reliance on a NEPA categorical exclusion overlooks environmental consequences such as increased fuel consumption and emissions. (Ravnitzky, No. 7 at p. 2) Both of these commenters stated that DOE must address environmental impacts and reasonable alternatives. (CBD, No. 11 at p. 3; Ravnitzky, No. 7 at p. 2)

As discussed in section IV.D of this final rule, DOE analyzed the determination that the appendix B test procedure should be withdrawn in accordance with NEPA and determined that this action is administrative and routine. 10 CFR part 1021, subpart D, paragraph A4. Per Section 2.1 (5) of DOE’s NEPA Implementing Procedures, published on June 30, 2025 and July 13, 2026, DOE has determined that as an administrative and routine action, this rulemaking is not a major Federal action subject to review under NEPA. This determination is consistent with DOE’s NEPA determination in the June 2, 2023 final rule establishing the TE2 test procedure, where DOE determined that the rule fell into a class of actions that are categorically excluded from review under NEPA and DOE’s implementing regulations, because it is a rulemaking that interprets or amends an existing rule or regulation that does not change the environmental effect of the rule or regulation being amended. *See* 88 FR 36217, 36231. Consequently, DOE has determined that NEPA review is not required.

An individual commented that rescinding appendix B conflicts with Executive Order (“E.O.”) 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” 66 FR 28355 (May 22, 2001), which mandates evaluation of any rule likely to affect energy infrastructure. (Ravnitzky, No. 7 at p. 2)

As discussed in section IV.K of this final rule, this regulatory action is a significant regulatory action under E.O. 12866. However, it would not have a significant adverse effect on the supply, distribution, or use of energy. Accordingly, since the relevant criteria

under E.O. 13211 have not been triggered, DOE has not prepared a Statement of Energy Effects as required in E.O. 13211 for significant energy actions.

B. Industry Participation

DOE received the following comments regarding industry participation in the development of the appendix B test procedure.

JCI reiterated the benefits of using the ASHRAE process to develop a test method, commenting that ASHRAE members would suggest proposals that would be less burdensome and costly than appendix B. (JCI, No. 12 at p. 2)

AAON commented that DOE did not allow stakeholders to provide meaningful input on the appendix B test procedure and TE2 metric. AAON encouraged DOE to use the ASHRAE process to ensure stakeholder engagement in the development of new metrics. (AAON, No. 9 at pp. 1–2) JCI suggested that technical experts were unable to contribute significantly to the development of the TE2 metric because it was proposed and finalized outside of the ASHRAE Standard 90.1 process. (JCI, No. 12 at p. 2) Trane commented that DOE should start with a request for information (“RFI”) before developing an alternative test procedure and energy efficiency metric calculation. (Trane, No. 8 at p. 3)

In response, DOE takes issue with these comments suggesting that DOE did not provide an adequate opportunity for public comment on the CWAFFs test procedure generally and the TE2 metric specifically. To this point, DOE notes that the Department initiated the CWAFFs test procedure rulemaking through an RFI published in the **Federal Register** on May 5, 2020 (“May 2020 RFI”), which included the topics of jacket losses and part-load performance for public input. 87 FR 10726, 10735–10740. After having considered feedback from stakeholders received in response to the RFI, DOE solicited and received further input from stakeholders through a NOPR published in the **Federal Register** on February 25, 2022 (“February 2022 NOPR”), which proposed the appendix B test procedure and the TE2 metric.⁵ 87 FR 10726. For the CWAFFs test procedure final rule, which was published in the **Federal Register** on June 2, 2023, DOE considered all comments received in response to the February 2022 NOPR, including comments specifically regarding the TE2 metric. 88 FR 36217. With that said, while DOE did solicit,

receive, and review extensive public input during the process of establishing appendix B, DOE is withdrawing the appendix B test procedure for other reasons, as described elsewhere in this final rule.

C. Representativeness of Appendix B

DOE received the following comments regarding the representativeness of the appendix B test procedure.

ASAP and ACEEE commented that in the June 2023 Final Rule, DOE determined that the CWAFF test procedure specified in ASHRAE Standard 90.1–2022 is not representative of an average use cycle, specifically mentioning that it does not include jacket losses and part-load operation. (ASAP and ACEEE, No. 13 at p. 1) ASAP and ACEEE and NEEA asserted that DOE had not presented new information in the May 2025 NOPR to support the claims that DOE previously overestimated the impacts of jacket losses and part-load operation. (ASAP and ACEEE, No. 13 at p. 1; NEEA, No. 15 at p. 1) Further, NEEA commented in opposition to removing appendix B and stated that appendix B is representative of CWAFF energy use. (NEEA, No. 15 at p. 2) NEEA expressed agreement with DOE’s previous assertions that part-load testing and furnace jacket-loss testing can impact CWAFF energy use and that including these factors would increase the representativeness of CWAFF ratings. (*Id.*) Finally, NEEA commented that representative test procedures are important for utilities and efficiency organizations to quantify energy savings for market-based programs supporting energy-efficient products. (NEEA, No. 15 at p. 2)

In contrast, Trane commented that the TE2 metric is not representative of the average use cycle of CWAFFs. (Trane, No. 8 at p. 1) Trane additionally commented that DOE should rescind appendix B and utilize only appendix A, asserting that appendix B is unduly burdensome and unrepresentative and is not supported by clear and convincing evidence that it provides a representative energy efficiency measurement of the average use cycle of CWAFF equipment. (*Id.* at p. 3) Trane also commented that while the TE2 calculation incorporates both jacket losses and part-load performance, averaging the full and part-load efficiencies to calculate TE2 is not representative of the average use cycle of CWAFFs. Trane commented that CWAFFs operate more hours in part-load than full-load, with hours varying depending on sizing and building load. (*Id.* at pp. 1–2) In addition, Trane stated

that a bin analysis, where heating performance is assessed for different “bins” of heating hours across a heating season, would be required, along with industry engagement, to develop a more representative load performance weighting. (*Id.* at p. 2) Trane argued that use of the TE2 metric could stifle future energy saving technology development if an arbitrary weighting is used in the regulatory test procedure. (*Id.*)

Further, AAON commented that the part-load degradation factors and extrapolated jacket-loss coefficients lack empirical validation and fail to represent actual equipment operation or customer applications. (AAON, No. 9 at p. 1) Rheem commented that appendix B is inconsistent with industry standards. (Rheem, No. 14 at p. 1) Trane also commented that neither appendix A nor appendix B accurately represent winter season performance because the combustion air temperature in real applications would be lower than in testing. (Trane, No. 8 at p. 3)

In response, DOE notes that the disparity among comments with regard to jacket losses and part-load performance demonstrates that there remains a lack of consensus among interested parties about the extent to which appendix B would produce test results that are more representative of an average use cycle as compared to appendix A. Specifically with regard to the weighting of full-load and part-load performance, DOE requested comment on alternate weighting values in the *February 2022 NOPR* but none of the commenters provided data with which to determine an alternative weighting that would be more representative, and DOE remains unaware of any data that would be useful to better characterize the appropriate weighting factors. However, in light of these continued uncertainties regarding the potential increase in representativeness of appendix B, in this final rule, DOE has reconsidered the balance between representativeness and test burden as required by EPCA’s dual mandate that DOE’s test procedures be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle while also not being unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)) As a result, for the reasons discussed in more detail in section III of this document, DOE is rescinding the appendix B test procedure.

⁵ DOE also held a webinar public meeting for the February 2022 NOPR on March 29, 2022.

D. Test Burden for Conducting Appendix B

DOE received the following comments regarding the burdens associated with performing the appendix B test.

NEEA commented that U.S. companies have begun preparing for testing and rating CWFAs using the appendix B test procedure since DOE established the test procedure two years ago and that rescinding it could result in losses associated with testing and rating equipment, as well as loss in investments to adjust product designs and manufacturing lines. (NEEA, No. 15 at p. 2)

DOEE *et al.* opposed the proposal to rescind the CWF test procedures, asserting that it would negatively impact businesses in their States. (DOEE *et al.*, No. 10 at p. 1) DOEE *et al.* also commented that manufacturers have already invested time and money into complying with the appendix B test procedure. (DOEE *et al.*, No. 10 at p. 2)

Two individuals commented that rescinding appendix B would result in stranded investments from the development of TE2, suggesting that a rescission disregards the resources and effort put into developing the test procedure. (Ravnitzky, No. 7 at pp. 1–2; Simpson, No. 6 at p. 1)

Other commenters provided specific feedback regarding the burden of the test method itself.

Rheem and AHRI commented in support of removing the TE2 metric and appendix B from DOE's regulations on the basis that appendix B would increase manufacturer test burden. (Rheem, No. 14 at p. 1; AHRI, no. 16 at p. 3) Trane commented that the CWF test procedure at appendix B is burdensome for manufacturer certification since manufacturers are dependent on actual test data and must test many different configurations because there are no established alternative efficiency determination methods ("AEDMs") to determine TE2. (Trane, No. 8 at p. 2) Trane commented that the current ASHRAE Standard 90.1 requirement not to exceed 0.75 percent in jacket losses requires fewer models⁶ to be tested. However, due to the new jacket loss provisions in appendix B and the TE2 metric, every model must be physically tested at both maximum and minimum input rate. (*Id.* at pp. 2–3) Trane commented that testing according to appendix A requires 3–4 weeks to set up each unit before testing, whereas

appendix B would require an additional 4 weeks per unit. (*Id.* at p. 2) Trane stated that overall, the test set-up and testing duration is twice as long for appendix B compared to appendix A, and appendix B costs an additional \$6–8 million for the added material, labor, time, and number of model configurations. (*Id.* at pp. 2–3)

Trane provided an example that one of their rooftop units required an additional 1,600 thermocouples to perform the jacket-loss testing on some of their largest cabinets. (*Id.* at p. 2) Trane also noted that additional data scanners may be required due to the increased number of measurements that need to be recorded. (*Id.*)

Additionally, Trane commented that furnace jackets within rooftop cabinets are difficult to access, and, therefore, it is difficult to place thermocouples for jacket-loss testing. (Trane, No. 8 at p. 3) Moreover, Trane stated that laboratory resources are already constrained by the number of available rooms, as well as physical space limitations when seeking to test the larger cabinets. Trane stated that currently it must perform appendix A testing of its larger equipment outdoors because there are no test rooms available large enough to test the equipment. (*Id.*) Trane stated that such testing must be scheduled at times of the year and of the day that the outdoor ambient temperature is within the range of room temperature as defined by the test procedure. (*Id.*)

JCI commented in support of DOE's tentative determination that the Department had previously underestimated the burden of the appendix B test procedure. (JCI, No. 12 at pp. 1–2) The commenter stated that the current sampling requirement requires testing a single unit, but that if multiple units need to be tested to verify compliance, the time and cost estimates would multiply, becoming unduly burdensome for JCI. (*Id.*) JCI commented that appendix B will require extensive and burdensome retesting compared to appendix A. JCI stated that it has around 98 unique furnace configurations for different input rates, airflow rates, and unit duct configurations, and that the appendix B test method would require each configuration to be physically tested to determine TE2. According to JCI, it would take over a year and over \$1 million in testing costs to test all their units according to appendix B. (JCI, No. 12 at p. 1)

AAON commented that appendix B would add unnecessary complexity since it introduces additional setpoints and configurations not validated through stakeholder input and imposes burden on laboratory scheduling and

reporting systems without corresponding benefit. (AAON, No. 9 at p. 1)

AHRI commented that testing costs were not properly accounted for in the previous rulemaking establishing the appendix B test procedure. (AHRI, No. 16 at p. 3) AHRI commented that the DOE test procedure at appendix B requires jacket-loss testing on all units, which is a large cost, whereas ASHRAE requires testing only on the worst unit in a product line. (*Id.*) According to AHRI, testing laboratories are already at capacity for regularly scheduled testing, thereby making additional tests difficult. (*Id.*) AHRI reiterated its previous comments that accessing the furnace jacket for testing may cause reduced panel sealing of the unit which would negatively impact the results. This led AHRI to argue that the additional granularity of test results would be negligible, whereas the increased burden on manufacturers would be substantial. (*Id.*)

Conversely, ASAP and ACEEE commented that in the June 2023 Final Rule, DOE estimated testing costs for appendix B based on actual price quotations from third-party laboratories and also estimated the cost to develop an AEDM. ASAP and ACEEE cited DOE's conclusion that the additional cost to determine TE2 compared to TE is not unduly burdensome and is justified in light of the improved representativeness of TE2 compared to TE. (ASAP and ACEEE, No. 13 at pp. 1–2) ASAP and ACEEE stated that in the current May 2025 NOPR, DOE did not provide supporting evidence for the claim that the test procedure cost and burden associated with TE2 were underestimated in the June 2023 Final Rule. (*Id.*)

NEEA commented that there is no current requirement for manufacturers to rate their equipment according to appendix B, so the least burdensome action would be to maintain the current test procedure (consisting of both appendix A and appendix B). NEEA commented that the removal of appendix B would be a burdensome regulatory action for DOE and a confusing and burdensome pivot for stakeholders. (NEEA, No. 15 at p. 2)

In response, DOE appreciates the additional data and information that have been provided by manufacturers regarding the testing burden associated with the TE2 test specified in appendix B and accords such information due weight. As discussed in the previous section of this document, DOE has reconsidered the uncertainties in both the increase in representativeness and increase in test burden in terms of

⁶ The commenter refers to "individual" models; however, as per 10 CFR 429.41, determinations of represented values for CWFAs are based on testing "basic" models, which are defined at 10 CFR 431.72.

increase in expenditures to test, constraints on testing facilities and increase in time required to test additional configurations associated with testing per appendix B as compared to appendix A. Based on these considerations, as well as the policy directives specified in E.O. 14192, DOE is rescinding appendix B in this final rule.

E. Other Considerations

1. Regulatory Certainty

DOEE *et al.* commented that DOE's proposal to rescind the appendix B test procedure and the TE2 metric would hurt consumers and cause confusion and uncertainty for domestic and international manufacturers of CWAFFs. (DOEE *et al.*, No. 10 at pp. 1–2) Similarly, NEEA commented that DOE should uphold appendix B to maintain consistency and predictability in the regulatory process, which NEEA stated provides a stable business environment for U.S. manufacturers. (NEEA, No. 15 at pp. 1–2)

As discussed, manufacturers currently determine compliance with CWAFF energy conservation standards based on testing in accordance with appendix A. Manufacturers would be required to use appendix B only if they choose to make optional representations of performance based on the TE2 metric. DOE is not aware of any manufacturers choosing to make such claims. Accordingly, DOE does not expect the withdrawal of the appendix B test procedure to introduce any confusion or uncertainty for consumers or manufacturers.

An individual commented that without a single, national test procedure, testing will be split among multiple private methods resulting in increased costs and uncertainty for manufacturers and end users. (Ravnitzky, No. 7 at p. 1) The individual also commented that a single, national test procedure is essential to ensure inefficient units do not enter the market and building owners can rely on published ratings. (*Id.*)

In response, DOE notes that although this final rule is rescinding the newly established appendix B test procedure, DOE is not rescinding the current federal test procedure for CWAFFs found in appendix A, the use of which is required for making any representations with respect to energy use or efficiency of CWAFFs, including for the purpose of demonstrating compliance with standards. DOE has determined that the continued required usage of appendix A addresses the commenter's concerns.

2. Competitiveness

DOE received comments regarding the impact of the May 2025 NOPR on U.S. competitiveness in the marketplace.

An individual stated that the current regulations ensure the United States remains competitive with global markets, and rescinding standards would diminish the standing of the United States in the international market and the potential for addressing the “trade imbalance.” (Simpson, No. 6 at p. 1) Another individual commented that rescinding appendix B risks reducing U.S. competitiveness in the market. (Ravnitzky, No. 7 at pp. 1–2)

In this final rule, DOE is not modifying or rescinding any existing energy conservation standards for CWAFFs. As discussed, the appendix A test procedure remains required for use to demonstrate compliance with existing energy conservation standards. Consequently, DOE's action would not trigger the competitiveness concerns raised by these commenters.

3. Infrastructure and Environmental Impacts

An individual commented that unchecked inefficiency would increase costs for businesses and end users, jeopardize national security by straining infrastructure, and decrease reliability. (Ravnitzky, No. 7 at p. 1) The individual commented that even small efficiency increases in CWAFFs can save millions of therms of gas each year, flatten winter peak-load spikes, reduce greenhouse-gas emissions, and bolster grid resilience against extreme weather or supply disruptions. (*Id.*)

CBD commented that test procedures ensure that covered equipment complies with energy conservation standards, which help limit pollution and greenhouse gas (“GHG”) emissions. (CBD, No. 11 at p. 3) CBD commented that standards ensure cost savings for consumers by creating more efficient appliances, which lowers utility bills, and rescinding the CWAFF test procedures will undermine the administration's goal of lowering energy costs for American citizens. (*Id.*)

In response and as discussed previously, in this final rule, DOE is not amending or rescinding the appendix A test procedure or the energy conservation standards for CWAFFs. Use of appendix A remains required for demonstrating compliance with existing standards for CWAFFs.

III. Conclusions

After carefully considering the comments received on the May 2025 NOPR, DOE has determined that there is

considerable uncertainty regarding the magnitude of any increased representativeness of the appendix B test procedure vis-a-vis the current appendix A test procedure, as well as uncertainty regarding the increase in test burden between those two test procedures. Consistent with the policies and directives outlined in E.O. 14192, “Unleashing Prosperity Through Deregulation,” and DOE's proposed revisions to sections 8(c) and 9(b) of the Process Rule, DOE has determined that an uncertain increase in representativeness does not outweigh the likely increase in test burden. EPCA requires that DOE's test procedures be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle while not being unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)). DOE has concluded that this balance between representativeness and burden is not met by the new appendix B test procedure and for this reason, and those reasons discussed in the preceding sections of this document, DOE is withdrawing the test procedure for commercial warm air furnaces at 10 CFR part 431, subpart D, appendix B. Commercial warm air furnaces will continue to be subject to the testing requirements of 10 CFR part 431, subpart D, appendix A.

In this final rule, DOE is removing the definition of “thermal efficiency two” and removing 10 CFR part 431, subpart D, appendix B as proposed in the May 2025 NOPR. DOE is additionally making minor conforming revisions to sections 10 CFR 431.75 and 431.76 (“Materials incorporated by reference” and the “Uniform test method for the measurement of energy efficiency of commercial warm air furnaces,” respectively) as ancillary to the changes proposed in the May 2025 NOPR so as to eliminate references to removed appendix B.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

Section 6(a) of Executive Order (“E.O.”) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (“OIRA”) in the Office of Management and Budget (“OMB”) for review. OIRA has determined that this final regulatory action constitutes a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly,

this action was submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996) requires preparation of an initial regulatory flexibility analysis (“IRFA”) and a final regulatory flexibility analysis (FRFA) for any final rule where the agency was first required by law to publish a proposed rule for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by E.O. 13272, “Proper Consideration of Small Entities in Agency Rulemaking,” 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel’s website (www.energy.gov/gc/office-general-counsel).

DOE reviewed this final rule under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003. This final rule rescinds a test procedure that would apply to future standards (if such standards denominated in terms of the TE2 metric are adopted) but leaves in place the test procedure corresponding to the current standards (denominated in terms of thermal efficiency (“TE”). Therefore, since manufacturers are not currently required to use the TE2 test procedure, DOE concludes that the impacts of its burden-reducing proposal would not have a “significant economic impact on a substantial number of small entities,” and, therefore, the preparation of a FRFA is not warranted. DOE has submitted a certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act of 1995

Under existing provisions, manufacturers of covered products/equipment must certify to DOE that their products comply with any applicable energy conservation standards. In certifying compliance, manufacturers must test their products according to the DOE test procedures for such products/equipment, including

any amendments adopted for those test procedures, on the date that compliance is required. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment (*see generally* 10 CFR part 429). The collection-of-information requirement for certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (“PRA”). This requirement has been approved by OMB under OMB control number 1910–1400. Public reporting burden for the certification is estimated to average 35 hours 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.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

This final rule would impose no new information or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*)

D. Review Under the National Environmental Policy Act of 1969

In the May 2025 NOPR, DOE stated that it was analyzing the proposed rule in accordance with the National Environmental Policy Act of 1969 (“NEPA”) (42 U.S.C. 4321 *et seq.*) and DOE’s NEPA implementing regulations (10 CFR part 1021) in effect at the time of the May 2025 NOPR’s publication. In the May 2025 NOPR, DOE anticipated that the May 2025 NOPR qualified for a categorical exclusion because the NOPR was an interpretation or ruling with respect to an existing regulation and otherwise met the requirements for application of a categorical exclusion. 90 FR 20909, 20912 (May 16, 2025).

DOE has analyzed this action in accordance with NEPA, as amended, DOE’s NEPA implementing regulations (set forth in 10 CFR part 1021), and DOE’s NEPA implementing procedures (published outside the Code of Federal Regulations on July 13, 2026 (Available at: www.energy.gov/nepa/articles/doe-nepa-implementing-procedures-july-13-2026)). On July 3, 2025, DOE published an interim final rule in the **Federal Register** which revised 10 CFR part 1021 to contain only administrative and routine actions excepted from NEPA

review in appendix A, its existing categorical exclusions in appendix B, related requirements, and a provision for emergency circumstances. 90 FR 29676. DOE notes that appendix A in 10 CFR part 1021 (formerly categorical exclusions) are now administrative and routine actions that are excepted from NEPA based on the definition of “major Federal action” in section 111(10) of NEPA.

In this document, DOE considers the appendix B test procedure for CWAf’s. After careful review, DOE has determined that the test procedure at appendix B for CWAf should be withdrawn. DOE analyzed the determination in accordance with NEPA and determined that this action is administrative and routine. 10 CFR part 1021, subpart D, paragraph A4. DOE has determined that as an administrative and routine action it is not a major Federal action subject to review under NEPA. For more information, please see appendix A of 10 CFR part 1021 (“A4, Interpretations and Rulings for Existing Regulations”), and Section 2.1 (5) of DOE’s NEPA implementing procedures.

E. Review Under Executive Order 13132

E.O. 13132, “Federalism,” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735.

DOE examined this final rule and determined that it 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. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the equipment that is the subject of this final rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in

EPCA. (42 U.S.C. 6297; 42 U.S.C. 6316) Therefore, no further action is required by E.O. 13132.

F. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform,” 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of E.O. 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (“UMRA”) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a federal agency to develop an effective process to permit timely input by elected officers of State,

local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. DOE’s policy statement is also available at www.energy.gov/sites/prod/files/gcprod/documents/umra_97.pdf.

DOE examined this final rule according to UMRA and its statement of policy and determined that the rule, which reduces regulatory burdens, does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. Accordingly, no further assessment is required under UMRA.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any policy or regulation that may affect family well-being. When developing a Family Policymaking Assessment, agencies must assess whether: (1) the action strengthens or erodes the stability or safety of the family and, particularly, the marital commitment; (2) the action strengthens or erodes the authority and rights of parents in the education, nurture, and supervision of their children; (3) the action helps the family perform its functions, or substitutes governmental activity for the function; (4) the action increases or decreases disposable income or poverty of families and children; (5) the proposed benefits of the action justify the financial impact on the family; (6) the action may be carried out by State or local government or by the family; and whether (7) the action establishes an implicit or explicit policy concerning the relationship between the behavior and personal responsibility of youth, and the norms of society.

This final rule, which rescinds a test procedure for future application, would not have any financial impact on families nor any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), DOE has determined that this final rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE’s guidelines were published at 67 FR 62446 (Oct. 7, 2002). Pursuant to OMB Memorandum M–19–15, Improving Implementation of the Information Quality Act (April 24, 2019), DOE published updated guidelines which are available at: www.energy.gov/cio/departments-energy-information-quality-guidelines. DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OIRA at OMB, a Statement of Energy Effects for any significant energy action. A “significant energy action” is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) is a significant regulatory action under E.O. 12866, or any successor order, and is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the regulation is implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

The regulatory action in this document, which rescinds a test procedure for future application, is a

significant regulatory action under E.O. 12866. However, it is not a “significant energy action” because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Additional Executive Orders and Presidential Memoranda

DOE has examined this final rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy,” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation,” 90 FR 9065 (Feb. 6, 2025); and Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis,” 90 FR 8245 (Jan. 28, 2025). This final rule has been determined to be an “E.O. 14192 deregulatory action” because it removes an optional test procedure which is likely to increase test burden, if adopted. Additionally, rescinding the appendix B test procedure provides more regulatory certainty for manufacturers by ensuring the Federal test procedure will remain aligned with the industry standard, as appendix A is currently aligned with the test procedure as referenced in ASHRAE Standard 90.1.

M. Congressional Notification

As required by 5 U.S.C. 801, DOE will submit to Congress and to the Comptroller General a report on this final rule before its effective date. The report will state that it has been determined that this final rule is not a “major rule” as defined by 5 U.S.C. 804(2).

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

List of Subjects in 10 CFR Part 431

Administrative practice and procedure, Confidential business information, Energy conservation test procedures, Incorporation by reference, and Reporting and recordkeeping requirements.

Signing Authority

This document of the Department of Energy was signed on September 30, 2026, by Audrey Robertson, Assistant Secretary (EERE) for Critical Minerals and Energy Innovation, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative

purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on October 5, 2026.

Treana V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

For the reasons set forth in the preamble, DOE amends part 431 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations, as set forth below:

PART 431—ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 431 continues to read as follows:

Authority: 42 U.S.C. 6291–6317; 28 U.S.C. 2461 note.

§ 431.72 [Amended]

■ 2. Amend § 431.72 by removing the definition for “Thermal efficiency two.”

■ 3. In § 431.75, paragraph (c)(1) is amended by removing “appendices A and B” and adding in its place “appendix A”.

■ 4. Amend § 431.76 by revising paragraph (b) to read as follows:

§ 431.76 Uniform test method for the measurement of energy efficiency of commercial warm air furnaces.

* * * * *

(b) *Testing and Calculations.* Test in accordance with appendix A to this subpart when making representations of thermal efficiency.

Appendix A to Subpart D of Part 431 [Amended]

■ 5. Amend appendix A to subpart D of part 431 by removing the introductory note.

Appendix B to Subpart D of Part 431 [Removed]

■ 6. Remove appendix B to subpart D of part 431.

[FR Doc. 2026–20517 Filed 10–6–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0763]

RIN 1625–AA00

Security Zone; U.S. Coast Guard Base, Los Angeles Harbor Main Channel, Los Angeles, CA

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent security zone extending 40 yards into the navigable waters of the main channel of Los Angeles Harbor, including the perimeter of the Coast Guard Base on Terminal Island in San Pedro, CA. This is necessary for the security of military service members on board vessels moored at the pier, and military members and government property. All persons and vessels will be prohibited from entering, transiting through, or anchoring within a portion of Los Angeles Harbor’s Main Channel surrounding Terminal Island, unless authorized by the Captain of the Port Los Angeles—Long Beach.

DATES: This rule is effective on October 6, 2026.

ADDRESSES: To view available documents, go to <https://www.regulations.gov> and search for USCG–2026–0763.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact LCDR Anthony Solares, Sector Los Angeles—Long Beach Waterways Management Division, U.S. Coast Guard; telephone 310–521–3860, email D11-SMB-SectorLALB-WWM@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 the past, a variety of waterside activities directly adjacent to or subsurface in the vicinity of Coast Guard assets have required immediate response actions to safeguard the personnel and property of U.S. Coast Guard Base Los Angeles—Long Beach on Terminal Island in San Pedro, CA.

The Captain of the Port (COTP) Los Angeles—Long Beach has identified a need to create a permanent security zone to address safety and security risks for personnel and property. On August 12, 2026, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Security Zone; U.S. Coast Guard Base, Los Angeles Harbor Main Channel, Los Angeles, CA (91 FR 52037). In that NPRM, we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this security zone.

Under the authority in 46 U.S.C. 70034, the COTP has determined that this rule is necessary to protect Coast Guard personnel, cutters, and property in and adjacent to the navigable waters within the security zone. No vessel or person will be permitted to enter the security zone without obtaining permission from the COTP or their designated representative.

Because of the potential security hazards that exist due to the proximity of Coast Guard Base Los Angeles—Long Beach to the heavily utilized Los Angeles Harbor Main Channel, 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** because it is impracticable and contrary to the public interest. We must establish this security zone by October 6, 2026, to protect military personnel, vessels, and property at Coast Guard Base Los Angeles—Long Beach.

III. Discussion of Comments and the Rule

During the comment period that ended on September 11, 2026, we received four comments on our NPRM published August 12, 2026. The Coast Guard appreciates the comments received and has considered the concerns raised regarding the process for mariners requesting to enter the zone, the duration of the regulation, the statutory authority, enforcement consequences, and the geographic description.

The first and fourth comments were generally in support of the security zone but suggested a clearer standard for granting or denying requests to enter, setting response time expectations, and requesting a process of challenging a denial of entry. The Coast Guard intentionally does not prescribe an exhaustive authorization process because the security zone is designed to permit real-time, discretionary control of access based on current security conditions. Ultimately, the Coast Guard revised the final rule to clarify that the response times will be immediate, as the

telephone number referenced in section (c)(2) of the rule is manned 24/7.

The first and fourth comments also suggested that the Coast Guard include a periodic sunset provision or a mandatory five-year review. The Coast Guard has determined that the identified security vulnerability is ongoing rather than limited to a specific event or operational period and therefore, a permanent regulatory framework is appropriate. Incident-specific details are not necessary to establish the continuing security need and disclosure of such information could reveal operationally sensitive information.

Further, the first and fourth comments suggested that the cite to 46 U.S.C. 70051 is inappropriate. Section 70051 authorizes the regulation of vessel movement and related measures to protect vessels, harbors, ports, waterfront facilities, and other areas subject to U.S. jurisdiction. The Coast Guard interpretation of 46 U.S.C. 70051 does not require a separate Presidential declaration of a national emergency for this particular security zone.

The first comment stated that the potential penalty amounts are ambiguous. However, violations are subject to the penalties provided by applicable Federal law, with the applicable enforcement consequences determined based on the facts and circumstances of each particular case.

The second comment received was not within the scope of the regulation.

The third comment was in support of the security zone but requested clarification regarding the process for a vessel operator when requesting authorization for planned and emergency transit in the zone. The Coast Guard emphasizes that this process follows the customary procedure for requesting entry from the Captain of the Port into a security zone.

The Coast Guard has modified the regulatory description of the security zone's boundaries, found under Paragraph (a) of the regulatory text, by removing an extraneous coordinate along the southern boundary of the security zone: 33°43.304' N, 118°16.062' W. It was determined that this coordinate was not necessary to define the security zone, as another coordinate located north-east of this point would be sufficient to define the boundary. In addition, the ordering of the coordinates describing the boundaries of the security zone was updated for clarity.

This rule establishes a permanent security zone, encompassing all navigable waters within 40 yards of U.S. Coast Guard Base Los Angeles—Long Beach. No vessel or person is permitted

to enter the security zone without obtaining permission from the COTP or their designated representative.

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 Act of 1980 (RFA), 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 that, although some small entities may intend to transit the security zone referenced above, this rule will not have a significant economic impact on a substantial number of small entities. Vessel traffic will be able to safely transit around this security zone, and the security zone will only impact a small, designated area. In addition, the Coast Guard will issue a Local Notice to Mariners and Marine Safety Information Bulletin to notify the public, which will allow small entities to adjust their transit plans, and the rule allows vessels to request permission to enter the zone from the COTP.

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).

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 security 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 § 165.1130 to read as follows:

§ 165.1130 Security Zone; U.S. Coast Guard Base, Los Angeles Harbor Main Channel, Los Angeles, CA.

(a) *Location.* The following area is a security zone: All waters of the main channel of Los Angeles Harbor within San Pedro Bay, from surface to bottom, encompassed by a line connecting the following points beginning at 33°43.314' N, 118°16.013' W, thence to 33°43.284' N, 118°16.000' W, thence to 33°43.271' N, 118°16.078' W, thence to 33°43.722' N, 118°16.262' W, thence to 33°43.730' N, 118°16.220' W, and along the shoreline 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 Los Angeles—Long Beach (COTP) in the enforcement of the security zone.

(c) *Regulations.* (1) Under the general security zone regulations in subpart D of this part, you may not enter the security 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 the security zone as described in (a) of this section, contact the COTP or the COTP's representative on VHF–FM channel 16 or through the 24-hour Command Center telephone at (310) 521–3801. Those in the security zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement.* This section will be enforced starting on October 6, 2026. The Captain of the Port will enforce this security zone and may be assisted in the patrol and enforcement of this security zone by any Federal, State, county, municipal, or private agency.

S.L. Crecy,

Captain, U.S. Coast Guard, Captain of the Port Los Angeles—Long Beach.

[FR Doc. 2026–20520 Filed 10–6–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–1194]

RIN 1625–AA00

Safety Zone; Luminsea Miami Shootout and Races, Miami Marine Stadium Harbor, Miami FL

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters in Miami Marine Stadium Harbor. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with powerboat racing. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Miami, or their designated representative.

DATES: This rule is effective from October 22, 2026, through October 25, 2026.

ADDRESSES: To view available documents go to <https://www.regulations.gov> and search for USCG–2026–1194.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact MST2 Elliot Cortes, Sector Miami Waterways Management Division, U.S. Coast Guard; telephone 786–295–9051, or email SectorMiamiWaterways@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

The Coast Guard received notification that an organization will be sponsoring a set of powerboat races in the Miami Marine Stadium Harbor, Miami, FL on October 22, 2026, through October 25, 2026, from 10:00 a.m. through 11:59 p.m. daily. The race will include approximately 60 participants and 50 spectator craft. The COTP has determined that potential hazards associated with powerboat racing include the possibility of vessel collisions, capsizing, participant

ejections into the water and interactions with spectator craft or transiting vessels. The purpose of this rulemaking is to protect event participants, non-participants, and transiting vessels before, during, and after the scheduled event. 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.

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 too late in the planning process and we establish this safety zone by October 22, 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 a safety zone from October 22, 2026 through October 25, 2026, each day from 10:00 a.m. until 11:59 p.m. The safety zone will cover all navigable waters in the Miami Marine Stadium Harbor within the following points: 25.751362, –80.173021, 25.748879, –80.176015, thence to 25.739098, –80.165124, 25.741536, –80.162165, and along the shoreline back to the beginning point. 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; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

- 2. Add § 165.T07–1194 to read as follows:

§ 165.T07–1194 Safety Zone; Luminsea Miami Shootout and Races, Miami Marine Stadium Harbor, FL.

(a) *Location.* The following area is a safety zone: All waters of Miami Marine Stadium Harbor, from surface to bottom, encompassed by a line connecting the following points beginning at 25.751362, –80.173021, 25.748879, –80.176015, thence to 25.739098, –80.165124, 25.741536, –80.162165, and along the shoreline back to the beginning point. These coordinates are based on the World Geodetic System (WGS 84).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Miami (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 (833) 642–7271. Those in the safety zone must comply with all lawful orders or directions

given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 10:00 a.m. to 11:59 p.m. each day from October 22, 2026, through October 25, 2026.

F.J. Florio,

Captain, U.S. Coast Guard, Captain of the Port Sector Miami.

[FR Doc. 2026-20522 Filed 10-6-26; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 223

RIN 0596-AD78

Purchaser Credit on Timber Sale Contracts

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Final rule.

SUMMARY: The United States Department of Agriculture, Forest Service (Forest Service or Agency) is making purely technical, clarifying amendments to its existing regulations relating to timber purchaser credit in timber sale contracts on National Forest System lands. The authority to use purchaser credit ended in April 1999, and there are no timber contracts subject to this expired authority. This final rule removes sections regulating purchaser credit because these regulations are now obsolete. The removal is necessary to reflect the statutory repeal of purchaser credit authority after April 1, 1999, and the elimination of expired contractual provisions.

DATES: This rule is effective November 5, 2026.

FOR FURTHER INFORMATION CONTACT:

Kraig Kidwell, National Timber Contracts and Appraisals Group Lead, at kraig.kidwell@usda.gov or 541-961-2614. Individuals who are deaf, hard of hearing, or have a speech disability may call 711 to reach the Telecommunications Relay Service, then provide the phone number of the person named as point of contact for further information.

SUPPLEMENTARY INFORMATION: This final rule makes purely technical, clarifying revisions to the Agency's existing regulations at 36 CFR 223, sections 223.42, 223.43, 223.44, 223.45, 223.62, and 223.304 relating to timber purchaser credit in timber sale contracts on National Forest System (NFS) lands, pursuant to the Omnibus Consolidated

and Emergency Appropriations Act of 1999 (Pub. L. 105-277, div. A, § 101(e) [title III, § 329]; 16 U.S.C. 535a). The regulations in sections 223.42, 223.43, 223.44, 223.45, and 223.62 promulgated rules for transferring credit, established the limit on transferred credit, established road construction credit, established protections for the Forest Service to carry out collections, and provided definitions. The regulation in section 223.304 made use of sections 223.42-.45 and 223.62 inapplicable to sale of property (stewardship timber sale) contracts. Upon reviewing these regulations, USDA has determined they are obsolete and should be removed or amended as applicable. The Omnibus Consolidated and Emergency Appropriations Act of 1999 prohibited the continued use of purchaser credit in new timber sale contracts after April 1, 1999. The Forest Service removed purchaser credit references from internal directives and on all timber sale contracts after that date, but some regulatory references to purchaser credit in 36 CFR 223 were maintained because purchaser credit authorized prior to April 1, 1999, on existing timber contracts remained valid. However, all timber contracts that were subject to this authority have long since expired.

Therefore, sections 223.42, 223.43, 223.44, 223.45, and 223.62 regulating purchaser credit in subpart B of Part 223 are now obsolete. The regulations will be removed and the sections will be reserved for future use. Section 223.304 of subpart I is being amended to delete references to the five obsolete sections of subpart B being removed. Section 223.304 also is being amended because it erroneously repeats a paragraph. Paragraphs (a)(3) through (a)(5), (a)(7), and (a)(9) of section 223.304 will be removed because they reference the obsolete sections; paragraph (a)(6) will be removed because it duplicates paragraph (a)(5). The remaining paragraphs in section 223.304(a) will be renumbered to maintain numerical order.

These technical, clarifying amendments do not formulate standards, criteria, or guidelines applicable to Forest Service programs and therefore do not require public notice and opportunity to comment under section 14(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1612(a)).

Regulatory Certifications

Regulatory Planning and Review

Executive Order (E.O.) 12866 provides that the Office of Information and

Regulatory Affairs (OIRA) in the Office of Management and Budget will determine whether a regulatory action is significant as defined by E.O. 12866 and will review significant regulatory actions. OIRA has determined that this final rule is not significant as defined by E.O. 12866. 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. The Department has developed the final rule consistent with E.O. 13563.

Congressional Review Act

Pursuant to subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (known as the Congressional Review Act) (5 U.S.C. 801 *et seq.*), OIRA has designated this final rule as not a major rule as defined by 5 U.S.C. 804(2).

National Environmental Policy Act

The final rule will remove or amend sections that regulate purchaser credit because the use of purchaser credit is prohibited by law, making these regulations obsolete. Department regulations at 7 CFR 1b.4(c)(20) exclude from documentation in an environmental assessment or environmental impact statement "rules, regulations, or policies to establish servicewide administrative procedures, program processes, or instructions." The Department's assessment is that this final rule falls within this category of actions and that no extraordinary circumstances exist that will require preparation of an environmental assessment or an environmental impact statement.

Regulatory Flexibility Act

The Department has considered this final rule under the Regulatory Flexibility Act (5 U.S.C. 602 *et seq.*). This final rule will not have any direct effect on small entities as defined by the Regulatory Flexibility Act. This final rule will not impose recordkeeping requirements on small entities; will not affect their competitive position in relation to large entities; and will not affect their cash flow, liquidity, or ability to remain in the market. Therefore, the Department has determined that this final rule will not have a significant economic impact on a substantial number of small entities pursuant to the Regulatory Flexibility Act.

Federalism

The Department has considered this final rule under the requirements of E.O. 13132, *Federalism*. The Department has determined that the final rule conforms with the federalism principles set out in this E.O.; will not impose any compliance costs on the States; and will not have substantial direct effects on the States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the Department has concluded that this final rule will not have federalism implications.

Consultation and Coordination With Indian Tribal Governments

E.O. 13175, *Consultation and Coordination with Indian Tribal Governments*, 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. The final rule will remove sections that regulate purchaser credit in timber sales because the use of purchaser credit is prohibited by law, making these regulations obsolete. The Department has reviewed this final rule in accordance with the requirements of E.O. 13175 and has determined that this final rule will not have substantial direct effects on 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. Therefore, consultation and coordination with Indian Tribal governments is not required for this proposed rule.

Family Policymaking Assessment

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277), requires Federal agencies to issue a Family Policymaking Assessment for a rule that may affect family well-being. The final rule will have no impact on the autonomy or integrity of the family as an institution. Accordingly, the Department has concluded that it is not necessary to prepare a Family

Policymaking Assessment for the final rule.

Takings Implications

The Department has analyzed the final rule in accordance with the principles and criteria in E.O. 12630, *Governmental Actions and Interference with Constitutionally Protected Property Rights*. The Department has determined that the final rule will not pose the risk of a taking of private property.

Energy Effects

The Department has reviewed the final rule under E.O. 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*. The Department has determined that the final rule will not constitute a significant energy action as defined in E.O. 13211.

Civil Justice Reform

The Department has analyzed the final rule in accordance with the principles and criteria in E.O. 12988, *Civil Justice Reform*. Upon publication of the final rule, (1) all State and local laws and regulations that conflict with the final rule or that impede its full implementation will be preempted; (2) no retroactive effect will be given to this final rule; and (3) it will not require administrative proceedings before parties may file suit in court challenging its provisions.

Unfunded Mandates

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Department has assessed the effects of the final rule on State, local, and Tribal governments and the private sector. The final rule will not compel the expenditure of \$100 million or more, adjusted annually for inflation, in any 1 year by State, local, and Tribal governments in the aggregate or by the private sector. Therefore, a statement under section 202 of the Act is not required.

Paperwork Reduction Act

The final rule does not contain any recordkeeping or reporting requirements, or other information collection requirements as defined in 5 CFR part 1320, that are not already required by law or not already approved for use. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR part 1320 do not apply.

List of Subjects in 36 CFR Part 223

Administrative practice and procedure, Exports, Forests and forest

products, Government contracts, National forests, Reporting and recordkeeping requirements.

Therefore, for the reasons stated in the preamble, and under the authority of 16 U.S.C. 535a, the Department is amending 36 CFR part 223 as follows:

PART 223—SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER

■ 1. The authority citation for part 223, applicable to all subparts, continues to read:

Authority: 90 Stat. 2958, 16 U.S.C. 472a; 98 Stat. 2213, 16 U.S.C. 618, 104 Stat. 714–726, 16 U.S.C. 620–620j, 25 U.S.C. 3055 and 3057, 113 Stat. 1501a, 16 U.S.C. 528 note; unless otherwise noted.

Subpart B—Timber Sale Contracts

§ 223.42 [Removed and Reserved]

■ 2. Remove and reserve § 223.42.

§ 223.43 [Removed and Reserved]

■ 3. Remove and reserve § 223.43.

§ 223.44 [Removed and Reserved]

■ 4. Remove and reserve § 223.44.

§ 223.45 [Removed and Reserved]

■ 4. Remove and reserve § 223.45.

§ 223.62 [Removed and Reserved]

■ 4. Remove and reserve § 223.62.

■ 5. Revise § 223.304(a) to read as follows:

Subpart I—Stewardship End Result Contracting Projects

§ 223.304 Sale of property contracts.

* * * * *

(a) Utilize the provisions of subparts A and B of this part, except that the following provisions will not be applicable:

(1) Section 223.4—Exchange of trees or portions of trees.

(2) Section 223.31—Duration of contracts.

(3) Section 223.49—Downpayments. Paragraph (d).

(4) Section 223.65—Appraisal of timber for land exchange; right-of-way, or other authorized use.

(5) Section 223.80—When advertisement is required.

(6) Section 223.82—Contents of advertisement.

(7) Section 223.83—Contents of prospectus.

(8) Section 223.84—Small business bid form provisions on sales with specified road construction.

(9) Section 223.88—Bidding methods.

(10) Section 223.100—Award to highest bidder.

(11) Section 223.102—Procedure when sale is not awarded to highest bidder.

(12) Section 223.103—Award of small business set-aside sales.

(13) Section 223.118—Appeal process for small business timber sale set-aside program share recomputation decisions.

* * * * *

Michael K. Boren,
Under Secretary, Natural Resources and Environment.

[FR Doc. 2026-20512 Filed 10-6-26; 8:45 am]

BILLING CODE 3411-15-P

Proposed Rules

Federal Register

Vol. 91, No. 193

Wednesday, October 7, 2026

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

FEDERAL RESERVE SYSTEM

12 CFR Part 215

[Regulation O; Docket No. R-1896]

RIN 7100-AG; 7100-AH27

Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks: Bank Holding Companies

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On August 4, 2026, the Board of Governors of the Federal Reserve System (Board) published in the **Federal Register** a proposal that would update Regulation O, the Board's rule governing loans by member banks to their insiders and insiders of their affiliates. The proposal provided for a comment period ending on October 5, 2026. The Board is extending the comment period for 30 days, until November 4, 2026.

DATES: The comment period for the notice of proposed rulemaking published on August 4, 2026 (91 FR 49526) is extended. Comments must be received by November 4, 2026.

ADDRESSES: You may submit comments by any of the methods identified in the proposal.

FOR FURTHER INFORMATION CONTACT: Jay Schwarz, Deputy Associate General Counsel, (202) 452-2970, Daniel Hickman, Senior Counsel, (202) 973-7432, Jasmin Keskinen, Counsel, (202) 853-7872, Legal Division; or Anna Lee Hewko, Associate Director, (202) 250-1577, Missaka Nuwan Warusawitharana, Manager, (202) 452-3461, Helen Xu, Manager, (202) 452-2555, Lesley Chao, Lead Financial Institution Policy Analyst, (202) 974-7063, Li Gu, Senior Economist, (202) 912-4655, Division of Supervision and Regulation; Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

On August 4, 2026, the Board published in the **Federal Register** a proposal that would update Regulation O, which governs loans by member banks to their insiders and insiders of their affiliates.¹ The proposed amendments would update and modernize the regulation, increase transparency by clarifying requirements and incorporating existing interpretations, and promote efficiency by reducing regulatory burden. The proposed amendments also would incorporate existing statutory requirements that are not currently reflected in the regulation. Moreover, the proposed amendments would update several outdated dollar-based thresholds in Regulation O and index these thresholds going forward. In addition, the proposed amendments would address the application of Regulation O to member banks that lend to companies that are presumed to be controlled by large asset management companies through passive investment funds. Finally, the proposed amendments would revise and reorganize the regulation to streamline the text and make it more accessible.

The proposal provided for a comment period ending on October 5, 2026. Since the publication of the proposal, commenters have requested that the Board extend the comment period. An extension of the comment period will provide an additional opportunity for interested parties to consider the proposal and prepare comments. Therefore, the Board is extending the end of the comment period for the proposal from October 5, 2026, to November 4, 2026. By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority.

Benjamin W. McDonough,
Secretary of the Board.

[FR Doc. 2026-20509 Filed 10-6-26; 8:45 am]

BILLING CODE 6210-01-P

¹ 91 FR 49526 (Aug. 4, 2026).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2026-1338; Project Identifier MCAI-2025-00316-T]

RIN 2120-AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: The FAA is revising a notice of proposed rulemaking (NPRM) to supersede Airworthiness Directive (AD) 2014-16-22 and AD 2017-25-13, which apply to certain Airbus SAS Model A330-200, A330-200 Freighter, A330-300, A340-200, A340-300, A340-500, and A340-600 series airplanes; and AD 2024-25-11, which applies to certain Airbus SAS Model A330-200, A330-200 Freighter, A330-300, A330-800 and A330-900 series airplanes. This action revises the NPRM by referencing later service information with new or more restrictive airworthiness limitations and expanding the applicability. The FAA is proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these actions would impose an additional burden over those in the NPRM, the FAA is requesting comments on this SNPRM.

DATES: The FAA must receive comments on this SNPRM by November 23, 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](https://www.regulations.gov). Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2026-1338; or in person at Docket Operations between 9 a.m. and

5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this SNPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu. It is also available at regulations.gov under Docket No. FAA-2026-1338.

- 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:

Frank Carreras, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3539; email: Frank.Carreras@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-2026-1338; Project Identifier MCAI-2025-00316-T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this SNPRM

contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this SNPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this SNPRM. Submissions containing CBI should be sent to Frank Carreras, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3539; email: Frank.Carreras@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 2014-16-22, Amendment 39-17946 (79 FR 49442, August 21, 2014) (AD 2014-16-22) and AD 2017-25-13, Amendment 39-19127 (82 FR 59960, December 18, 2017) (AD 2017-25-13) for certain Airbus SAS Model A330-200, A330-200 Freighter, A330-300, A340-200, A340-300, A340-500, and A340-600 series airplanes. EASA, which is the Technical Agent for the Member States of the European Union, issued EASA AD 2019-0048, dated March 11, 2019 (EASA AD 2019-0048), which applies to Airbus SAS Model A340-200, A340-300, A340-500, and A340-600 series airplanes. EASA AD 2019-0048 terminates the requirements of EASA AD 2013-0201, dated September 4, 2013 (which corresponds to FAA AD 2014-16-22) and EASA AD 2017-0044, dated March 9, 2017 (which corresponds to FAA AD 2017-25-13). EASA superseded EASA AD 2019-0048 with EASA AD 2021-0251R1, dated October 12, 2022 (EASA AD 2021-0251R1), which in turn was superseded by EASA AD 2024-0015, dated January 10, 2024 (EASA AD 2024-0015). The FAA has added EASA AD 2024-0015 to the required airworthiness action list (RAAL) for the Model A340 airplanes. There currently are no Model A340 airplanes on the U.S. registry. However, if a U.S. operator imports a Model A340 airplane, they will then be required to show compliance with EASA AD 2024-0015 as specified in the RAAL. This SNPRM would therefore supersede AD 2014-16-22 and AD 2017-25-13.

The FAA issued AD 2024-25-11, Amendment 39-22913 (90 FR 8663, January 31, 2025) (AD 2024-25-11) for Airbus SAS Model A330-200, A330-200 Freighter, A330-300, A330-800,

and A330-900 series airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before October 2, 2023. AD 2024-25-11 was prompted by EASA AD 2024-0014, dated January 10, 2024 (EASA AD 2024-0014). AD 2024-25-11 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in Airbus A330 Airworthiness Limitations Section (ALS) Part 4, System Equipment Maintenance Requirements (SEMR), Revision 9, dated October 2, 2023. The FAA issued AD 2024-25-11 to address the failure of system components. The unsafe condition, if not addressed, could reduce the controllability of the airplane.

The FAA issued an NPRM to amend 14 CFR part 39 by adding an AD to supersede AD 2014-16-22, AD 2017-25-13, and AD 2024-25-11 that would have applied to Airbus SAS Model A330-200, A330-200 Freighter, A330-300, A330-800, and A330-900 series airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before October 1, 2024. The NPRM was published in the **Federal Register** on February 25, 2026 (91 FR 9195). The NPRM was prompted by EASA AD 2025-0057, dated March 17, 2025 (EASA AD 2025-0057). EASA AD 2025-0057 states that new or more restrictive airworthiness limitations have been developed, as specified in Airbus A330 ALS Part 4, SEMR, Revision 10, dated October 1, 2024.

In the NPRM, the FAA proposed to continue to require certain actions in AD 2024-25-11 and to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations.

Actions Since the NPRM Was Issued

Since the FAA issued the NPRM, EASA superseded EASA AD 2025-0057 with EASA AD 2026-0059, dated March 19, 2026 (EASA AD 2026-0059) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A330-200, A330-200 Freighter, A330-300, A330-800, and A330-900 series airplanes. Airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after December 19, 2025, must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet; this proposed AD therefore does

not include those airplanes in the applicability. The MCAI states that new or more restrictive airworthiness limitations have been developed, as specified in Airbus A330 ALS Part 4, SEMR, Revision 11, dated December 19, 2025.

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](https://www.regulations.gov) under Docket No. FAA–2026–1338.

Comments

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

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2026–0059 specifies procedures for new or more restrictive airworthiness limitations for airplane system equipment and safe life limits.

This AD would also require EASA AD 2024–0014, dated January 10, 2024, which the Director of the Federal Register approved for incorporation by reference as of March 7, 2025 (90 FR 8663, January 31, 2025).

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

FAA's Determination

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

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

Proposed AD Requirements in This SNPRM

This proposed AD would retain certain requirements of AD 2024–25–11. This proposed AD would also require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, which are specified in EASA AD 2026–

0059 already described, as proposed for incorporation by reference. Any differences with EASA AD 2026–0059 are identified as exceptions in the regulatory text of this proposed AD.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (e.g., inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC) according to paragraph (m)(1) of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to retain the Incorporation by Reference (IBR) of EASA AD 2024–0014 and incorporate EASA AD 2026–0059 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0014 and EASA AD 2026–0059 through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0014 or EASA AD 2026–0059 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 proposed AD requirement is not limited to the section titled "Required Action(s) and Compliance Time(s)" in EASA AD 2024–0014 or EASA AD 2026–0059. Material required by EASA AD 2024–0014 is available at [regulations.gov](https://www.regulations.gov) by searching for and locating Docket No. FAA–2024–0770 and material required by EASA AD 2026–0059 for compliance will be available at [regulations.gov](https://www.regulations.gov) by searching for and locating Docket No. FAA–2026–1338 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation document. The airworthiness limitations must be followed according to 14 CFR 91.403(c) and 91.409(e).

The previous format of the airworthiness limitation ADs included a paragraph that specified that no alternative actions (e.g., inspections) or intervals may be used unless the actions and intervals are approved as an AMOC in accordance with the procedures specified in the AMOCs paragraph under "Additional AD Provisions." This new format includes a "New Provisions for Alternative Actions and Intervals" paragraph that does not specifically refer to AMOCs, but operators may still request an AMOC to use an alternative action or interval.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 156 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA estimates the total cost per operator for the retained actions from AD 2024–25–11 to be \$7,650 (90 work-hours × \$85 per work-hour).

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

Authority for This Rulemaking

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

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

Regulatory Findings

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) 2014–16–22, Amendment 39–17946 (79 FR 49442, August 21, 2014); AD 2017–25–13, Amendment 39–19127 (82 FR 59960, December 18, 2017); and AD 2024–25–11, Amendment 39–22913 (90 FR 8663, January 31, 2025); and
- b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2026–1338; Project Identifier MCAI–2025–00316–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by November 23, 2026.

(b) Affected ADs

This AD replaces the ADs specified in paragraphs (b)(1) through (3) of this AD.

(1) AD 2014–16–22, Amendment 39–17946 (79 FR 49442, August 21, 2014) (AD 2014–16–22).

(2) AD 2017–25–13, Amendment 39–19127 (82 FR 59960, December 18, 2017) (AD 2017–25–13).

(3) AD 2024–25–11, Amendment 39–22913 (90 FR 8663, January 31, 2025) (AD 2024–25–11).

(c) Applicability

This AD applies to Airbus SAS airplanes specified in paragraphs (c)(1) through (5) of this AD, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before December 19, 2025.

- (1) Model A330–201, –202, –203, –223, and –243 airplanes.
- (2) Model A330–223F and –243F airplanes.
- (3) Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.
- (4) Model A330–841 airplanes.
- (5) Model A330–941 airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address the failure of system components. The unsafe condition, if not addressed, could reduce the controllability of the airplane.

(f) Compliance

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

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

This paragraph restates the requirements of paragraph (j) of AD 2024–25–11, with a new terminating action. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before October 2, 2023, except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency

(EASA) AD 2024–0014, dated January 10, 2024 (EASA AD 2024–0014). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2024–0014, With No Changes

This paragraph restates the exceptions specified in paragraph (k) of AD 2024–25–11, with no changes.

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2024–0014.

(2) Paragraph (3) of EASA AD 2024–0014 specifies revising “the AMP,” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after March 7, 2025 (the effective date of AD 2024–25–11).

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2024–0014 is at the applicable “limitations” as incorporated by the requirements of paragraph (3) of EASA AD 2024–0014, or within 90 days after March 7, 2025 (the effective date of AD 2024–25–11), whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2024–0014.

(5) This AD does not adopt the “Remarks” section of EASA AD 2024–0014.

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

This paragraph restates the requirements of paragraph (l) of AD 2024–25–11, with a new exception. Except as required by paragraph (j) of this AD, after the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections) and intervals are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2024–0014.

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

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2026–0059, dated March 19, 2026 (EASA AD 2026–0059). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(k) Exceptions to EASA AD 2026–0059

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2026–0059.

(2) Paragraph (3) of EASA AD 2026–0059 specifies revising “the AMP,” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2026–0059 is at the applicable “limitations” as incorporated by the requirements of paragraph (3) of EASA AD

2026–0059, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2026–0059.

(5) This AD does not adopt the “Remarks” section of EASA AD 2026–0059.

(l) New Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (e.g., inspections and intervals) are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2026–0059.

(m) 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 (n) of this AD and email to: AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, 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.

(n) Additional Information

For more information about this AD, contact Frank Carreras, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3539; email: Frank.Carreras@faa.gov.

(o) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on [DATE 35 DAYS AFTER PUBLICATION OF THE FINAL RULE].

(i) European Union Aviation Safety Agency (EASA) AD 2026–0059, dated March 19, 2026.

(ii) [Reserved]

(4) The following material was approved for IBR on March 7, 2025 (90 FR 8663, January 31, 2025).

(i) EASA AD 2024–0014, dated January 10, 2024.

(ii) [Reserved]

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

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

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

Issued on October 5, 2026.

Brian Knaup,

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

[FR Doc. 2026–20543 Filed 10–6–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

28 CFR Part 16

[CPCLO Order No. 009–2026]

Privacy Act of 1974; Implementation

AGENCY: Office of the Pardon Attorney, United States Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: In the Notice section of today’s **Federal Register**, the Office of the Pardon Attorney (PARDON), a component within the United States Department of Justice (DOJ or Department), has published a notice of a new system of records, Firearms Rights Restoration Electronic Records Database (FRRERD), JUSTICE/OPA–002. In this notice of proposed rulemaking, PARDON proposes to exempt this system of records from certain provisions of the Privacy Act in order to safeguard confidential information compiled at various stages of the criminal law enforcement process; and compiled for the purpose of ensuring the integrity of the adjudicatory process involving eligibility and suitability determinations concerning the restoration of an applicant’s federal firearms rights pursuant to 18 U.S.C. 925(c) and 28 CFR 107.1 *et seq.* For the reasons provided below, the Department proposes to amend its Privacy Act regulations by establishing an exemption for records in this system from certain provisions of the Privacy Act. Public comment is invited.

DATES: Comments must be received by November 6, 2026.

ADDRESSES: You may send comments by any of the following methods:

- *Email:* privacy.compliance@usdoj.gov. To ensure proper handling, please reference the CPCLO Order No. in the subject line of the message.

- *Fax:* 202–307–0693.

- *Mail:* U.S. Department of Justice, Office of Privacy and Civil Liberties, ATTN: Privacy Analyst, Two Constitution Square (2CON), 145 N Street NE, Suite 8W.300, Washington, DC 20530. All comments sent via regular or express mail will be considered timely if postmarked on the day the comment period closes. To ensure proper handling, please reference the CPCLO Order No. in your correspondence.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. When submitting comments electronically, you must include the CPCLO Order No. in the subject box. Please note that the Department is requesting that electronic comments be submitted before midnight Eastern Daylight Savings Time on the day the comment period closes because <http://www.regulations.gov> terminates the public’s ability to submit comments at that time. Commenters in time zones other than Eastern Time may want to consider this so that their electronic comments are received.

Posting of Public Comments: Please note that all comments received are considered part of the public record and made available for public inspection online at <http://www.regulations.gov> and in the Department’s public docket. If your comments contain personal identifying information that you do not want to be posted online and made available in the public docket, you must include the phrase “PERSONAL IDENTIFYING INFORMATION” in the first paragraph of your comment. You must also identify all personal identifying information that you do not want posted online or made available in the public docket, identifying the information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be posted online or made available in the public docket, you must include the phrase “CONFIDENTIAL BUSINESS INFORMATION” in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, that comment may be

withheld from the public docket in whole or in part.

Please note that the Freedom of Information Act applies to all comments received. If you wish to inspect the agency's public docket file in person by appointment, please see the **FOR FURTHER INFORMATION CONTACT** paragraph, below.

FOR FURTHER INFORMATION CONTACT: Kira Gillespie, Deputy Pardon Attorney, Office of the Pardon Attorney, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530.

SUPPLEMENTARY INFORMATION:

I. Background

Federal law prohibits several categories of persons from “possess[ing] in or affecting commerce, any firearm or ammunition.” 18 U.S.C. 922(g). It also provides that any “person who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition may make application to the Attorney General for relief from th[at] disabilit[y]” and that “the Attorney General may grant such relief if it is established to his satisfaction that the circumstances regarding the disability, and the applicant’s record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest.” 18 U.S.C. 925(c). In February 2025, the President issued Executive Order 14206, reaffirming the nation’s commitment to “[t]he Second Amendment [as] an indispensable safeguard of security and liberty,” and directed that “the Attorney General shall examine all orders, regulations, guidance, plans, international agreements, and other actions of executive departments and agencies (agencies) to assess any ongoing infringements of the Second Amendment rights of our citizens[.]”

In connection with the Executive Order 14206 review, the Attorney General identified the process under 18 U.S.C. 925(c), as one meriting attention. Prior to March 2025, the process was handled by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”). However, since 1992, Congress has restricted the ATF from expending its appropriated funds to conduct section 925(c) investigations, rendering ATF’s relief from disabilities program unusable. In March 2025, the Attorney General issued an interim final rule withdrawing the delegation of authority to ATF to administer section 925(c). See *Withdrawing the Attorney General’s Delegation of Authority*, 90 FR 13080 (Mar. 20, 2025). A notice of proposed

rulemaking followed in July 2025 that announced specific requirements regarding the means through which an individual should apply for relief, as well as detailed guidance regarding the review and adjudication of section 925(c) applications. See *Application for Relief From Disabilities Imposed by Federal Laws With Respect to the Acquisition, Receipt, Transfer, Shipment, Transportation, or Possession of Firearms*, 90 FR 34394 (Jul. 22, 2025). In August 2026, following public comment, a final rule providing detailed guidance regarding the application, review and adjudication of this application process was issued. See *Application for Relief From Disabilities Imposed by Federal Laws with Respect to the Acquisition, Receipt, Transfer, Shipment, Transportation, or Possession of Firearms*, 91 FR 54054 (Aug. 20, 2026).

The FRRERD is a new system of records established in the Office of the Pardon Attorney with the principal purpose of collecting, storing, and maintaining the personally identifiable information (PII) of applicants seeking the restoration of their federal firearms rights. The system will leverage an existing information system and technology—the Federal Bureau of Investigation’s (FBI) Electronic Departmental Order (eDO) service, which resides within the FBI’s Next Generation Identification (NGI) system (JUSTICE/FBI–009, 84 FR 54182 (Oct. 9, 2019))—to maintain records in connection with federal firearms rights restoration applications. The eDO and NGI will also host the FRRERD where the records will be maintained. The responsibility for the FRRERD system of records will belong to PARDON, who will receive, track, and adjudicate applications to restore federal firearms rights. Further, PARDON will initiate the necessary investigations concerning these applications and prepare recommendations for the Attorney General to determine if, pursuant to 18 U.S.C. 925(c), relief from disability is warranted. PARDON will also act as a liaison to the public to respond to inquiries about the process to restore federal firearms rights.

II. Privacy Act Exemption

The Privacy Act allows Federal agencies to exempt eligible records in a system of records from certain provisions of the Act, including those that provide individuals with a right to request access to and amendment of records about the individual. If an agency intends to exempt a particular system of records, it must first issue a rulemaking pursuant to 5 U.S.C.

553(b)(1)–(3), (c), and (e). This proposed rule explains why exemptions are being claimed for this system of records, and it invites public comment, which the Department will consider before the issuance of a final rule implementing the exemptions.

The Department proposes to modify its regulations at 28 CFR part 16 to incorporate the Privacy Act exemptions for this new system of records, Firearms Rights Restoration Electronic Records Database (FRRERD), JUSTICE/OPA–002. The Department proposes to exempt this new system of records because most of the records in this system contain criminal law enforcement sensitive information and certain requirements of the Privacy Act may interfere with the effective execution of these activities. The Privacy Act, pursuant to 5 U.S.C. 552a(j)(2), authorizes agencies with a principal law enforcement function pertaining to the enforcement of criminal laws (including activities of prosecutors, courts, correctional, probation, pardon or parole authorities) to claim an exemption for systems of records that contain information identifying criminal offenders and alleged offenders, information compiled for the purpose of criminal investigation, or reports compiled for the purpose of criminal law enforcement proceedings. Additionally, pursuant to 5 U.S.C. 552a(k)(2), agencies may exempt a system of records from certain provisions of the Privacy Act if the system contains investigatory material compiled for law enforcement purposes, other than materials within the scope of 5 U.S.C. 552a(j)(2). The Department proposes this exemption because most of the records in this system relate to law enforcement activities, and as a result, notice, access, amendment, and disclosure (to include accounting for those records) to an individual, as well as certain record-keeping requirements, would reveal confidential information concerning the nature and scope of the firearms restoration adjudicatory process, undermine the ability to have candid communications among officials concerned with making recommendations to the Attorney General, and disclose the identity and personal characteristics of persons who furnished information to the Government under an express or implied promise of confidentiality. The Department is proposing to claim exemptions from several provisions of the Privacy Act, pursuant to 5 U.S.C. 552a(j)(2) and 552a(k)(2), to prevent the harms articulated in this rule from occurring. Records in this system of

records are only exempt from the Privacy Act to the extent the purposes underlying the exemption pertain to the record. A notice of a new system of records, Firearms Rights Restoration Electronic Records Database (FRRERD), JUSTICE/OPA–002, will be published in this issue of the **Federal Register**.

III. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563—Regulatory Review

In accordance with 5 U.S.C. 552a(j) and 552a(k), this proposed action is subject to formal rulemaking procedures by giving interested persons an opportunity to participate in the rulemaking process “through submission of written data, views, or arguments,” pursuant to 5 U.S.C. 553. This proposed rulemaking intends to exempt this system of records from certain provisions of the Privacy Act to safeguard confidential criminal law enforcement information; and ensure the integrity of the adjudicatory process involving eligibility and suitability determinations concerning the restoration of an applicant’s federal firearms rights pursuant to 18 U.S.C. 925(c). The Department of Justice has determined that this rule is not a “significant regulatory action” under Executive Order 12866, section 3(f), and accordingly this rule has not been reviewed by the Office of Information and Regulatory Affairs within the Office of Management and Budget pursuant to Executive Order 12866.

B. Regulatory Flexibility Act

This proposed rule will only impact Privacy Act-protected records, which are personal and generally do not apply to an individual’s entrepreneurial capacity, subject to limited exceptions. Accordingly, the Chief Privacy and Civil Liberties Officer, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

C. Small Business Regulatory Enforcement Fairness Act of 1996 (Subtitle E—Congressional Review Act)

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, 5 U.S.C. 801 *et seq.*, requires the Department to comply with small entity requests for information and advice about compliance with statutes and regulations within the Department’s jurisdiction. Any small entity that has a question regarding this document may

contact the person listed in **FOR FURTHER INFORMATION CONTACT** paragraph, above. Persons can obtain further information regarding SBREFA on the Small Business Administration’s web page at <https://www.sba.gov/advocacy>. This proposed rule is not a major rule as defined by 5 U.S.C. 804 of the Congressional Review Act.

D. Executive Order 13132—Federalism

This proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

E. Executive Order 12988—Civil Justice Reform

This proposed regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

F. Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

This proposed rule will have no implications for Indian Tribal governments. More specifically, it 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. Therefore, the formal consultation requirements of Executive Order 13175 do not apply.

Nevertheless, two listening sessions were held with tribal authorities regarding the maintenance of tribal records in the system, specifically about the evaluation of risks to public safety from applicants based on information collected from the tribe regarding prior convictions and current status. These listening sessions were conducted in conjunction with Justice Department’s Office of Tribal Justice.

G. Unfunded Mandates Reform Act of 1995

This proposed rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000, as

adjusted for inflation, or more in any one 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.

H. Paperwork Reduction Act

The Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d), requires the Department to consider the impact of paperwork and other information collection burdens imposed on the public. This proposed rule would call for a new collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521. 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 for submission to the Department.

Title: Application for Restoration of Federal Firearms Rights.

OMB Control Number: 1123–0017.

Summary of the Collection of Information: Under 18 U.S.C. 925(c), the Attorney General may grant relief to individuals who are prohibited under federal law from possessing and engaging in certain activities with respect to firearms and ammunition. Section 925(c) thus provides a mechanism for the Attorney General to relieve otherwise-prohibited persons from federal firearm disabilities if they can show that they are likely to possess firearms safely, while ensuring that violent and dangerous persons remain subject to the prohibitions in the Gun Control Act. The information collected will be that necessary to establish eligibility for relief under 18 U.S.C. 925(c), including personal, financial, health, and criminal history information about the applicant.

Need for Information: To determine if such relief should be granted to an individual, the Attorney General, by statute, must determine if “the circumstances regarding the disability, and the applicant’s record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest.” The information requested in the application

is necessary for the Attorney General to make such a determination.

Proposed Use of Information: To allow the Attorney General to determine whether to grant restoration of firearms rights to applicants while ensuring safety of the public and that such a decision is not contrary to the public interest.

Description of the Respondents: Persons who are subject to disabilities under 18 U.S.C. 922(g) and who choose to make an application for relief pursuant to 18 U.S.C. 925(c).

Estimated Number of Respondents: 330,000 per year.

Frequency of Response: Once every five years until relief is granted.

Burden of Response: 65 minutes.

Application Fee: \$30.

List of Subjects in 28 CFR Part 16

Administrative practices and procedure, Courts, Freedom of information, Privacy Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order 2940–2008, the Department proposes to amend 28 CFR part 16 as follows:

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

■ 1. The authority citation for part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 553; 28 U.S.C. 509, 510, 534; 31 U.S.C. 3711.

■ 2. Section 16.79 is amended by adding revising paragraphs (c) and (d) as follows:

Subpart E—Exemption of Records Systems Under the Privacy Act

§ 16.79 [Amended]

* * * * *

(c) The following system of records is exempt from 5 U.S.C. 552a, subsections (c)(3) and (4); (d)(1), (2), (3), and (4); and (e)(1), (2), and (5): The Department of Justice, PARDON Firearms Rights Restoration Electronic Records Database, JUSTICE/OPA–002. These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j) and/or (k). Where DOJ determines that compliance would not appear to interfere with or adversely affect the purpose of this system to adjudicate applications to restore federal firearms rights and not interfere with law enforcement operations, the applicable exemption may be waived by the DOJ in its sole discretion.

(d) Exemptions from the particular subsections of the Privacy Act identified above are justified for the following reasons:

(1) From the subsection (c)(3) (accounting of disclosures) requirement that an accounting be made available to the named subject of a record because this system is exempt from the access provisions of subsection (d) of the Privacy Act and:

(i) The purpose of the creation and maintenance of the Firearms Rights Restoration Electronic Records Database, JUSTICE/OPA–002 is to enable PARDON to receive, track, and adjudicate applications to restore federal firearms rights, initiate the necessary investigations concerning these applications, and prepare recommendations for the Attorney General, or designee, to determine if, pursuant to 18 U.S.C. 925(c), relief from disability is warranted.

(ii) Release of the disclosure accounting, for disclosures pursuant to the routine uses published for this system, would permit the requester to obtain valuable information concerning the nature and scope of the firearms restoration adjudicatory process, undermine the ability to have candid communications among officials concerned with making recommendations to the Attorney General, and disclose the identity and personal characteristics of persons who furnished information to the Government under an express or implied promise of confidentiality. In addition, disclosure of the accounting would amount to notice to the individual of the existence of a record.

(2) From subsection (c)(4) (notice of amendment to record recipients) because this system is exempt from the access and amendment provisions of subsection (d) of the Privacy Act as well as the provision for making the accounting of disclosures available to an individual in subsection (c)(3).

(3) From subsections (d)(1), (2), (3), and (4) for the reasons stated in paragraph (d)(1) of this section and because these provisions concern individual access to and amendment of investigatory and adjudicatory records, compliance with which could compromise ongoing investigations; constitute unwarranted invasion of personal privacy of third parties; and compromise the integrity of the official adjudicatory record. Administrative due process could not be achieved by the ex parte “correction” of law enforcement and other evidentiary materials by the individual who is the subject thereof.

(4) From subsection (e)(1) (maintaining relevant and necessary

information) for the reasons stated in paragraph (d)(1) of this section and because it is not always possible to know in advance what information is relevant and necessary for the investigation and adjudication of applications and, in fact, a major tenet of the Firearms Rights Restoration Electronic Records Database program is that the relevance of certain information may not always be evident in the absence of the ability to correlate that information with other existing law enforcement data.

(5) From subsection (e)(2) (collect information directly from the subject) for the reasons stated in paragraph (d)(1) of this section and because application of this provision could present a serious impediment to efforts to fully investigate and adjudicate firearms rights restoration applications, which relies on information from a number of different sources.

(6) From subsection (e)(5) (maintaining accurate, relevant, timely, and complete records) for the reasons stated in paragraph (d)(1) of this section and because many of the records in this system are records contributed by other agencies and the restrictions imposed by (e)(5) would limit the utility of the system. While all data sources from federal agencies are required to ensure that information they share is relevant, timely, complete and accurate, exemption from this provision is warranted in order to reduce the administrative burden on PARDON to vouch for compliance with the provision by all data sources, including non-federal government agencies not subject to the requirements of the Privacy Act, and to encourage the sharing of information the significance of which may only become apparent when combined with other information in the system as necessary for the effective adjudication of eligibility and suitability for the restoration of federal firearms rights.

Dated: October 1, 2026.

Laurence E. Rothenberg,
Chief Privacy and Civil Liberties Officer,
United States Department of Justice.

[FR Doc. 2026–20532 Filed 10–6–26; 8:45 am]

BILLING CODE 4410–29–P

DEPARTMENT OF LABOR**Wage and Hour Division****29 CFR Parts 775, 776, 779, 782, 783, 784, 789, 793, and 794****[Docket No. WHD–2025–0002]****RIN 1235–AA52****Statements of General Policy or Interpretation Not Directly Related to Regulations; Withdrawal of Proposed Rule****AGENCY:** Wage and Hour Division, Department of Labor.**ACTION:** Withdrawal of proposed rule.

SUMMARY: The Department of Labor (Department) is withdrawing its notice of proposed rulemaking (NPRM) published on July 2, 2025 (90 FR 28985), which proposed to remove parts located in Title 29, Chapter V, Subchapter B of the Code of Federal Regulations (CFR) that were not originally issued, or subsequently amended, through notice-and-comment rulemaking. With this action, the Department is formally discontinuing this rulemaking process and removing this proposal from further consideration.

DATES: The proposed rule published on July 2, 2025 (90 FR 28985) is withdrawn as of October 6, 2026.

ADDRESSES: The docket for this withdrawn proposed rule is available at <https://www.regulations.gov/docket/WHD-2025-0002>.

FOR FURTHER INFORMATION CONTACT: Daniel Navarrete, Director, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division (WHD), U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number). Alternative formats are available upon request by calling 1–866–487–9243. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:**I. Background**

Since the 1940s, the Department's Wage and Hour Division (WHD) has provided "Statements of General Policy or Interpretations Not Directly Related to Regulations" in Title 29, Chapter V, Subchapter B of the CFR (Subchapter B), which presently spans parts 775 to 795. Most of the parts in Subchapter B provide interpretive guidance and policy statements on topics related to

the Fair Labor Standards Act (FLSA) that Congress has not specifically delegated rulemaking authority to the Department to address. While some of these parts, or provisions therein, were originally issued or subsequently amended through notice-and-comment rulemaking, many were not.

II. Summary of the Notice of Proposed Rulemaking

On July 2, 2025, the Department published an NPRM titled "Statements of General Policy or Interpretation Not Directly Related to Regulations" (90 FR 28985), in which it proposed to remove parts located in Subchapter B that were not originally issued, or subsequently amended, through notice-and-comment rulemaking. These parts consist of interpretive rules and policy statements regarding the FLSA that do not carry the force and effect of law. The Department proposed to repurpose these parts as subregulatory guidance, remove them from the CFR, and post or provide them elsewhere.

The Department also sought comment on what provisions in Subchapter B should be retained in the CFR, and, if the rule were finalized as proposed, what kind of subregulatory guidance the Department should use to preserve interpretive rules and policy statements removed from the CFR.

The NPRM provided a 30-day comment period that ended on August 1, 2025.

III. Summary of Comments

The Department received six substantive comments addressing the NPRM, of which two supported the proposal and four opposed it.¹ The commenters included stakeholders from the non-profit and private sectors, as well as individuals. Among other things, commenters focused on whether the proposal was needed and would add clarity for the regulated community, provided feedback on the best location for the interpretive guidance and policy statements at issue, and some addressed specific CFR parts or industry-specific issues.

IV. Rationale for Withdrawal

The Department has reevaluated the proposals contained in the NPRM and has concluded that further rulemaking action with respect to them no longer aligns with the Department's needs, priorities, and objectives. As a result, the Department is withdrawing the NPRM.

¹ The Department also received 10 comments requesting to extend the comment period, which the Department ultimately denied. See WHD–2025–0002–0012.

The Department's reassessment of the NPRM also finds support in several comments. Commenters raised a variety of concerns, including the impact of the proposed removal of certain longstanding regulations from Subchapter B on specific industries. The Department appreciates the comments received and will continue to consider more effective means to modernize and update its longstanding interpretive guidance, as well as to address some of the issues raised by commenters.

In sum, based on its reevaluation of the NPRM, the Department concludes that it would be inadvisable to move forward at this time with its proposal to remove certain parts from Subchapter B and repurpose them as subregulatory guidance outside of the CFR. Thus, the Department is withdrawing its proposed rule.

V. Conclusion

By withdrawing the proposed rule, the Department is formally concluding this rulemaking proceeding. If the Department determines in the future that revisions to any of the parts located in Subchapter B are warranted, it will undertake new regulatory action.

Accordingly, the NPRM published in the **Federal Register** on July 2, 2025, at 90 FR 28985, is withdrawn.

Dated: September 28, 2026.

Andrew B. Rogers,

Administrator, Wage and Hour Division.

[FR Doc. 2026–20523 Filed 10–6–26; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 117****[Docket No. USCG–2026–0889]****RIN 1625–AA09**

Drawbridge Operation Regulation; Bay St. Louis, Bay St. Louis, MS; Back Bay of Biloxi, Biloxi, MS; Pascagoula River, Pascagoula, MS; Three Mile Creek, Mobile, AL; Chickasaw Creek, Saraland, AL.

AGENCY: Coast Guard, DHS.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating procedures governing the five CSX Transportation drawbridges across Bay St. Louis, Bay St. Louis, MS; Back Bay of Biloxi, Biloxi, MS; Pascagoula River, Pascagoula, MS; Three Mile Creek, Mobile, AL; Chickasaw Creek, Saraland,

AL. CSX has proposed to operate each of these bridges from a remote location within the CSX Seibert Railroad Yard located in Mobile, AL. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before November 6, 2026.

ADDRESSES: You may submit comments identified by docket number USCG–2026–0889 at <https://www.regulations.gov>.

See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Douglas Blakemore, Coast Guard Heartland District Bridge Administration Branch Chief at 504.671.2127, Douglas.A.Blakemore@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
 CSX CSX Transportation
 DHS Department of Homeland Security
 FR Federal Register
 OMB Office of Management and Budget
 NPRM Notice of Proposed Rulemaking
 (Advance, Supplemental)
 § Section
 TDR Temporary Deviation to the
 Regulations
 U.S.C. United States Code

II. Background, Purpose and Legal Basis

In 2022 CSX proposed to start operating their drawbridges in Mississippi from their train yard located in Mobile, AL. This proposal included the following bridges: CSX drawbridge across Bay St. Louis, mile 0.5, Bay St. Louis, MS; CSX drawbridge across the Back Bay of Biloxi, mile 0.4, Biloxi, MS; CSX across the Pascagoula River, mile 1.5, Pascagoula, MS. The Coast Guard began a test of these remote operations systems in 2022 and published the following dockets:

(1) For the CSX drawbridge across Bay St. Louis—docket number USCG–2022–0299; a Temporary Deviation to the Regulations (TDR) published September 7, 2022 (87 FR 54619), and a NPRM published Aug 12, 2022 (87 FR 49793), both requested comments. We received three comments on the TDR from the American Waterways Operators (AWO), an anonymous submission, and the Brotherhood of Maintenance of Way

Employees Division (BMWED) and two comments on the NPRM.

(2) For the CSX drawbridge across the Back Bay of Biloxi, docket number USCG–2022–0360, TDR with request for comments published September 19, 2022 (87 FR 57147). We received three comments from AWO, BMWED, and the Gulf Intracoastal Canal Association (GICA).

(3) For the CSX drawbridge across the Pascagoula River, docket number USCG–2022–0298, TDR published September 7, 2022 (87 FR 54618), NPRM published August 16, 2022 (87 FR 50276), both requested comments. We received two comments from AWO and BMWED on the TDR and no comments on the NPRM.

Most of the commenters on those 2022 TDRs and NPRMs expressed safety concerns with allowing remote operations of the drawbridge. Some commenters discussed concerns with potential disruptions to vessel movement due to mechanical failures.

The Coast Guard cancelled all TDR's and NPRM's after the CSX drawbridge across the Mobile River was hit by a tow and barge on August 24, 2022. The Coast Guard investigation identified that the remote drawbridge tender had lowered the draw onto a tow and barge that was passing under the bridge. In June 2024 CSX identified the root cause of this casualty was human error. CSX has since installed human computer interfaces that would act as protective measures to prevent a CSX remote bridge operator from lowering a drawbridge onto a boat beneath this bridge. The Coast Guard confirmed that the protective measures were in place during a Coast Guard site visit in August 2024.

In October 2024 CSX again requested to remotely operate the above bridges located in Mississippi, as well as the CSX drawbridge across Three Mile Creek, mile 0.0 located in Mobile, AL and the CSX drawbridge across Chickasaw Creek, mile 0.0 located in Saraland, AL.

In June 2025 the Coast Guard denied these requests. CSX did not provide sufficient information to evaluate whether operating these drawbridges from a remote location would provide an equivalent level of safety, as related to navigation safety, as provided by an onsite bridge tender. In September 2025 CSX appealed this decision to the Commandant of the Coast Guard, Office of Coast Guard Bridge Programs (CG–BRG). Included in the appeal, CSX provided additional information on their safety and security programs.

In December 2025 the Coast Guard reviewed this additional information

and determined that it was sufficient to run a test of their remote operations systems. We approved a temporary deviation to the regulations starting June 22, 2026, and ending September 22, 2026, allowing CSX to operate these drawbridges from the Seibert train yard located in Mobile, AL. During these tests, CSX will have a bridge tender onsite at each bridge to operate the bridge if needed.

The CSX drawbridge across Bay St. Louis has a vertical clearance of 13' in the closed to vessel position. The bridge operates according to the general opening regulation in 33 CFR 117.5—requiring the bridge to open on signal—and is used by commercial tows, barges and recreational vessels. The bridge opens for vessels about six times per day and vessels that do not need the bridge to open may pass anytime.

The CSX drawbridge across Biloxi Bay has a vertical clearance of 14' in the closed to vessel position. The bridge operates according to the general opening regulation in 33 CFR 117.5 and is used by commercial fishing boats, some tows, barges and recreational vessels. The bridge opens for vessels about 4 times per day and vessels that do not need the bridge to open may pass anytime.

The CSX drawbridge across the Pascagoula River has a vertical clearance of 8' in the closed to vessel position. The bridge operates according to the general opening regulation in 33 CFR 117.5 and is used by commercial tows, barges and recreational vessels. The bridge opens for vessels about 17 times per day and vessels that do not need the bridge to open may pass anytime.

The CSX drawbridge across Three Mile Creek has a vertical clearance of 3' in the closed to vessel position. The bridge operates according to the general opening regulation in 33 CFR 117.5 and is used by commercial tows and barges. The bridge opens for vessels about 8 times per day and vessels that do not need the bridge to open may pass anytime.

The CSX drawbridge across Chickasaw Creek has a vertical clearance of 7' in the closed to vessel position. The bridge operates according to the general opening regulation in 33 CFR 117.5 and is used by commercial tows and barges. The bridge opens for vessels about 8 times per day and vessels that do not need the bridge to open may pass anytime.

At each bridge described above, CSX has installed infrared cameras, closed circuit cameras and TVs, communication systems and information technology systems on the

bridge that allow an operator from Mobile to monitor and control the bridge. They have developed operation manuals that remote operators use to control each bridge and have provided documentation that CSX meets all government cybersecurity regulations.

III. Discussion of Proposed Rule

Under this proposed rule, each of the bridges addressed in this rulemaking will be remotely operated from the CSX train yard in Mobile, AL, and will open on signal. Vessels may contact the remote bridge tender at VHF-FM channel 13 or by the telephone number posted on the bridge. This proposed rule requires CSX to stop trains from entering the signal block of the bridge and place and keep the draw in the open-to-boat position when any part of the remote system fails; communications between a boat and the bridge operator fail; weather prevents the remote operator from identifying boats and vessels; safety, security and procedural systems of any kind fail; or at the direction of the Coast Guard. The draw will be allowed to open and close again when CSX provides a bridge operator at the bridge location, or the failure has been corrected. Returning the bridge to remote operations will require the approval of the Coast Guard.

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 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. 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. This regulatory action determination is based on the ability that vessels can still transit the bridge upon giving a signal or anytime if they can pass under the drawbridge in the closed position.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this 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 rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. 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 contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. 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.

B. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

C. Federalism and Indian Tribal Governments

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

Also, this 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. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

D. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the

aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule will not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

E. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev.1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under paragraph L49, of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

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–2026–0889 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 your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

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 instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. Also, if you go to the online docket and sign up for email alerts through the “Subscribe” option, you will be notified when comments/updates are posted, or a final rule is published.

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 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 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and DHS Delegation No. 00170.1. Revision No. 1.04.

■ 2. Add § 117.108 to read as follows:

§ 117.108 Chickasaw Creek.

(a) The draw of the CSX swing bridge, mile 0.0, Mobile shall be remotely operated by a bridge tender located at the CSX train yard in Mobile, AL. The bridge shall be operated as follows.

(1) The draw will open on signal.

(2) Boats and vessels can contact the remote bridge tender at VHF–FM channel 13 or by the telephone number posted on the bridge.

(3) The draw will be immediately placed and left in the open-to-boat position if any of the below situations occur.

(i) If any combination of camera failures, thermal imaging capabilities or microwave sensor failures prevents the remote bridge tender from seeing upriver, downriver or beneath the bridge.

(ii) Any communications failures prevent the bridge tender from communicating with boats.

(iii) Weather prevents the remote bridge tender from visually identifying vessels or boats signaling the draw to open.

(iv) The railroad does not meet any government or agency safety requirements.

(v) The railroad does not meet any government or agency cybersecurity requirements.

(vi) Railroad safety and security procedures or equipment to close or open the bridge fail.

(vii) Anytime the CSX bridge tender is evacuated from the train yard for any reason or cannot perform any bridge operator activities for any reason.

(b) If any of the above situations in section (a)(3), take place CSX will immediately notify the Coast Guard Mobile Command Center to report the failure and that the draw has been placed and kept in the open-to-boat position.

(1) The draw may resume onsite opening and closing when a bridge operator arrives onsite and can safely operate the drawbridge and CSX notifies and receives approval from the Coast Guard.

(2) The draw may resume operating from the remote location when the situations listed in paragraph 3 have been corrected and CSX notifies and receives approval from the Coast Guard.

(c) CSX will immediately operate the bridge using an onsite bridge operator anytime at the direction of the District Commander.

(d) CSX shall maintain the working machinery of the drawbridge in good operating condition to be able to manually operate the bridge onsite.

■ 3. Add § 117.116 to read as follows:

§ 117.116 Three Mile Creek.

(a) The draw of the CSX swing bridge, mile 0.0, Mobile shall be remotely operated by a bridge tender located at the CSX train yard in Mobile, AL. The bridge shall be operated as follows.

(1) The draw will open on signal.

(2) Boats and vessels can contact the remote bridge tender at VHF–FM channel 13 or by the telephone number posted on the bridge.

(3) The draw will be immediately placed and left in the open-to-boat position if any of the below situations occur.

(i) If any combination of camera failures, thermal imaging capabilities or microwave sensor failures prevents the remote bridge tender from seeing upriver, downriver or beneath the bridge.

(ii) Any communications failures prevent the bridge tender from communicating with boats.

(iii) Weather prevents the remote bridge tender from visually identifying vessels or boats signaling the draw to open.

(iv) The railroad does not meet any government or agency safety requirements.

(v) The railroad does not meet any government or agency cybersecurity requirements.

(vi) Railroad safety and security procedures or equipment to close or open the bridge fail.

(vii) Anytime the CSX bridge tender is evacuated from the train yard for any reason or cannot perform any bridge operator activities for any reason.

(b) If any of the above situations in paragraph (a)(3) of this section take place, CSX will immediately notify the Coast Guard Mobile Command Center to report the failure and that the draw has been placed and kept in the open-to-boat position.

(1) The draw may resume onsite opening and closing when a bridge operator arrives onsite and can safely operate the drawbridge and CSX notifies and receives approval from the Coast Guard.

(2) The draw may resume operating from the remote location when the situations listed in paragraph (a)(3) of this section have been corrected and CSX notifies and receives approval from the Coast Guard.

(c) CSX will immediately operate the bridge using an onsite bridge operator anytime at the direction of the District Commander.

(d) CSX shall maintain the working machinery of the drawbridge in good operating condition to be able to manually operate the bridge onsite.

■ 4. In § 117.675, add paragraph (c) to read as follows:

§ 117.675 Back Bay of Biloxi.

* * * * *

(c) The draw of the CSX swing bridge, mile 0.4, Biloxi shall be remotely operated by a bridge tender located at the CSX train yard in Mobile, AL. The bridge shall be operated as follows.

(1) The draw will open on signal.

(2) Boats and vessels can contact the remote bridge tender at VHF–FM channel 13 or by the telephone number posted on the bridge.

(3) The draw will be immediately placed and left in the open-to-boat position if any of the below situations occur.

(i) If any combination of camera failures, thermal imaging capabilities or microwave sensor failures prevents the remote bridge tender from seeing upriver, downriver or beneath the bridge.

(ii) Any communications failures prevent the bridge tender from communicating with boats.

(iii) Weather prevents the remote bridge tender from visually identifying

vessels or boats signaling the draw to open.

(iv) The railroad does not meet any government or agency safety requirements.

(v) The railroad does not meet any government or agency cybersecurity requirements.

(vi) Railroad safety and security procedures or equipment to close or open the bridge fail.

(vii) Anytime the CSX bridge tender is evacuated from the train yard for any reason or cannot perform any bridge operator activities for any reason.

(4) If any of the above situations in paragraph (c)(3) of this section take place, CSX will immediately notify the Coast Guard Mobile Command Center to report the failure and that the draw has been placed and kept in the open-to-boat position.

(1) The draw may resume onsite opening and closing when a bridge operator arrives onsite and can safely operate the drawbridge and CSX notifies and receives approval from the Coast Guard.

(2) The draw may resume operating from the remote location when the situations listed in paragraph (c)(3) of this section have been corrected and CSX notifies and receives approval from the Coast Guard.

(5) CSX will immediately operate the bridge using an onsite bridge operator anytime at the direction of the District Commander.

(6) CSX shall maintain the working machinery of the drawbridge in good operating condition to be able to manually operate the bridge onsite.

■ 5. Add § 117.677 to read as follows:

§ 117.677 Bay St. Louis.

(a) The draw of the CSX swing bridge, mile 0.5, Bay St. Louis shall be remotely operated by a bridge tender located at the CSX train yard in Mobile, AL. The bridge shall be operated as follows.

(1) The draw will open on signal.

(2) Boats and vessels can contact the remote bridge tender at VHF-FM channel 13 or by the telephone number posted on the bridge.

(3) The draw will be immediately placed and left in the open-to-boat position if any of the below situations occur.

(i) If any combination of camera failures, thermal imaging capabilities or microwave sensor failures prevents the remote bridge tender from seeing upriver, downriver or beneath the bridge.

(ii) Any communications failures prevent the bridge tender from communicating with boats.

(iii) Weather prevents the remote bridge tender from visually identifying

vessels or boats signaling the draw to open.

(iv) The railroad does not meet any government or agency safety requirements.

(v) The railroad does not meet any government or agency cybersecurity requirements.

(vi) Railroad safety and security procedures or equipment to close or open the bridge fail.

(vii) Anytime the CSX bridge tender is evacuated from the train yard for any reason or cannot perform any bridge operator activities for any reason.

(b) If any of the above situations in paragraph (a)(3) of this section take place, CSX will immediately notify the Coast Guard Mobile Command Center to report the failure and that the draw has been placed and kept in the open-to-boat position.

(1) The draw may resume onsite opening and closing when a bridge operator arrives onsite and can safely operate the drawbridge and CSX notifies and receives approval from the Coast Guard.

(2) The draw may resume operating from the remote location when the situations listed in paragraph (a)(3) of this section have been corrected and CSX notifies and receives approval from the Coast Guard.

(c) CSX will immediately operate the bridge using an onsite bridge operator anytime at the direction of the District Commander.

(d) CSX shall maintain the working machinery of the drawbridge in good operating condition to be able to manually operate the bridge onsite.

■ 6. Add § 117.682 to read as follows:

§ 117.682 Pascagoula River.

(a) The draw of the CSX swing bridge, mile 1.5, Pascagoula shall be remotely operated by a bridge tender located at the CSX train yard in Mobile, AL. The bridge shall be operated as follows.

(1) The draw will open on signal.

(2) Boats and vessels can contact the remote bridge tender at VHF-FM channel 13 or by the telephone number posted on the bridge.

(3) The draw will be immediately placed and left in the open-to-boat position if any of the below situations occur.

(i) If any combination of camera failures, thermal imaging capabilities or microwave sensor failures prevents the remote bridge tender from seeing upriver, downriver or beneath the bridge.

(ii) Any communications failures prevent the bridge tender from communicating with boats.

(iii) Weather prevents the remote bridge tender from visually identifying

vessels or boats signaling the draw to open.

(iv) The railroad does not meet any government or agency safety requirements.

(v) The railroad does not meet any government or agency cybersecurity requirements.

(vi) Railroad safety and security procedures or equipment to close or open the bridge fail.

(vii) Anytime the CSX bridge tender is evacuated from the train yard for any reason or cannot perform any bridge operator activities for any reason.

(b) If any of the above situations in paragraph (a)(3) of this section take place, CSX will immediately notify the Coast Guard Mobile Command Center to report the failure and that the draw has been placed and kept in the open-to-boat position.

(1) The draw may resume onsite opening and closing when a bridge operator arrives onsite and can safely operate the drawbridge and CSX notifies and receives approval from the Coast Guard.

(2) The draw may resume operating from the remote location when the situations listed in paragraph (a)(3) of this section have been corrected and CSX notifies and receives approval from the Coast Guard.

(c) CSX will immediately operate the bridge using an onsite bridge operator anytime at the direction of the District Commander.

(d) CSX shall maintain the working machinery of the drawbridge in good operating condition to be able to manually operate the bridge onsite.

W.E. Watson,

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

[FR Doc. 2026-20545 Filed 10-6-26; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA-R03-OAR-2026-6205; FRL-13584-01-R3]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; West Virginia; Negative Declarations for Existing Large Municipal Waste Combustors and Other Solid Waste Incinerators

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the negative declarations submitted by the West Virginia Department of Environmental Protection (WVDEP) on July 13, 2026. The negative declarations submitted by WVDEP certify that there are no existing large municipal waste combustors (LMWC) or other solid waste incinerators (OSWI) subject to sections 111(d) and 129 of the Clean Air Act (CAA) within the jurisdiction of West Virginia.

DATES: Written comments must be received on or before November 6, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R03-OAR-2026-6205 at *Regulations.gov*, or via email to *He.Yongtian@epa.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*. For either manner of submission, 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. 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 *www.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Krystal Stankunas, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-5271. Ms. Stankunas can also be reached via electronic mail at *Stankunas.Krystal@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The CAA requires State regulatory agencies to implement emission guidelines and associated compliance times using a State plan developed under sections 111(d) and 129 of the

CAA. Section 111(d) of the CAA establishes standards of performance for certain existing sources. Air pollutants included under this section are those which have not already been established as air quality criteria pollutants via 42 United States Code (U.S.C.) 7408(a) or hazardous air pollutants via 42 U.S.C. 7412. Section 111(d)(1) of the CAA requires states to submit to the EPA for approval a plan that establishes standards of performance. The plan must provide that the State will implement and enforce the standards of performance.

Section 129 of the CAA requires emission guidelines to be promulgated for solid waste incineration units, including LMWC and OSWI. Section 129 of the CAA mandates that all plan requirements be at least as protective as the promulgated emission guidelines, including fixed final compliance dates, fixed compliance schedules, and title V permitting requirements for all affected sources. Section 129 of the CAA also requires the states to submit plans to the EPA within one year after promulgation of the emission guidelines and compliance times.

The EPA prescribes a Federal plan if a State does not submit a state-specific plan or the submitted plan is disapproved. If a State has no designated facilities for a standards of performance source category, it may submit a negative declaration in lieu of a State plan for that source category in accordance with 40 Code of Federal Regulations (CFR) 60.23(b), 60.23a(b) and 62.06.

II. Summary of Action and EPA Analysis

The Emissions Guidelines and Compliance Times for Large Municipal Waste Combustors That are Constructed on or Before September 20, 1994, as codified at 40 CFR part 60 subpart Cb (subpart Cb) apply to states with designated LMWCs. An LMWC is defined at 40 CFR 60.32b(a). The designated facilities to which the emission guidelines and compliance times apply are existing LMWC units for which construction was commenced on or before September 20, 1994.

The Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units, as codified at 40 CFR part 60 subpart FFFF (subpart FFFF) apply to states with an existing OSWI as defined at 40 CFR 60.2992. OSWIs addressed by this subpart include those specified by the dates listed under 40 CFR 60.2992.

WVDEP submitted negative declarations to the EPA on July 13, 2026, certifying that there are no

existing large municipal waste combustors or other solid waste incinerators in its jurisdiction that are subject to the requirements of 40 CFR part 60, subpart Cb and subpart FFFF, respectively. For additional background information on WVDEP's negative declaration, see the documents that are available at *Regulations.gov*, Docket ID No. EPA-R03-OAR-2026-6205.

III. Proposed Action

The EPA is proposing to amend 40 CFR part 62 to reflect EPA's receipt of WVDEP's negative declarations for LMWC and OSWI. The negative declarations satisfy the requirements of 40 CFR 60.23(b), 60.23a(b), and 62.06, serving in lieu of a CAA section 111(d)/129 plan for existing large municipal waste combustors and other solid waste incinerators. The EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

Under the CAA, the EPA has the authority to approve a 129/111(d) negative declaration in lieu of a State plan that complies with the provisions of the CAA and applicable Federal regulations. See 40 CFR 62.06. In reviewing 129/111(d) negative declaration letters, EPA's role is to approve State choices, provided that they meet the criteria of the CAA and of EPA's implementing regulations. Accordingly, this action merely notifies the public of the EPA's receipt of WVDEP's negative declarations for LMWC and OSWI and does not impose additional requirements. For that reason, the EPA concludes the following.

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 expected to be 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 (44 U.S.C. 3501 *et seq.*) because it

does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action 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.*).

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) and does not significantly or uniquely affect small governments.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999) because 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 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 directs Federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in Federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

H. Executive Order 13211: Actions Concerning Regulations 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.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards. This action is not subject to the 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.

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

This action does not have tribal implications as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

[FR Doc. 2026–20611 Filed 10–6–26; 8:45 am]

BILLING CODE 6560–50–P

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 COMMERCE

International Trade Administration
[A-301-805]

Certain Paper Shopping Bags From Colombia: Preliminary Results of Antidumping Duty Administrative Review; 2024-2025

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that Ditar S.A. (Ditar) made sales of certain paper shopping bags (paper shopping bags) from Colombia at less than normal value (NV) during the period of review (POR), January 3, 2024, through June 30, 2025. We invite interested parties to comment on these preliminary results.

DATES: Applicable October 7, 2026.

FOR FURTHER INFORMATION CONTACT: Alexander Cipolla, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4956.

SUPPLEMENTARY INFORMATION:

Background

On July 18, 2024, Commerce published in the **Federal Register** the antidumping duty order on paper shopping bags from Colombia.¹ On June 30, 2025, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order*.² On August 22, 2025, based on timely requests for review, in

¹ See *Certain Paper Shopping Bags from Cambodia, Colombia, India, Malaysia, Portugal, Taiwan, the People's Republic of China, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 89 FR 58334 (July 18, 2024) (*Order*).

² See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List*, 90 FR 27841 (June 30, 2025).

accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the *Order* covering one company.³

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings 47 days.⁴ Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.⁵ Between June and September, 2026, Commerce extended the deadline for issuing the preliminary results.⁶ The deadline for the preliminary results is now October 7, 2026.

For a complete description of the events that followed the initiation of the review, see the Preliminary Decision Memorandum.⁷ A list of topics included in the Preliminary Decision Memorandum is included in the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS, which is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/frnotices>.

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 90 FR 41043 (August 22, 2025).

⁴ See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.

⁵ See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

⁶ See Memoranda, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated June 2, 2026; "Second Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated June 25, 2026; "Third Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated August 4, 2026; and "Fourth Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated September 8, 2026.

⁷ See Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Certain Paper Shopping Bags from Colombia; 2024-2025," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Scope of the Order

The merchandise subject to the *Order* is paper shopping bags from Colombia. For a complete description of the scope, see the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act and 19 CFR 351.213. Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

Preliminary Results of Review

We preliminarily determine the following weighted-average dumping margin exists for the period January 3, 2024, through June 30, 2025:

Exporter/producer	Weighted-average dumping margin (percent)
Ditar S.A	6.47

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance.⁸ Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce no later than 21 days after the date of the publication of this notice in the **Federal Register**. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.⁹ Interested parties who submit case or rebuttal briefs in this

⁸ See 19 CFR 351.309(c)(1)(ii); see also 19 CFR 351.303 (for general filing requirements).

⁹ See 19 CFR 351.309(d).

proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹⁰ All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹¹ Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results of this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹²

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS within 30 days after the publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants, and whether any participant is a foreign national; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. If a hearing request is made, Commerce will inform parties of the scheduled date for the hearing.¹³

Assessment Rates

Upon completion of this administrative review, pursuant to section 751(a)(2)(A) of the Act, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise.

If the weighted-average dumping margin for Ditar (*i.e.*, the sole

individually-examined respondent in this review) is not zero or *de minimis* (*i.e.*, less than 0.50 percent) in the final results of this review, we will calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). If the respondent has not reported entered values, we will calculate a per-unit assessment rate for each importer by dividing the total amount of dumping calculated for the examined sales made to that importer by the total quantity associated with those sales. To determine whether an importer-specific, per-unit assessment rate is *de minimis*, in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. Where either a respondent's weighted average dumping margin is zero or *de minimis*, or an importer-specific *ad valorem* assessment rate is zero or *de minimis*, we intend to instruct CBP to liquidate appropriate entries without regard to antidumping duties.¹⁴

For entries of subject merchandise during the POR produced by Ditar for which the producer did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate (*i.e.*, 11.16 percent) if there is no rate for the intermediate company(ies) involved in the transaction.¹⁵

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the

subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Ditar will be equal to the weighted-average dumping margin established in the final results of this administrative review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be the all-others rate of 11.16 percent.¹⁶ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their case briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and

¹⁰ See 19 CFR 351.309(c)(2) and (d)(2).

¹¹ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹² See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).

¹³ See 19 CFR 351.310(d).

¹⁴ See 19 CFR 351.106(c)(2); see also *Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012).

¹⁵ See *Certain Paper Shopping Bags from Colombia: Notice of Court Decision Not in Harmony With the Final Determination of Antidumping Investigation; Notice of Amended Final Determination; Notice of Amended Antidumping Duty Order, in Part*, 91 FR 30615, 30616 (May 26, 2026) (*Amended Order*); see also *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹⁶ See *Amended Order*, 91 FR at 30616.

777(i)(1) of the Act, 19 CFR 351.213(h), and 19 CFR 351.221(b)(4).

Dated: October 1, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Discussion of the Methodology
- V. Currency Conversion
- VI. Recommendation

[FR Doc. 2026–20551 Filed 10–6–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–825]

Certain Paper Shopping Bags From Malaysia: Preliminary Results, Preliminary Determination of No Shipments and Rescission, in Part, of Antidumping Duty Administrative Review; 2024–2025

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that Hexachase Packaging Sdn. Bhd. (Hexachase) made sales of subject merchandise at less than normal value (NV) during the period of review (POR), January 3, 2024, through June 30, 2025. Commerce also preliminarily determines that Sin Boon Beng Printing Sdn. Bhd. (SBBP), made no shipments during the POR. Finally, we are rescinding the review with respect to two companies. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable October 7, 2026.

FOR FURTHER INFORMATION CONTACT: Sarah Keith or Nathan Depew, 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) 482–0264 or (202) 482–5823.

SUPPLEMENTARY INFORMATION:

Background

On August 22, 2025, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty (AD) order on certain

paper shopping bags (shopping bags) from Malaysia.¹ On January 7, 2026, Commerce selected Hexachase and SBBP as the mandatory respondents in this review.²

Due to the lapse in appropriations and Federal Government shutdown on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.³ Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.⁴ On June 2, 2026, we extended the preliminary results of this review to September 30, 2026.⁵ On September 25, 2026, we extended the preliminary results of this review to no later than October 5, 2026.⁶

For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.⁷ A list of the topics discussed in the Preliminary Decision Memorandum is attached as appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS, which is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed at <https://access.trade.gov/frnotices>.

Scope of the Order

The merchandise subject to the *Order* is shopping bags. For a complete

description of the scope of the *Order*, see the Preliminary Decision Memorandum.

Preliminary Determination of No Shipments

On February 2, 2026, we received a submission from SBBP certifying that it did not have sales, shipments, or exports of subject merchandise to the United States during the POR.⁸ On August 10, 2026, we requested the U.S. Customs and Border Protection (CBP) entry data of subject merchandise imported into the United States during the POR and exported by SBBP.⁹ We placed the data received from CBP on the record and invited parties to comment.¹⁰ On September 9, 2026, Novolex Holdings, LLC (the petitioner) submitted comments regarding the CBP data and SBBP's certifications of no shipments of subject merchandise during the POR.¹¹ On September 23, 2026, SBBP submitted rebuttal comments.¹²

Based on record information, we preliminarily determine that SBBP did not have knowledge that the subject merchandise was destined for the United States and, thus, SBBP is not considered the exporter of subject merchandise during the POR for the purposes of this review.¹³ Therefore, we preliminarily determine that SBBP made no shipments of subject merchandise during the POR. Consistent with Commerce's practice, we find that it is not appropriate to rescind the review with respect to SBBP, but rather to complete the review and issue appropriate instructions to CBP based on the final results of this review.¹⁴

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an AD order where it concludes that there were no suspended entries of subject merchandise during the POR.¹⁵

⁸ See SBBP's Letter, "No Shipments Letter for Sin Boon Beng Printing Sdn Bhd," dated February 2, 2026.

⁹ See Memorandum, "Entry Summary Documentation," dated September 3, 2026.

¹⁰ *Id.*

¹¹ See Petitioner's Letter, "Comments Regarding Entry Summary Documentation," dated September 9, 2026.

¹² See SBBP's Letter, "Rebuttal Comments Regarding Entry Summary Documentation," dated September 23, 2026.

¹³ See Preliminary Decision Memorandum.

¹⁴ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹⁵ See, e.g., *Certain Carbon and Alloy Steel Cut-to Length Plate from the Federal Republic of*

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 90 FR 41043 (August 22, 2025); see also *Certain Paper Shopping Bags from Cambodia, Colombia, India, Malaysia, Portugal, Taiwan, the People's Republic of China, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 89 FR 58334 (July 18, 2024) (*Order*).

² See Memorandum, "2024–2025 Administrative Review of Certain Paper Bags from Malaysia: Respondent Selection," dated January 7, 2026.

³ See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.

⁴ See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

⁵ See Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated June 2, 2026.

⁶ See Memorandum, "Second Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated September 25, 2026.

⁷ See Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Certain Paper Shopping Bags from Malaysia; 2024–2025," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Normally, upon completion of an administrative review, the suspended entries are liquidated at the AD assessment rate for the review period.¹⁶ Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct CBP to liquidate at the AD assessment rate calculated for the POR.¹⁷ Commerce notified all interested parties of its intent to rescind the instant review regarding the companies listed in Appendix II because there were no reviewable, suspended entries of subject merchandise from these companies during the POR and invited interested parties to comment.¹⁸ No party commented on this memorandum. In the absence of any suspended entries of subject merchandise from these companies during the POR, we are rescinding this administrative review for the companies listed in Appendix II, in accordance with 19 CFR 351.213(d)(3).

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following estimated weighted-average dumping margin exists for the period January 3, 2024, through June 30, 2025:

Producer/exporter	Weighted-average dumping margin (percent)
Hexachase Packaging Sdn. Bhd	2.16

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.¹⁹ 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.²⁰ 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.²¹ All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised in their briefs.²² Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public

executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).²³

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants, and whether any participant is a foreign national; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.²⁴

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

If Hexachase's weighted-average dumping margin is not zero or *de minimis* (i.e., less than 0.50 percent) in the final results of this review, Commerce intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.²⁵ To determine whether an importer-specific, per-unit assessment rate is *de minimis*, in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. If Hexachase's weighted-average dumping margin is zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis*, we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.²⁶

Germany: Recission of Antidumping Administrative Review; 2020–2021, 88 FR 4154 (January 24, 2023).

¹⁶ See 19 CFR 351.212(b)(1).

¹⁷ See, e.g., *Shanghai Sunbeauty Trading Co. v. United States*, 380 F. Supp. 3d 1328, 1337 (CIT 2019), at 12 (referring to section 751(a) of the Act, the U.S. Court of International Trade held that “[w]hile the statute does not explicitly require that an entry be suspended as a prerequisite for establishing entitlement to a review, it does explicitly state the determined rate will be used as the liquidation rate for the reviewed entries. This result can only obtain if the liquidation of entries has been suspended”; see also *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019*, 86 FR 36102, and accompanying Issues and Decision Memorandum at Comment 4; and *Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation: Notice of Rescission of Antidumping Duty Administrative Review*, 77 FR 65532 (October 29, 2012) (noting that “for an administrative review to be conducted, there must be a reviewable, suspended entry to be liquidated at the newly calculated assessment rate”).

¹⁸ See Memorandum, “Notice of Intent to Rescind Review, In Part,” dated August 20, 2026.

¹⁹ See 19 CFR 351.309.

²⁰ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (APO and Service Procedures).

²¹ See 19 CFR 351.309(c)(2) and (d)(2).

²² We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

²³ See APO and Service Procedures.

²⁴ See 19 CFR 351.310(d).

²⁵ See 19 CFR 351.212(b)(1).

²⁶ See 19 CFR 351.106(c)(2); see also *Antidumping Proceeding: Calculation of the*

In accordance with Commerce's "automatic assessment" practice, for entries of subject merchandise during the POR produced by Hexachase for which it did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate calculated in the less-than-fair-value (LTFV) investigation if there is no rate for the intermediate company(ies) involved in the transaction.²⁷

For the companies listed in Appendix II for which the review is being rescinded, Commerce will instruct CBP to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit rate for estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue rescission instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Commerce intends to issue assessment instructions to CBP regarding Hexachase no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered by this review, the cash deposit rate will

continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 3.18 percent, the all-others rate established in the LTFV investigation.²⁸ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: October 2, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Preliminary Determination of No Shipments
- V. Partial Rescission of Administrative Review
- VI. Discussion of the Methodology
- VII. Currency Conversion
- VIII. Recommendation

Appendix II

Companies Rescinded for Review

1. UPS SCS (Malaysia) Services Sdn Bhd.
2. Qlopac Sdn Bhd.

[FR Doc. 2026–20549 Filed 10–6–26; 8:45 am]

BILLING CODE 3510–DS–P

²⁸ See Order.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–917]

Certain Paper Shopping Bags From India: Preliminary Results and Rescission, in Part of Antidumping Duty Administrative Review; 2024–2025

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that Ckaari Packaging Private Limited (Ckaari) and Velvin Packaging Solution Private Limited, Velvin Paper Products, and the Velvin Group (collectively, Velvin) made sales of certain paper shopping bags (paper bags) from India at less than normal value (NV) during the period of review (POR), January 3, 2024, through June 30, 2025. In addition, we are rescinding the review, in part, with respect to seven companies. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable October 7, 2026.

FOR FURTHER INFORMATION CONTACT: Carter Sherwin or Gorden Struck, 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) 482–4260 or (202) 482–8151, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 22, 2025, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty (AD) order on paper bags from India.¹

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled deadlines for this administrative proceeding by an additional 47 days.² Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled deadlines for

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 90 FR 41043, 41045 (August 22, 2025) (*Initiation Notice*).

² See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated November 14, 2025.

Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification, 77 FR 8101, 8103 (February 14, 2012).

²⁷ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

this administrative proceeding by an additional 21 days.³

On December 15, 2025, Commerce selected Ckaari and Velvin as the mandatory respondents in this review.⁴ This review covers 23 producers and/or exporters of the subject merchandise. On May 6 and September 25, 2026, we extended the preliminary results of this by 113 and two days, respectively.⁵ Accordingly, the deadline to complete the preliminary results of this review is September 30, 2026.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.⁶ A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice.⁷ The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS, which is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed at <https://access.trade.gov/frnotices>.

Scope of the Order

The merchandise subject to the *Order* is paper bags from India. For a complete description of the scope of the *Order*, *see* the Preliminary Decision Memorandum.

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an AD order where it concludes that there were no suspended entries of subject merchandise during the POR.⁸ Normally, upon completion of an administrative review, the suspended entries are liquidated at the AD assessment rate for the review period.⁹ Therefore, for an administrative review

to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the AD assessment rate calculated for the POR.¹⁰

Commerce notified all interested parties of its intent to rescind the instant review regarding the companies listed in Appendix III because there were no reviewable, suspended entries of subject merchandise from these companies during the POR and invited interested parties to comment.¹¹ No party commented on this memorandum. In the absence of any suspended entries of subject merchandise from these companies during the POR, we are rescinding this administrative review for the companies listed in Appendix III, in accordance with 19 CFR 351.213(d)(3).

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Rate for Non-Individually Examined Companies

The Act and Commerce's regulations do not address the establishment of a rate to apply to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a

market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review.

Under section 735(c)(5)(A) of the Act, the all-others rate is normally an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any rates that are zero or *de minimis* (*i.e.*, less than 0.5 percent), and any rates determined entirely on the basis of facts available. Where the weighted-average dumping margin for each of the individually examined companies is zero, *de minimis*, or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use "any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted-average dumping margins determined for the exporters and producers individually investigated."

In this administrative review, we preliminarily calculated weighted-average dumping margins for the mandatory respondents, Velvin and Ckaari, that are not zero, *de minimis*, or based entirely on facts available. Accordingly, we are preliminarily assigning to the companies under review that were not selected for individual examination a weighted-average dumping margin equal to the weighted average of the estimated weighted-average dumping margins calculated for Velvin and Ckaari, weighted by the mandatory respondents' publicly ranged total sales values, consistent with 19 CFR 351.109(g).¹²

¹² With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the dumping margins calculated for the examined respondents; (B) a simple average of the dumping margins calculated for the examined respondents; and (C) a weighted-average of the dumping margins calculated for the examined respondents using each company's publicly ranged U.S. sale quantities for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See, e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part*, 75 FR 53661, 53663 (September 1, 2010); *see also* Memorandum, "Calculation of the Weighted-Average Dumping Margin for the Companies Not Selected for Individual Examination," dated concurrently with this notice.

³ *See* Memorandum, "Trolling of All Case Deadlines," dated November 24, 2025.

⁴ *See* Memorandum, "Respondent Selection," dated December 15, 2025.

⁵ *See* Memoranda, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2024–2025," dated May 6, 2026; and "Second Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2024–2025," dated May 25, 2026.

⁶ *See* Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Order on Certain Paper Shopping Bags from India; 2024–2025," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁷ *See* Appendix I, *infra*.

⁸ *See, e.g., Certain Carbon and Alloy Steel Cut-to Length Plate from the Federal Republic of Germany: Recession of Antidumping Administrative Review; 2020–2021*, 88 FR 4154 (January 24, 2023).

⁹ *See* 19 CFR 351.212(b)(1).

¹⁰ *See, e.g., Shanghai Sunbeauty Trading Co. v. United States*, 380 F.Supp.3d 1328, 1337 (CIT 2019), at 12 (referring to section 751(a) of the Act, the U.S. Court of International Trade held that "[w]hile the statute does not explicitly require that an entry be suspended as a prerequisite for establishing entitlement to a review, it does explicitly state the determined rate will be used as the liquidation rate for the reviewed entries. This result can only obtain if the liquidation of entries has been suspended"; *see also Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019*, 86 FR 36102, and accompanying Issues and Decision Memorandum at Comment 4; and *Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation: Notice of Rescission of Antidumping Duty Administrative Review*, 77 FR 65532 (October 29, 2012) (noting that "for an administrative review to be conducted, there must be a reviewable, suspended entry to be liquidated at the newly calculated assessment rate").

¹¹ *See* Memorandum, "Notice of Intent to Rescind Review, In Part," dated March 2, 2026.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following estimated weighted-average dumping margin exists for the period January 3, 2024, through June 30, 2025:

Producer/exporter	Weighted-average dumping margin (percent)
Ckaari Packaging Private Limited	1.23
Velvin Packaging Solution Private Limited; Velvin Paper Products	3.01
Companies Not Selected for Individual Review ¹³	2.44

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Verification

Commerce received a timely request from Novolex Holdings, LLC (the petitioner) to verify the information submitted in this administrative review, pursuant to 19 CFR 351.307(b)(1)(iv).¹⁴ Commerce does not intend to verify the information submitted by the mandatory respondents in the course of this administrative review because Commerce conducted verification in the initial investigation and the criterion specified in subpart (B) of 19 CFR 351.307(b)(V) has not been satisfied.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.¹⁵ 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.¹⁶ 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.¹⁷ All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public summary for each issue raised in their briefs.¹⁸ Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁹

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants, and whether any participant is a foreign national; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.²⁰

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

If Ckaari or Velvin's weighted-average dumping margins are not zero or *de minimis* (i.e., less than 0.50 percent) in

the final results of this review, Commerce intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.²¹ To determine whether an importer-specific, per-unit assessment rate is *de minimis*, in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. If Ckaari's or Velvin's weighted-average dumping margins are zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis*, we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.²²

In accordance with Commerce's "automatic assessment" practice, for entries of subject merchandise during the POR produced by Ckaari or Velvin for which they did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate calculated in the less-than-fair-value (LTFV) investigation if there is no rate for the intermediate company(ies) involved in the transaction.²³

For the companies listed in Appendix II which were not selected for individual review, we will assign an assessment rate based on the review-specific rate, calculated as noted in the "Rate for Non-Individually Examined Companies" section, above. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.²⁴

For the companies listed in Appendix III for which the review is being rescinded, Commerce will instruct CBP to assess antidumping duties on all

¹³ The exporters or producers not selected for individual review are listed in Appendix II.
¹⁴ See Petitioner's Letter, "Request for Verification," dated January 30, 2026.
¹⁵ See 19 CFR 351.309.
¹⁶ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

¹⁷ See 19 CFR 351.309(c)(2) and (d)(2).
¹⁸ We use the term "issue" here to describe an argument Commerce would normally address in a comment of the Issues and Decision Memorandum.
¹⁹ See *APO and Service Procedures*.
²⁰ See 19 CFR 351.310(d).
²¹ See 19 CFR 351.212(b)(1).
²² See 19 CFR 351.106(c)(2); see also *Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012).
²³ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).
²⁴ See section 751(a)(2)(C) of the Act.

appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit rate for estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue rescission instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered by this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 1.20 percent, the all-others rate established in the LTFV investigation.²⁵ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of

antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: October 2, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Affiliation and Single Entity Treatment
- V. Discussion of the Methodology
- VI. Currency Conversion
- VII. Recommendation

Appendix II

Review-Specific Rate Applicable to Companies Not Selected for Individual Review

1. Adeera Packaging Pvt. Ltd
2. Archies Limited
3. Asha Creation
4. Canpac Trends Private Limited
5. Carrywell Packaging Pvt. Ltd.
6. Colorbox
7. JK Industries
8. Kuloday Plastomers Pvt. Ltd.
9. Laser Edge Graphics
10. Max Packaging
11. Pack Planet Pvt. Ltd.
12. Paras Webcoat Pvt. Ltd.
13. SGM Paper Products
14. Tejaswi Plastic Pvt. Ltd.

Appendix III

Companies With No Reviewable Entries

1. Amate Products Pvt. Ltd.
2. Dynaflex Private Limited
3. Harrshan Pro-Pack LLP
4. Poonam
5. Shriniwas Enterprises
6. True Tag International Private Limited
7. Vama Packaging

[FR Doc. 2026-20547 Filed 10-6-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XG074]

South Atlantic Fishery Management Council—Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will host a meeting of the Wreckfish Advisory Panel (AP) on November 4 through November 6, 2026.

DATES: The meeting will be held from 8:30 a.m. until 5 p.m. EDT on November 4 and November 5 and from 8:30 a.m. until 12 p.m. on November 6, 2026.

ADDRESSES:

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

Meeting Address: The AP meeting will be held at the Town & Country Inn and Suites; 2008 Savannah Hwy., Charleston, SC 29407; phone: (843) 571-1000. The meeting will also be available via webinar. Registration is required. Webinar registration, an online public comment form, and briefing book materials will be available 2 weeks prior to the meetings at: <https://safmc.net/advisory-panel-meetings/>.

FOR FURTHER INFORMATION CONTACT:

Christina Curtis, Fishery Social Scientist, SAFMC; phone 843/302-8437 or toll free 866/SAFMC-10; FAX 843/769-4520; email: christina.curtis@safmc.net

SUPPLEMENTARY INFORMATION: The Wreckfish AP will receive an update on the Council's resilient fisheries project using adaptive implementable management to develop a stakeholder driven management strategy for the wreckfish fishery. The AP will work with project developers to develop management recommendations that are robust to future uncertainty using decision support tools that explore various management measures and harvest control rules. The AP will also review a draft of the second subsequent Wreckfish Individual Transferable Quota Program Review and provide input on conclusions and recommendations.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

²⁵ See *Order*.

Dated: October 2, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026-20500 Filed 10-6-26; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Tilefish Individual Fishing Quota Program

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on June 11, 2026 (91 FR 35467) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration, NMFS, Commerce.

Title: Tilefish Individual Fishing Quota Program.

OMB Control Number: 0648-0590.

Form Number(s): None.

Type of Request: Regular submission [extension of a current information collection].

Number of Respondents: 55.

Average Hours per Response: IFQ Allocation permits—30 minutes new application or 15 minutes for renewal, Declaration Form—5 minutes, IFQ Transfer—5 minutes, and Fees and Cost Recovery—1 hour.

Total Annual Burden Hours: 18 hours.

Needs and Uses: This request is for an extension of a currently approved information collection.

NMFS Greater Atlantic Region manages the golden tilefish fishery of the Exclusive Economic Zone (EEZ) of the Northeastern United States, through the Tilefish Fishery Management Plan (FMP). The Mid-Atlantic Fishery Management Council prepared the FMP

pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The regulations implementing the FMP are specified at 50 CFR part 648 subpart N.

The recordkeeping and reporting requirements at § 648.294 form the basis for this collection of information. NMFS requests information from tilefish individual fishing quota (IFQ) permit holders to process applications that ensure IFQ allocation holders are provided a statement of their annual catch quota, and for enforcement purposes, to ensure vessels are not exceeding an individual quota allocation. In conjunction with the application, NMFS also collects IFQ share accumulation information to ensure that IFQ allocation holders do not acquire an excessive share of the total limited access privileges, as required by section 303A(d)(5)(C) of the Magnuson-Stevens Act.

NMFS requests transfer application information to process and track requests from allocation holders to transfer quota allocation (both permanent and temporary) to another entity. NMFS also collects information for cost recovery purposes as required under the Magnuson-Stevens Act. Cost recovery information is used to collect fees to recover the costs directly related to management, data collection and analysis, and enforcement of IFQ programs. Lastly, NMFS collects landings information to ensure that the amounts of tilefish landed and ex-vessel prices are properly recorded for quota monitoring purposes and for the calculation of IFQ fees. Having this information results in an increasingly more efficient and accurate database for management and monitoring of fisheries of the Northeastern U.S. EEZ.

Affected Public: Individuals or households; Business or other for-profit organizations.

Frequency: Annual and as requested.

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*, Section 303).

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day

Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648-0590.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026-20501 Filed 10-6-26; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XG079]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Groundfish Management Team (GMT) will hold a hybrid in person/webinar work session that is open to the public.

DATES: The GMT meeting will be held Monday, October 26, 2026, from 12:30 p.m., Pacific Standard Time, until business for the day has been completed. The GMT will reconvene Tuesday, October 27 through Friday, October 30, 2026, from 8:30 a.m. until business for each day has been completed.

ADDRESSES: The meeting will be held at the Pacific Fishery Management Council Office, Large Conference Room, 7700 NE Ambassador Place, Suite 101, Portland, Oregon 97220-1384. This work session is being conducted in person with a web broadcast that provides the opportunity for remote public comment. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see www.pcouncil.org). Please contact Mr. Hayden York (hayden.york@pcouncil.org) or (503) 820-2424 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, Oregon 97220-1384.

FOR FURTHER INFORMATION CONTACT: Mr. Todd Phillips, (todd.phillips@pcouncil.org) Pacific Council, 503-820-2426.

SUPPLEMENTARY INFORMATION: The primary purpose of this work session is

for the GMT to prepare for 2026 Pacific Council meetings. Specific agenda items will include items on the Council's groundfish agenda for November 2026. The GMT may also address groundfish management actions the Pacific Council has indicated on their Year-at-a-Glance calendar. A detailed agenda will be available on the Pacific Council's website prior to the meeting.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or auxiliary aids should be directed to Mr. Hayden York (hayden.york@pcouncil.org); (503) 820-2424 at least 10 business days prior to the meeting date.

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

Dated: October 2, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026-20498 Filed 10-6-26; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XG066]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will hold a meeting of its Ad Hoc Highly Migratory Species (HMS) Fisheries Innovation Workgroup (FIW). This meeting is open to the public.

DATES: The meeting will be held Thursday and Friday, October 22 and 23, 2026. The meeting will start each day at 8:30 a.m. and conclude at 5 p.m. Pacific Time or when business for the day has been completed.

ADDRESSES: The meeting will be held in the Pacific Room of the Southwest Fisheries Science Center (SWFSC), 8901 La Jolla Shores Drive, La Jolla, California. Phone: (858) 546-7000. The meeting will be broadcast for remote attendance. Specific meeting information will be provided in the meeting announcement on the Pacific Council's website (see <https://www.pcouncil.org>). You may send an email to Mr. Hayden York (hayden.york@pcouncil.org) or contact him at 503-820-2424 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, Oregon 97220-1384.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin, Pacific Council; telephone: 503-820-2409.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to develop final recommendations to the Pacific Council for evaluating HMS exempted fishing permit (EFP) bycatch and economic performance, as part of the HMS Roadmap. The FIW will provide a brief report and an EFP evaluation framework for consideration by the Pacific Council at its November 2026 meeting in Costa Mesa, California.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

This meeting will take place in a Federal facility. Visitors who are foreign nationals (defined as a person who is not a citizen or national of the United States) will require additional security clearance to access the SWFSC. Foreign national visitors should contact Steve Stohs (Stephen.stohs@noaa.gov; (858) 546-7084) at least 2 weeks prior to the meeting date to initiate the security clearance process.

Starting on January 1, 2026, Federal facilities (including leased facilities) will only accept REAL ID-compliant forms of identification. Visitors with state-issued identification must now present a REAL ID or a different form of government-issued photo identification, such as:

- A passport.
- An Enhanced Driver's License.

- A Federal employee, military, or veteran identification card.

(This list is not all-inclusive.)

At this time, mobile driver's licenses are not authorized for acceptance at any Department-occupied facility in place of REAL ID compliant credentials.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Hayden York (hayden.york@pcouncil.org; 503-820-2424) at least 10 days prior to the meeting date.

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

Dated: October 2, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026-20499 Filed 10-6-26; 8:45 am]

BILLING CODE 3510-22-P

NATIONAL COMMISSION ON THE FUTURE OF THE NAVY

Public Hearing

AGENCY: National Commission on the Future of the Navy.

ACTION: Announcement of public hearing.

SUMMARY: The Commissioners of the National Commission on the Future of the Navy (NCFN), in accordance with the National Defense Authorization Act of 2023, will hold a public hearing with Navy, Marine Corps, and Joint uniformed leaders to better understand the actions necessary to secure America's future maritime seapower. Those wishing to attend, present at, or submit a written statement to the Board prior to the public hearing must provide advance notice to the agency as detailed below.

DATES: 1 p.m. EST, Thursday, October 8, 2026.

ADDRESSES: The public hearing will take place in Room 222 (Senate Armed Services Committee Room) of the Russell Senate Office Building. The hearing is open to the public.

SUPPLEMENTARY INFORMATION: Congress established the National Commission on the Future of the Navy in the Fiscal Year 2023 National Defense Authorization Act to provide an independent, bipartisan assessment of U.S. naval force structure, readiness, and long-term maritime requirements. The statute directs the Commission to conduct a comprehensive review of fleet size and force mix, naval aviation, shipbuilding capacity, personnel policies, and the force-generation model that sustains

combat power at sea. It authorizes the Commission to hold public hearings, receive testimony, and obtain information from federal departments and agencies to support recommendations to Congress. This is the fourth hearing in support of this effort.

The hearing is comprised of one panel that is open to the public and available via livestream. The panel will consist of the Vice Chief of Naval Operations and the Assistant Commandant of the Marine Corps and will provide a uniformed leadership perspective on the topics discussed above.

The livestream will be on Senate broadcast channels or on the Commission's YouTube channel <https://www.youtube.com/@FutureNavy>.

For further information on the Commission, go to www.futurenavy.senate.gov.

Matthew Neumeyer,

Chief of Staff, National Commission on the Future of the Navy.

[FR Doc. 2026-20513 Filed 10-6-26; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD-2026-OS-2179]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSDP&R), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Employer Support for the Guard and Reserve (ESGR) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 7, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Director of Administration and Management, Oversight and Compliance Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Employer Support for the Guard and Reserve, 4800 Mark Center Drive, Suite 05E22, Alexandria, VA 22350-4000, Captain Darren Bess, United States Navy USN, (703) 618-6761, darren.n.bess.mil@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Uniformed Services Employment and Reemployment Rights Act (USERRA) Inquiry, DD Form 3021; OMB Control Number 0704-0678.

Needs and Uses: To assist in answering the public's questions related to the Uniformed Services Employment Reemployment Rights Act (USERRA). ESGR provides Ombudsmen services to mediate uniformed service-related disputes between service members and their civilian employers. To support the ESGR Ombudsman Services Program by tracking information provided to members of the public by recording information related to answering inquiries related to USERRA; and by reporting statistics related to the Ombudsman Services Program in aggregate.

Affected Public: Employers of Reserve Component Service Members, and those interested in receiving information about the rights and protections provided by USERRA.

Annual Burden Hours: 81.41.

Number of Respondents: 977.

Responses per Respondent: 1.

Annual Responses: 977.

Average Burden per Response: 5 minutes.

Frequency: On Occasion.

This information collection obtains contact information, ESGR awareness and respondent's USERRA question(s).

Dated: October 2, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026-20508 Filed 10-6-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2026-SCC-3004]

Agency Information Collection Activities; Comment Request; Teacher Education Assistance for College and Higher Education Grant Program (TEACH Grant Program) Service Obligation Certification and Suspension Request Forms

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before December 7, 2026.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2026-SCC-3004. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the www.regulations.gov site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Carolyn Rose, US Department of Education, Federal Student Aid—KST, Room 3C205, 400 Maryland Ave. SW, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection

activities, please contact Carolyn Rose, 202-453-5967.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Teacher Education Assistance for College and Higher Education Grant Program (TEACH Grant Program) Service Obligation Certification and Suspension Request Forms.

OMB Control Number: 1845-0158.

Type of Review: An extension without change of a currently approved ICR.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 54,495.

Total Estimated Number of Annual Burden Hours: 17,982.

Abstract: This is a request for an extension without change of the currently approved OMB Control #1845-0158 which covers TEACH Grant Certification of Qualifying Teaching (Certification) and five Service Obligation Suspension Requests (Suspension Requests).

The College Cost Reduction and Access Act (Pub. L. 110-84) (the CCRAA) established the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program under Part A, Subpart 9, of the Higher Education Act of 1965, as amended (the HEA). The regulations

governing the TEACH Grant Program are in 34 CFR 686.

The TEACH Grant Program provides grants of up to \$4,000 per year to undergraduate and graduate students who are completing, or who intend to complete, coursework necessary to begin a career in teaching. In exchange for receiving a TEACH Grant, a grant recipient must agree to complete four years of qualifying teaching service within eight years of ceasing enrollment at the institution where they received their TEACH Grants, and must regularly provide documentation of their progress toward satisfying the service obligation. Under conditions that are specified in the TEACH Grant Program regulations, a grant recipient may request and receive a temporary suspension of the eight-year period for completing the service obligation, and a grant recipient who is subject to an extended call to active-duty military service may receive a discharge of some or all of the four-year service obligation.

If a grant recipient fails to complete the service obligation or does not meet requirements for documenting the service obligation, the TEACH Grants that the individual received are converted to Direct Unsubsidized Loans that must be repaid, with interest charged from the date of each TEACH Grant disbursement.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026-20565 Filed 10-6-26; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2026-SCC-3005]

Agency Information Collection Activities; Comment Request; Teacher Education Assistance for College and Higher Education Grant Program (TEACH Grant) Agreement To Serve or Repay

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before December 7, 2026.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please

use <http://www.regulations.gov> by searching the Docket ID number ED-2026-SCC-3005. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to Carolyn Rose, U.S. Department of Education, Federal Student Aid—KST, Room 3C205, 400 Maryland Ave. SW, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, 202-453-5967.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Teacher Education Assistance for College and Higher

Education Grant Program (TEACH Grant) Agreement to Serve or Repay.
OMB Control Number: 1845–0083.

Type of Review: An extension without change of a currently approved ICR.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 50,793.

Total Estimated Number of Annual Burden Hours: 25,397.

Abstract: The TEACH Grant Program provides grants of up to \$4,000 per year to undergraduate and graduate students who are completing, or who intend to complete, coursework necessary to begin a career in teaching. In exchange for receiving a TEACH Grant, a grant recipient must agree to complete four years of qualifying teaching service within eight years after ceasing enrollment at the institution where they received their TEACH Grants and must regularly provide documentation of their progress toward satisfying the service obligation. If a grant recipient fails to complete the service obligation or does not meet requirements for documenting the service obligation, the TEACH Grants that the individual received are converted to Direct Unsubsidized Loans that must be repaid, with interest charged from the date of each TEACH Grant disbursement. In accordance with 34 CFR 686.12, an eligible student must sign a TEACH Grant Agreement to Serve or Repay (Agreement) prior to receiving a TEACH Grant for each award year. By signing the Agreement, a TEACH Grant recipient agrees to meet the terms and conditions of the service obligation and promises to repay all TEACH Grants received as Direct Unsubsidized Loans if the recipient fails to complete the service obligation.

The U.S. Department of Education (the Department) is requesting an extension without change of the TEACH Grant Agreement currently approved under OMB No. 1845–0083.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–20563 Filed 10–6–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–3006]

Agency Information Collection Activities; Comment Request; Teacher Education Assistance for College and Higher Education Grant Eligibility Regulations

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before December 7, 2026.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2026–SCC–3006. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the www.regulations.gov site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Carolyn Rose, US Department of Education, Federal Student Aid—KST, Room 3C205, 400 Maryland Ave. SW, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, 202–453–5967.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be

processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Teacher Education Assistance for College and Higher Education Grant Eligibility Regulations.

OMB Control Number: 1845–0084.

Type of Review: An extension without change of a currently approved ICR.

Respondents/Affected Public: Individuals and Households; Private Sector; Individuals and Households.

Total Estimated Number of Annual Responses: 233,844.

Total Estimated Number of Annual Burden Hours: 37,175.

Abstract: The College Cost Reduction and Access Act (the CCRAA), Public Law 110–84, established the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program under Part A of the Higher Education Act of 1965, as amended (the HEA). The regulations for the TEACH Grant Program are in 34 CFR 686.

The following sections of the TEACH Grant regulations are included in this information collection: 686.4, 686.11, 686.32, and 686.34. This is a request for a renewal without change of the existing burden hours in OMB Control Number 1845–0084.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–20564 Filed 10–6–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

[BPA File No.: BP–26E]

Revision of ACS–26 Rate Schedules; Public Hearing and Opportunities for Public Review and Comment

AGENCY: Bonneville Power Administration (Bonneville or BPA), Department of Energy (DOE).

ACTION: Revision of ACS–26 Rate Schedules for Suballocation of new Charges and Credits in the California Independent System Operator's (CAISO) Energy Imbalance Market (EIM).

SUMMARY: Bonneville is holding an expedited rate proceeding pursuant to

Section 7(i) of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act) to propose revisions to its rate schedules for Ancillary and Control Area Services (ACS-26) to provide for the suballocation of new Neutrality and Uplift Charges and Credits associated with the CAISO's EIM. The Northwest Power Act requires that Bonneville's rates be established based on the record of a formal hearing. By this notice, Bonneville announces the commencement of an expedited rate proceeding, designated as the "BP-26E" proceeding, for the limited purpose of revising the ACS-26 rate schedules as described above. The proposed effective date is February 1, 2027, subject to approval by the Federal Energy Regulatory Commission.

DATES:

Prehearing Conference: A prehearing conference for the BP-26E proceeding will be held at 1 p.m. on October 21, 2026, via WebEx. The WebEx information will be available on Bonneville's website at www.bpa.gov/bp-26e-rate-case or from the Hearing Clerk.

Intervention: Petitions to intervene in the BP-26E proceeding must be filed on Bonneville's secure website no later than 4:30 p.m. on October 22, 2026. Part III of this notice, "Public Participation in the BP-26E Proceeding," provides details about requesting access to the secure website and filing a petition to intervene.

Objections to Proposed Settlement: Written objections to the proposed settlement in the BP-26E proceeding must be filed on Bonneville's secure website no later than 4:30 p.m. on October 23, 2026. Parts I and III of this notice, "Introduction" and "Public Participation in the BP-26E Proceeding," respectively, describe the proposed settlement and provide details about filing a written objection.

Participant Comments: Written comments by non-party participants must be received by October 23, 2026, to be considered in the Administrator's Record of Decision (ROD). Part III of this notice, "Public Participation in the BP-26E Proceeding," provides details about submitting participant comments.

FOR FURTHER INFORMATION CONTACT: Ms. Elissa Haley, NKS-7, BPA Communications, Bonneville Power Administration, P.O. Box 14428, Portland, Oregon 97293; by phone toll-free at 1-800-622-4519; or by email to enhaley@bpa.gov.

The Hearing Clerk for this proceeding can be reached via the contact information provided on Bonneville's

website at <https://www.bpa.gov/energy-and-services/rate-and-tariff-proceedings/bp-26e-rate-case>.

Please direct questions regarding Bonneville's secure website to the Hearing Coordinator via email at cwgriffen@bpa.gov or, if the question is time-sensitive, via telephone at (503) 230-5107.

Responsible Officials: Mr. Brian McConnell, Manager of Transmission Tariff, Rates, and Regulatory Activities, is the official responsible for the development of Bonneville's transmission, ancillary, and control area services rates.

SUPPLEMENTARY INFORMATION:

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Part II. Scope of the BP-26E Proceeding
Part III. Public Participation in the BP-26E Proceeding
Part IV. Summary of Rate Proposal
Part V. Proposed Rate Schedules

Part I—Introduction and Procedural Matters

A. Introduction

Bonneville is proposing to revise limited provisions of its ACS-26 rate schedules in response to tariff changes made by CAISO in association with CAISO's implementation of an Extended Day Ahead Market (EDAM). Although Bonneville is not currently participating in EDAM, Bonneville is a participant in CAISO's EIM, and section IV.D of Bonneville's ACS-26 rate schedule, "EIM Neutrality and Uplift Charges and Credits," provides for the suballocation of charges and credits Bonneville receives from CAISO in the EIM. In advance of the implementation of the EDAM, CAISO revised its Market Operator Tariff to add or change certain EIM Neutrality and Uplift Charges and Credits. Bonneville is now proposing to revise certain provisions in section IV.D of the ACS-26 rate schedules to provide for the suballocation of the new charges and credits. Bonneville's proposal in the BP-26E proceeding is limited to this purpose. The proposed changes to the ACS-26 rate schedules do not affect current transmission rate levels or power rates.

B. Proposed Settlement

Bonneville held public meetings on November 6 and December 15, 2025, to discuss the proposed rate schedule revisions with stakeholders. In addition, Bonneville and stakeholders participated in a settlement conference on January 20, 2026, to discuss the potential to settle the proposed rate schedule revisions in the BP-26E proceeding. After the settlement

conference, Bonneville circulated a settlement proposal among the participants, and Bonneville and participants had additional discussion and exchanged additional proposals via email. On February 13, 2026, Bonneville circulated a proposed settlement agreement, titled the "Principles of Settlement for the BP-26E Rate Proceeding," and asked for participants to notify Bonneville by February 20, 2026, of any objections. Bonneville has received no objections to the proposed settlement agreement circulated on February 13, 2026. A link to the proposed settlement agreement is provided in Part V of this notice.

The proposed settlement agreement provides for Bonneville to notify the Hearing Officer for the BP-26E proceeding about the agreement and for a deadline to be established for any party in the proceeding to either object to the proposed settlement or waive the right to contest the settlement. If there are no objections to the proposed settlement, Bonneville staff will continue with proposing adoption of the settlement by the Administrator. If there is an objection, Bonneville will notify all parties and decide how to proceed with respect to the initial proposal in the BP-26E proceeding.

C. Expedited Process and Proposed Procedural Schedule

In light of the limited purpose of the BP-26E proceeding and the proposed settlement, Bonneville intends to conduct an expedited hearing process for the review of the proposed revisions to the rate schedules. An expedited proceeding will allow the proposed rate schedule revisions to take effect closer in time to the May 1, 2026 "go live" date of CAISO's EDAM.

Sections 1010.4(b)(4) and 1010.22 of the Rules of Procedure that govern Bonneville's rate proceedings, **Federal Register**, 83 FR 39993 (Aug. 13, 2018), provide for expedited rate processes. In order to facilitate the expedited process in the BP-26E proceeding, pursuant to Section 1010.1(e) of the Rules of Procedure, the Administrator authorizes the Hearing Officer to waive any procedural requirements of the rules for the purpose of developing the record and completing the proceeding on an expedited basis. The Rules of Procedure are on Bonneville's website at <https://www.bpa.gov/Finance/RateCases/RulesProcedure/Pages/default.aspx>.

Bonneville has made prospective parties aware of its intent to use an expedited process and schedule for the BP-26E proceeding. The Hearing Officer is directed to use the following procedural schedule unless a notice of

objection to the proposed settlement is filed by the deadline below.

Initial Proposal Released: Upon publication of the **Federal Register** Notice.

Prehearing Conference: October 21, 2026.

Deadline for Petitions To Intervene: October 22, 2026.

Deadline for Notices of Objection to Proposed Settlement: October 23, 2026.

Close of Participant Comments: October 23, 2026.

Final Record of Decision No Later Than: November 13, 2026.

If an objection to the proposed settlement is filed, the Hearing Officer is directed to adopt an alternative procedural schedule to establish an expedited process for the rest of the proceeding. If an objection is filed, Bonneville will promptly schedule a scheduling conference with prospective parties to develop an alternative procedural schedule to propose to the Hearing Officer. Any procedural schedule adopted by the Hearing Officer must provide for issuance of the Administrator's Record of Decision no later than 90 days after publication of this **Federal Register** Notice. The Hearing Officer is encouraged to conclude the proceeding in less than 90 days and may circumscribe or reduce the timing or availability of any procedural activities in the case as he or she determines are unnecessary or overly burdensome in consideration of the limited scope and purpose of this case.

D. *Ex Parte* Communications

Section 1010.5 of the Rules of Procedure prohibits *ex parte* communications. *Ex parte* communications include any oral or written communication (1) relevant to the merits of any issue in the proceeding; (2) that is not on the record; and (3) with respect to which reasonable prior notice has not been given. The *ex parte* rule applies to communications with all Bonneville and DOE employees and contractors, the Hearing Officer, and the Hearing Clerk during the proceeding. Except as provided, any communications with persons covered by the rule regarding the merits of any issue in the proceeding by other executive branch agencies, Congress, existing or potential Bonneville customers, nonprofit or public interest groups, or any other non-DOE parties are prohibited. The rule explicitly excludes and does not prohibit communications (1) relating to matters of procedure; (2) otherwise authorized by law or the Rules of Procedure; (3) from or to the Federal Energy Regulatory

Commission (Commission); (4) that all litigants agree may be made on an *ex parte* basis; (5) in the ordinary course of business, about information required to be exchanged under contracts, or in information responding to a Freedom of Information Act request; (6) between the Hearing Officer and Hearing Clerk; (7) in meetings for which prior notice has been given; or (8) as otherwise specified in Section 1010.5(b) of the Rules of Procedure. The prohibition on *ex parte* communications applies from the date of publication of this notice and will remain in effect until the Administrator's Record of Decision is issued.

Part II—Scope of the BP–26E Proceeding

The scope of the BP–26E rate proceeding is limited to consideration of the proposed revisions to section IV.D of the ACS–26 rate schedules to update the “EIM Neutrality and Uplift Charges and Credits” Bonneville receives from CAISO. Bonneville may revise the scope of the proceeding to include new issues that arise as a result of circumstances or events occurring outside the proceeding that are substantially related to the rates under consideration in the proceeding. See Rules of Procedure, Section 1010.4(b)(8)(iii), (iv). If Bonneville revises the scope of the proceeding to include new issues, Bonneville will provide public notice on its website, present testimony or other information regarding such issues, and provide a reasonable opportunity to intervene and respond to Bonneville's testimony or other information. *Id.*

Pursuant to Section 1010.4(b)(8) of the Rules of Procedure, the Administrator directs the Hearing Officer to exclude from the record all argument, testimony, or other evidence that challenges the appropriateness or reasonableness of any other matter, issue, topic, or policy that is not directly related to the proposed revisions to section IV.D of the ACS–26 rate schedules.

Part III—Public Participation in the BP–26E Proceeding

A. *Distinguishing Between “Participants” and “Parties”*

Bonneville distinguishes between “participants in” and “parties to” the hearings. Separate from the formal hearing process, Bonneville will receive written comments, views, opinions, and information from participants who may submit comments without being subject to the duties of, or having the privileges of, parties to the hearing process. Participants do not have the same procedural rights and are not subject to

the same procedural requirements as parties. Bonneville customers whose rates are subject to this proceeding, or their affiliated customer groups, may not submit participant comments. Members or employees of organizations that have intervened in the proceeding may submit participant comments as private individuals (that is, not speaking for their organizations) but may not use the comment procedures to address specific issues raised by their intervenor organizations.

Written comments by participants will be included in the record and considered by the Administrator if they are received by October 23, 2026. Participants should submit comments through Bonneville's website at <https://www.bpa.gov/comment>. All comments should contain the designation “BP–26E” in the subject line.

B. *Petitions To Intervene*

Any entity or person intending to become a party to the BP–26E rate proceeding must file a petition to intervene through Bonneville's secure website (<https://www.bpa.gov/secure/Ratecase/>). A first-time user of Bonneville's secure website must create a user account to submit an intervention. Returning users may request access to the BP–26E rate proceeding through their existing accounts and may submit interventions once their permissions have been updated. The secure website contains a link to the user guide, which provides step-by-step instructions for creating user accounts, generating filing numbers, submitting filings, and uploading interventions. Please contact the Rate Hearing Coordinator via email at cwgriffen@bpa.gov or, if the question is time-sensitive, via telephone at (503) 230–5107 with any questions regarding the submission process.

Petitions to intervene must conform to the format and content requirements in Sections 1010.6 and 1010.11 of the Rules of Procedure. Petitions to intervene must be uploaded to Bonneville's secure website by 4:30 p.m. on the deadline in the procedural schedule in Part I.C of this notice.

C. *Notices of Objection to the Proposed Settlement of the BP–26E Proceeding*

Part I.B of this notice describes the proposed settlement that addresses the rate schedule revisions at issue in the BP–26E proceeding. Any party that opposes adoption of the proposed settlement of the BP–26E proceeding must file a written objection on Bonneville's secure website no later than 4:30 p.m. on the deadline in the procedural schedule in Part I.C of this

notice. A written objection must state each issue in the proposed settlement the party wants to preserve to contest in the BP–26 proceeding. Any party that does not file a timely written objection will be deemed not to object to the proposed settlement.

D. Developing the Record

The hearing record will include, among other things, the transcripts of the hearing, written evidence and argument entered into the record by Bonneville and the parties, written comments from participants, and other material accepted into the record by the Hearing Officer. The Hearing Officer will review and certify the record to the Administrator.

The Administrator will make a final determination on the issue in this proceeding based on the record and such other materials and information as may have been submitted to or developed by the Administrator. The Final ROD will be made available to all parties. Bonneville will submit the Final ROD and the hearing record to the Commission for confirmation and approval after issuance of the Final ROD.

Part IV—Rate Proposal

Bonneville provides imbalance service through the EIM under Schedules 4E and 9E in its open access transmission tariff and acts as the EIM Entity Scheduling Coordinator (EESC) for all loads, non-participating resources, and interchange in its balancing authority area. The EIM responds to the differences between the schedules and actuals for loads, non-participating resources, and interchange, and Bonneville is billed (as the EESC) for these differences as imbalance. CAISO bills Bonneville through a series of “charge codes,” and Bonneville passes on the charges or credits under these charge codes to customers through provisions in section IV of the ACS–26 rate schedule.

As part of CAISO’s implementation of the EDAM, CAISO has adopted new or modified charges and credits it will allocate to Bonneville. The new or modified charges and credits are not addressed by Bonneville’s current ACS–26 rate schedule. As a result, Bonneville proposes to make revisions in section IV.D of the ACS–26 rate schedule to provide for the suballocation of the new or modified charges and credits. Specifically, the ACS–26 rate schedule currently in effect would be replaced by the rate schedules identified at www.bpa.gov/bp-26e-rate-case. Bonneville intends to request

Commission approval of the revised rate schedule effective February 1, 2027.

Part V—Proposed Rate Schedules

The proposed settlement agreement and the ACS–26 rate schedules at issue in the BP–26E proceeding are a part of this notice and are available for viewing and downloading on Bonneville’s website at www.bpa.gov/bp-26e-rate-case.

Signing Authority

This document of the Department of Energy was signed on October 2, 2026, by Travis R. Kavulla, Administrator and Chief Executive Officer of the Bonneville Power Administration, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed on October 5, 2026.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

[FR Doc. 2026–20518 Filed 10–6–26; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Statement of Organization and Functions

AGENCY: Federal Mediation and Conciliation Service (FMCS).

ACTION: Notice of Statement of Organization and Functions.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS) is issuing this notice to revise the Statement of Organization and Functions for the Agency. Issuance of this Statement of Organization rescinds all prior Statements of Organization.

DATES: This Statement of Organization and Functions is effective October 1, 2026.

FOR FURTHER INFORMATION CONTACT: Adrienne Adger, Director of Human Resources, 202–606–5466, fmcsshr2@fmcs.gov.

SUPPLEMENTARY INFORMATION:

1. *Background.* The Federal Mediation and Conciliation Service is an independent agency created in 1947 by Title II of the Labor-Management Relations Act (Taft-Hartley). 29 U.S.C. 172 *et seq.* The duty of FMCS is to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes. 29 U.S.C. 173(a). The mission of the FMCS is fulfilled by providing mediation, conciliation, and voluntary arbitration services. Services are provided to private, federal, and public sectors, except for the railroad and airline industries, which are covered by the Railway Labor Act administered by the National Mediation Board.

2. *Policy.* The Policy of FMCS is to provide services in support of the Agency’s statutorily mandated functions and to abide by all guidance, laws and regulations that governs an agency of the U.S. Federal Government.

3. *Responsibilities:* The FMCS comprises Headquarters and Field Operations. Individual departments report to the Office of Chief Operating Officer or the Office of Field Operations with these two Offices reporting directly to the Office of the Director.

a. Office of the Director

(1) *Agency Head:* The Agency Head is appointed by the President with the advice and consent of the Senate and has the responsibility for establishing and directing policy and for the overall administration and strategic direction of the Agency. The Agency Head serves as the Agency liaison with the White House, members of the President’s Cabinet and the Congress, and also provides direction for and participation in mediating major disputes.

(2) *The Equal Employment Opportunity Office:* The Equal Employment Opportunity (EEO) Office ensures compliance with anti-discrimination laws by fostering a workplace free from unlawful discrimination and harassment. Also, the EEO Office provides guidance and support to senior leadership and employees, offers training on EEO principles, process complaints of discrimination, provides a neutral forum for resolving issues, monitors and report on the Agency’s EEO program, and promote fair employment practices in areas like hiring, promotions, and benefits.

(3) *Executive Secretariat:* The Executive Secretariat (Exec Sec) is responsible for coordination of the work within the agency and serves as a liaison between the Administration, Departments, and other agencies. This position manages all correspondence

and reporting sent to and prepared for the Offices of the Director, Chief Operating Officer (COO), and other Divisions within the agency. The Exec Sec controls, tasks and responds to interagency requests at the Agency level; and reviews, validates, and authorizes release of correspondence requested under Freedom of Information Act.

b. Office of the Chief Operating Officer

(1) *Chief Operating Officer*: The Chief Operating Officer (COO) supervises and coordinates the Agency's administrative and support operations, including the Offices of: General Counsel, Human Resources, Information Technology, Financial Resources, and Operations, Acquisitions and Security. The COO helps ensure that these Offices are fully integrated and that FMCS Headquarters delivers services promptly, efficiently, consistently, and in compliance with applicable federal rules, regulations, and laws.

(2) *Office of the General Counsel*: The Office of General Counsel (OGC) provides legal advice and support on a wide variety of matters necessary for the Agency to carry out its mission and for its employees to perform official duties including, but not limited to, arbitration program management, ethics matters, labor and employment law matters, administrative law matters, regulatory law matters, FOIA matters, privacy matters, contract matters, procurement matters, fiscal law matters, legislative matters, and other general law matters. Also, OGC responds to requests for testimony and subpoenas, represents the Agency in legal proceedings before the MSPB, EEOC, and other administrative bodies and, in cooperation with the Department of Justice, represents the Agency in all matters arising in the federal courts. The Office of General Counsel includes the Freedom of Information Act (FOIA) Office, the Privacy Office, the Ethics Office, and Arbitration Services.

(3) *Office of Human Resources*: The Office of Human Resources (OHR) provides job applicants, employees, and Agency Senior Leadership with strategic guidance on civilian personnel programs and services that support the Agency's mission and ensure compliance with applicable laws and regulations. The HR Director oversees the human capital management of the Agency through hiring qualified employees, classifying positions, implementing and monitoring performance appraisal systems, coordinating employee relations programs, training and learning

opportunities, and directing the personnel programs for the Agency.

(4) *Office of Information Technology*: The Office of Information Technology (OIT) develops and implements the Agency's technology plan, maintains computer applications and systems, and provides technological support to all aspects of the Agency's operations. The OIT Director provides strategic advice and leadership with respect to technology issues and trends and ensures continuity of Agency information services operations under a variety of possible scenarios.

(5) *Office of Financial Resources*: The Office of Financial Resources ensures that all funds, both appropriated and earned, are properly and completely accounted for and that internal controls minimize opportunities for fraud, waste, and abuse and this provides accountability to the Office of Management Budget (OMB), Congress, and the American public. Also, the Office of Financial Resources develops budget estimates and support materials for the financial needs of the Agency, coordinates and assists in presenting the budget to OMB and Congress and ensures that enacted appropriations are properly executed. The Financial Resources Director is responsible for providing an integrated system of records and reports to meet management's data needs, and advises employees about and ensures compliance with appropriations, integrity rules, laws, and procedures, and other applicable laws, rules, and regulations.

(6) *Office of Operations, Acquisitions and Security*: The Office of Operations, Acquisitions and Security (OAS) procures and manages goods and services necessary for orderly and efficient Agency operations. These include managing office space, managing agency records and forms, ordering office supplies, computer and printing equipment, mail and supply distribution, and inventory management. The Director is responsible for leading efforts to procure goods and services in accordance with government rules and regulations and in an efficient and cost-effective manner. The OAS also ensures the safety and security of its employees, facilities, information, and operations. OAS protects its buildings from threats and provides emergency responses, conducts background investigations, manage security clearances of its employees and contractors, protects the Agency's systems, data, and government networks from cyber threats, breaches, and unauthorized access, develops and

enforces security plans and policies, and handles security incidents.

c. Office of Field Operations

(1) *Deputy Director of Field Operations (DDFO)*: The DDFO provides the Agency Head with support, guidance, leadership, and advice concerning mediation and conciliation services. The DDFO also represents the Agency externally with other agencies, stakeholders, and the public.

(2) *Field Operations Managers (FOM)*: The FOMs' supervisory functions include mediator selection, education, training, retention, professional development, and performance evaluation of Mediators. Also, FOMs are responsible for overseeing delivery of FMCS services throughout the Eastern, Central and Western United States.

(3) *Associate Deputy Director of Field Operations—National (ADDFON)*: The ADDFON provides senior-level leadership, coordination and oversight of national projects, programs, cases, and initiatives with cross-cutting impact on the Agency's mission and overseeing federal services. The ADDFON represents the Agency in high-profile disputes.

(4) *Associate Deputy Director of Field Operations—Operations (ADDFOO)*: The ADDFOO oversees professional development for the field and manages the Field Client Services function and Notice Processing.

Dated: October 5, 2026.

Anna Davis,

General Counsel, Performing the Duties of the Director.

[FR Doc. 2026–20560 Filed 10–6–26; 8:45 am]

BILLING CODE 6732–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Meeting of the Employee Thrift Advisory Council

DATES: October 20, 2026 at 10:00 a.m.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1–202–599–1426, Code: 773 638 657#; or via web: <https://www.frtib.gov/>.

FOR FURTHER INFORMATION CONTACT: James L. Kaplan, Director, Office of External Affairs, (202) 864–7150.

SUPPLEMENTARY INFORMATION:

ETAC Meeting Agenda

1. Approval of the minutes of the May 28, 2026, Joint Board/ETAC Meeting
2. Executive Director Remarks
3. Office of Investments Report
4. Office of Participant Experience Report

5. Office of Planning and Risk Report
6. New Business

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, interested parties may submit written statements in response to the stated agenda of the meeting, or to the Employee Thrift Advisory Council (ETAC), in general. Individuals may submit their comments to ETACComments@frib.gov. Written comments or statements received less than 5 days before ETAC's meeting may not be provided to the Committee until its next meeting.

Authority: 5 U.S.C. 552b(e)(1).

Dated: October 5, 2026.

Dharmesh Vashee,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2026–20519 Filed 10–6–26; 8:45 am]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–284 and CMS–10415]

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 6, 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 of a currently approved collection; *Title of Information Collection:* Transformed—Medicaid Statistical Information System (T–MSIS); *Use:* The data reported in T–MSIS are used by federal, state, and local officials, as well as by private researchers and corporations to monitor past and projected future trends in the Medicaid and CHIP programs. The data provides the only national level information available on enrollees,

beneficiaries, and expenditures. It also provides the only national level information available on Medicaid utilization. The information is the basis for analyses and for cost savings estimates for the Department's cost sharing legislative initiatives to Congress. The collected data are also crucial to our actuarial forecasts.

Section 71109 of the Working Families Tax Cut legislation (WFTC) (Pub. L. 119–21) amended sections 1903(v) and 2107(e)(1) of the Social Security Act (the Act) by restricting, with limited exceptions, Federal Financial Participation (FFP) for medical assistance (Medicaid) and child or pregnancy-related health assistance (CHIP) to the following groups beginning October 1, 2026: (1) U.S. citizens and U.S. nationals; (2) Lawful Permanent Residents (LPRs); (3) Cuban/Haitian entrants; and (4) Compact of Free Association (COFA) migrants (collectively referred to as “FFP-eligible noncitizens”).

The statutory amendments necessitate an update to the valid value set for the IMMIGRATION–STATUS data element reported to CMS through T–MSIS to accurately reflect updates to state eligibility determination processes and support compliance, program oversight, and proper FFP claiming. To support oversight of the implementation of changes to IMMIGRATION–STATUS, two valid values are being added to the ELIGIBILITY–TERMINATION–REASON data element to identify disenrollment reasons related to changes in immigration status or immigration verifications.

The TRANSACTION–TYPE (FTX388) data element will be updated to include a new valid value with an effective date of October 1, 2026, for per-member-per-month home health service payments. These payments are already expected to be reported as part of state T–MSIS submissions but are not currently uniquely identifiable as states typically report these data in the “other” valid value. Implementation of this data element will support oversight of home health programs.

We also propose three non-substantive changes that would not impact current state T–MSIS reporting. The purpose of these updates is to eliminate ambiguity and potentially reduce both CMS and state burden by reducing the need for technical assistance to address any questions on these topics.

Form Number: CMS–R–284 (OMB control number: 0938–0345); **Frequency:** Quarterly, monthly, and once; **Affected Public:** State, Local, or Tribal Governments; **Number of Respondents:**

54; *Total Annual Responses*: 648; *Total Annual Hours*: 15,390. (For policy questions regarding this collection contact Brian Johnston at 410–786–0143.)

2. Type of Information Collection
Request: Reinstatement with change of a previously approved collection; *Title of Information Collection*: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery; *Use*: This collection of information is necessary to enable the Agency to garner customer and stakeholder feedback in an efficient, timely manner, in accordance with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with the Agency's programs. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management. Collecting voluntary customer feedback is the least burdensome, most effective way for the Agency to determine whether or not its public websites are useful to and used by its customers. Generic clearance is needed to ensure that the Agency can continuously improve its websites through regular surveys developed from these pre-defined questions. Surveying the Agency websites on a regular, ongoing basis will help ensure that users have an effective, efficient, and satisfying experience on any of the websites, maximizing the impact of the information and resulting in optimum benefit for the public. The surveys will ensure that this communication channel meets customer and partner priorities, builds the Agency's brands, and contributes to the Agency's health and human services impact goals. *Form Number*: CMS–10415 (OMB control number 0938–1185); *Frequency*: Occasionally; *Affected Public*: Individuals and Households; *Number of Respondents*: 2,000,000; *Number of Responses*: 2,000,000; *Total Annual Hours*: 60,000. (For policy questions regarding this collection contact

Mohanraj Balasubramanian at 410–786–7808.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2026–20546 Filed 10–6–26; 8:45 am]

BILLING CODE 4169–69–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–P–0558]

Determination That Oxandrin (Oxandrolone) Tablets, 2.5 Milligrams and 10 Milligrams, Were Withdrawn From Sale for Reasons of Safety or Effectiveness; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of September 13, 2023 (88 FR 62799). The notice announced the determination that Oxandrin (oxandrolone) tablets, 2.5 milligrams (mg) and 10 mg, were withdrawn from sale for reasons of safety or effectiveness. The notice did not include the determination that the abbreviated new drug applications (ANDAs) referencing Oxandrin (oxandrolone) tablets, 2.5 mg and 10 mg, were also determined to be withdrawn from sale for reasons of safety or effectiveness and that these ANDAs would be removed from “Approved Drug Products With Therapeutic Equivalence Evaluations,” which is known generally as the “Orange Book.” This notice corrects that error.

FOR FURTHER INFORMATION CONTACT: Kimberly Lehrfeld, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993–0002, 301–796–3137, Kimberly.Lehrfeld@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 13, 2023, appearing on pages 62799 and 62800 in FR Doc. 2023–19796, the following corrections are made:

1. On page 62799, in the first column, before the last sentence in the **SUMMARY** section, the following sentence is added:

Additionally, FDA has determined that Par Pharmaceutical Inc.'s ANDA 077827 for oxandrolone tablets, 2.5 mg and 10 mg; Roxane Laboratories, Inc.'s

ANDA 077249 for oxandrolone tablets, 2.5 mg and 10 mg; Sandoz Inc.'s ANDA 076897 for oxandrolone tablets, 2.5 mg and 10 mg; and Upsher Smith Laboratories LLC's ANDA 076761 for oxandrolone tablet, 2.5 mg, and ANDA 078033 for oxandrolone tablet, 10 mg, that all reference Oxandrin (oxandrolone) tablets, 2.5 mg and 10 mg, were also withdrawn for reasons of safety or effectiveness.

2. On page 62799 in the third column, the second paragraph is corrected to read as follows:

In a letter dated March 26, 2019, Gemini requested that FDA withdraw approval of NDA 013718 for Oxandrin (oxandrolone) tablets, 2.5 mg and 10 mg, under § 314.150(c) (21 CFR 314.150(c)), stating that the product was no longer being marketed. Subsequently, on December 16, 2022, FDA notified Gemini and other holders of approved applications for oxandrolone tablets, 2.5 mg and 10 mg, that the Agency believes a potential problem associated with oxandrolone tablets is sufficiently serious that the drug products should be removed from the market, and to enable withdrawal of approval of their applications under § 314.150(d). After FDA notified Gemini that it believes the potential problems associated with the drugs are sufficiently serious that the drugs should be removed from the market pursuant to § 314.150(d), Gemini requested in a letter dated December 19, 2022, that FDA withdraw approval of NDA 013718 for Oxandrin (oxandrolone) tablets, 2.5 mg and 10 mg, under § 314.150(d). Similarly, after notification by FDA, the following holders of approved ANDAs requested withdrawal of their applications under § 314.150(d) and waived their opportunity for a hearing: Par Pharmaceutical Inc. for ANDA 077827 for oxandrolone tablets, 2.5 mg and 10 mg; Sandoz Inc. for ANDA 076897 for oxandrolone tablets, 2.5 mg and 10 mg; and Upsher Smith Laboratories LLC for ANDA 076761 for oxandrolone tablet, 2.5 mg, and ANDA 078033 for oxandrolone tablet, 10 mg. In the **Federal Register** of June 28, 2023 (88 FR 41970), FDA announced that it was withdrawing approval of NDA 013718, ANDA 077827, ANDA 076897, ANDA 076761, and ANDA 078033, effective June 28, 2023. Additionally, Roxane Laboratories, Inc. previously requested withdrawal of its ANDA 077249 for oxandrolone tablets, 2.5 mg and 10 mg, and waived its opportunity for a hearing. In the **Federal Register** of May 19, 2009 (74 FR 23407), FDA announced that it was withdrawing approval of ANDA 077249, effective June 18, 2009.

3. On page 62800 at the top of the second column, at the end of the first paragraph, the following two sentences are added:

Likewise, FDA has determined under § 314.161 that those ANDAs that used Oxandrin (oxandrolone) tablets, 2.5 mg and 10 mg, approved in NDA 013718 as their reference listed drug were withdrawn for reasons of safety or effectiveness. Accordingly, the Agency will remove Par Pharmaceutical Inc.'s ANDA 077827 for oxandrolone tablets, 2.5 mg and 10 mg; Roxane Laboratories, Inc.'s ANDA 077249 for oxandrolone tablets, 2.5 mg and 10 mg; Sandoz Inc.'s ANDA 076897 for oxandrolone tablets, 2.5 mg and 10 mg; and Upsher Smith Laboratories LLC's ANDA 076761 for oxandrolone tablet, 2.5 mg, and ANDA 078033 for oxandrolone tablet, 10 mg, from the list of drug products published in the Orange Book per § 314.162.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–20503 Filed 10–6–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Center; 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 of the NIH Clinical Center.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual grant applications conducted by the Clinical Center, 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 of the NIH Clinical Center.

Date: October 26–27, 2026.

Time: 9:30 a.m. to 1:00 p.m.

Agenda: The Review and Discussion of the Department of Perioperative Medicine, Department of Transfusion Medicine, and Rehabilitation Medicine Department.

Address: National Institutes of Health Clinical Center, Building 10, 10 Center Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Leighton Chan, Ph.D., Chief Scientific Officer/Scientific Director, National Institutes of Health, 10 Center Drive, Bethesda, MD 20892, (301) 496–4733, chanle@cc.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.

Dated: October 5, 2026.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–20557 Filed 10–6–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Pathobiology of Kidney Disease Study Section.

Date: November 4–5, 2026.

Time: 9:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jason D. Hoffert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–496–9010, hoffertj@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Pulmonary and Vascular Pathobiology, Hemostasis and Thrombosis.

Date: November 4, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Vladimir Bogdanov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 801G, Bethesda, MD 20892, 301–594–6602, bogdanovv2@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Social, Biobehavioral, and Population Health: NIH Collaborative International Research Projects (PF5)—Panel A.

Date: November 4–5, 2026.

Time: 9:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Shareen Iqbal, Ph.D., MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–0683, iqbalsha@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Basic Neurosciences.

Date: November 4–5, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Baila Sara Hall, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–1722, baila.hall@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training and Career Development: Clinical Care, Treatment & Disease Management.

Date: November 4–5, 2026.

Time: 9:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Trina Colleen Salm Ward, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–5254, salmwardtc@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training: Biomedical Sciences.

Date: November 4–5, 2026.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Sonia Ivette Ortiz-Miranda, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–496–3859, sonia.ortiz-miranda@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Respiratory Science.

Date: November 4–5, 2026.

Time: 9:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Michael L. Bloom, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7804, Bethesda, MD 20892, 301–451–0132, bloomm2@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology, and Bioengineering.

Date: November 4–5, 2026.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Khalida Shamim, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–480–5013, khalida.shamim@nih.gov.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Molecular and Structural Immunology Study Section.

Date: November 4–5, 2026.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Katie Lynn Alexander, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–480–1907, katie.alexander@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Alzheimer's and Neurodegeneration.

Date: November 4–5, 2026.

Time: 9:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Rahat Rani Khan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Bethesda, MD 20817, 301–594–7214, Khanr2@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Circuit Disorders, Plasticity and Neuronal Injury.

Date: November 4–5, 2026.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Paula Elyse Schauwecker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5201, Bethesda, MD 20892, 301–827–3425, schauweckerpe@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Bioengineering, Bioinformatics, Imaging and Technology Development in Neuroscience.

Date: November 4, 2026.

Time: 9:30 a.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Soyoun Cho, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Room 1011–G, National Institutes of Health, Bethesda, MD 20892, 301–594–6593, Soyoun.cho@nih.gov.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group Prokaryotic Cell and Molecular Biology Study Section.

Date: November 4–5, 2026.

Time: 10:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Rebecca Catherine Burgess, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–480–8034, rebecca.burgess@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Immune Mechanisms of Rheumatology, Autoimmunity, and Allergy.

Date: November 4, 2026.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Melinda H. Krick, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 808G, Bethesda, MD 20892, 301–435–1199, krickmh@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Musculoskeletal and Oral Sciences.

Date: November 4, 2026.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Yi-Hsin Liu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–1781, liuyh@csr.nih.gov.

Name of Committee: Center for Scientific Review, Special Emphasis Panel; RFA–OD–25–008: Tobacco Regulatory Science Small Grant Program for New Investigators.

Date: November 4, 2026.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Cristina Lyn Reitz-Krueger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–480–2060, cristina.reitz-krueger@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Clinical Care and Interventions for Substance Use Disorder, Prevention, and Treatment of Addiction.

Date: November 4–5, 2026.

Time: 1:00 p.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Cristina Lyn Reitz-Krueger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–480–2060, cristina.reitz-krueger@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 5, 2026.

Sterlyn H. Gibson,
Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–20561 Filed 10–6–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Biobehavioral Health, Cognition, Addiction & HIV Risk and Prevention Research.

Date: November 3–4, 2026.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Ananya Paria, DHSC, MPH, MS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1003F, Bethesda, MD 20892, 301–827–6513, paria@mail.nih.gov.

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated Review Group; Maximizing Investigators' Research Award—G Study Section.

Date: November 3–4, 2026.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Megan Lynne Goodall, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–8334, megan.goodall@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology, and Bioengineering.

Date: November 3–4, 2026.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Alexander Gubin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4196, MSC 7812, Bethesda, MD 20892, 301–827–3365, gubina@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Research Training and Career Development: Basic and Integrative Biological Sciences.

Date: November 3–4, 2026.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Dylan P. Flather, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–2763, dylan.flather@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–23–059: National Cancer Institute Program Project Applications.

Date: November 3, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Anna Ghambaryan, Ph.D., MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–443–2855, anna.ghambaryan@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–25–416: NIGMS National and Regional Resources (R24).

Date: November 3, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Joonil Seog, SCD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–9791, joonil.seog@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cardiac Sciences.

Date: November 3, 2026.

Time: 10:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Prashant Sharma, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–480–9654 prashant.sharma@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training and Career Development: Neurosensory Systems.

Date: November 3, 2026.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Chi-Tso Chiu, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–9085, chiuc@mail.nih.gov.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Musculoskeletal Tissue Engineering Study Section.

Date: November 4–5, 2026.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Thomas Zeyda, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–480–6921, thomas.zeyda@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Health Services Research in Cancer Screening and Care.

Date: November 4–5, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Preethy Nayar, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301–402–0302, preethy.nayar@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Career Developmental Award.

Date: November 4, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Bitu Nakhai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–3258, nakhaib@nia.nih.gov.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Nutrition and Metabolism in Health and Disease Study Section.

Date: November 4–5, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jonathan Michael Peterson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–480–7062, jonathan.peterson@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel;

Preclinical and Translational Research in Neurodegenerative Diseases.

Date: November 4–5, 2026.

Time: 9:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Sue Andersen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-480-5404, sue.andersen-navalta@nih.gov.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Neural Basis of Psychopathology, Addictions and Sleep Disorders Study Section.

Date: November 4–5, 2026.

Time: 9:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Todd Everett White, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-594-3962, todd.white@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Maximizing Investigators' Research Award Review.

Date: November 4–5, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Anita Szajek, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 900M, Bethesda, MD 20892, 301-435-3761, anita.szajek@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 5, 2026.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-20558 Filed 10-6-26; 8:45 am]

BILLING CODE 4167-05-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Novel tools to study cell-and circuit-specific brain processes.

Date: November 2–3, 2026.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Vishakha Sharma, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-2297, vishakha.sharma@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training and Career Development: Vascular and Hematology Topics.

Date: November 2–3, 2026.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Kristin Goltry, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-5198, goltrykl@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training: National Research Service Award.

Date: November 2–3, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Abhignya Subedi, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-6143, abhi.subedi@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Developmental and Regeneration Biology.

Date: November 2, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Rass M. Shayiq, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, (301) 435-2359, shayiqr@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training: Basic Biomedical Institutional and Research Education Grants.

Date: November 2, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Marcienne Wright, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (301) 594-3878, marci.wright@nih.gov.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genetics of Health and Disease Study Section.

Date: November 2, 2026.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Christopher Payne, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 2208, Bethesda, MD 20892, 301-402-3702, christopher.payne@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Heart, Lung, and Sleep Single-Site Clinical Trials.

Date: November 2, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Cynthia D. Anderson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-7682, cynthia.anderson@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel:

Animal and Biological Material Resource Centers and Resource-Related Research Projects.

Date: November 2, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Mollie Kim Manier, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-0510, mollie.manier@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR-23-059: National Cancer Institute Program Project Applications for the Years 2023, 2024, and 2025 (P01 Clinical Trial Optional).

Date: November 2, 2026.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Anna Babakhanyan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435-3634, anna.babakhanyan@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Bacterial Innate Immunomodulation and Pathogenesis.

Date: November 2, 2026.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Mairi Noverr, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-2802, noverrmc@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics in Psychosocial Risk and Interpersonal Processes of Health.

Date: November 2, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Rochelle Francine Hentges, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000C, Bethesda, MD 20892, (301) 402-8720, hentgesrf@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Endocrinology and Metabolism.

Date: November 2, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Elaine Sierra-Rivera, Ph.D., IRG Chief, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6182, Bethesda, MD 20892, (301) 435-2514, riverase@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Career Development Awards: Pain, Neuronal Injury and Related Disorders.

Date: November 2-3, 2026.

Time: 10:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Maurizio Grimaldi, M.D., Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 594-2636, maurizio.grimaldi@nih.gov.

Name of Committee: Applied Immunology and Disease Control Integrated Review Group; Drug Discovery and Molecular Pharmacology A Study Section.

Date: November 3-4, 2026.

Time: 9:00 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Bidyottam Mittra, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20894, (301) 435-4057, bidyottam.mittra@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Basic Neurosciences.

Date: November 3-4, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Vanessa S. Boyce, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4185, MSC 7850, Bethesda, MD 20892, (301) 402-3726, boycevs@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 5, 2026.

Margaret N. Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-20562 Filed 10-6-26; 8:45 am]

BILLING CODE 4167-05-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2026-0379]

Area Maritime Security Advisory Committee (AMSC), Eastern Great Lakes, Western New York; Sub-Committee Vacancy

AGENCY: Coast Guard, DHS.

ACTION: Notice; request for applications.

SUMMARY: The Coast Guard is accepting applications to fill one vacancy on the Area Maritime Security Committee, Eastern Great Lakes, Western New York Region Sub-Committee (Sub-Committee). The Area Maritime Security Committee assists the Captain of the Port as the Federal Maritime Security Coordinator (FMSC), Buffalo, in developing, reviewing, and updating the Area Maritime Security Plan for their area of responsibility.

DATES: Applications for membership must reach the Captain of the Port, Buffalo, by October 31, 2026.

ADDRESSES: Applications for membership must be submitted to the Captain of the Port at the following address: Captain of the Port, Buffalo, Attention: LCDR Kyle Maxey, 1 Fuhrmann Boulevard, Buffalo, NY 14203-3189.

FOR FURTHER INFORMATION CONTACT: For questions about submitting an application, or about the AMSC in general, contact Mr. John Kelly, Western New York Region Sub-Committee Executive Coordinator, at 571-613-2856 or John.K.Kelly@uscg.mil.

SUPPLEMENTARY INFORMATION:

Basis and Purpose

Section 102 of the Maritime Transportation Security Act (MTSA) of 2002 (Pub. L. 107-295) added section 70112 to Title 46 of the U.S. Code and authorized the Secretary of the Department in which the Coast Guard is operating to establish Area Maritime Security Advisory Committees (ASMC) for any port area of the United States. 46 U.S.C. 70112. See 33 CFR 1.05-1, 6.01; Department of Homeland Security Delegation No. 0170.1. The MTSA includes a provision exempting these AMSCs from the Federal Advisory

Committee Act (FACA). 46 U.S.C. 70112(b)(7). See 5 U.S.C. 1001–1014. The AMSCs assist the FMSC in the development, review, update, and implementation of the Area Maritime Security Plan (AMSP) for their area of responsibility. The responsibilities of the AMSCs may include, but are not limited to, the following:

- (1) Identifying critical port infrastructure and operations;
- (2) Identifying risks (threats, vulnerabilities, and consequences);
- (3) Determining mitigation strategies and implementation methods;
- (4) Developing strategies to facilitate the recovery of the Maritime Transportation System after a Transportation Security Incident;
- (5) Developing and describing the process to continually evaluate overall port security by considering consequences and vulnerabilities, how they may change over time, and what additional mitigation strategies can be applied; and
- (6) Providing advice to and assisting the FMSC in developing and maintaining the AMSP.

AMSC Membership

Members of the AMSC should have at least five years of experience related to maritime or port security operations. We are seeking to fill one (1) Sub-Committee vacancy with this solicitation: an Executive Board member to serve as Vice-Chairperson. The position will serve concurrently as a member of the Eastern Great Lakes AMSC when convened by the FMSC.

Applicants may be required to pass an appropriate security background check prior to appointment to the Committee. The member's term of office will be for five years; however, a member is eligible to serve additional terms of office. Members will not receive any salary or other compensation for their service on an AMSC. In accordance with 33 CFR 103.305, members may be selected from Federal, Territorial, or Tribal governments; State government and political subdivisions of the State; local public safety, crisis management, and emergency response agencies; law enforcement and security organizations; maritime industry, including labor; other port stakeholders having a special competence in maritime security; and port stakeholders affected by security practices and policies.

The Department of Homeland Security does not discriminate in selection of committee members on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability, and genetic information, age, membership in an employee organization, or any other

non-merit factor. The Department of Homeland Security strives to achieve a widely diverse candidate pool for all of its recruitment actions.

Request for Applications

Those seeking membership are not required to submit formal applications to the local Captain of the Port. Because we have an obligation to ensure that a specific number of members have the prerequisite maritime security experience, however, we encourage the submission of resumes highlighting experience in the maritime and security industries.

Matthew J. Walter,

Captain, U.S. Coast Guard, Captain of the Port & Federal Maritime Security Coordinator, Eastern Great Lakes.

[FR Doc. 2026–20527 Filed 10–6–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2026–0166; OMB No. 1660–0008]

Agency Information Collection Activities: Submission for OMB Review, Comment Request; Elevation Certificate/Floodproofing Certificate.

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 30-Day Notice of Extension and Request for Comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. FEMA invites the general public to take this opportunity to comment on an extension of a currently approved information collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, this notice seeks comments concerning the National Flood Insurance Program's (NFIP) Elevation Certificate and Floodproofing Certificate.

DATES: Comments must be submitted on or before November 6, 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:

Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address: FEMA-Information-Collections-Management@fema.dhs.gov or John Hintermister, Branch Chief, Underwriting, Resilience, at 202–679–5992, and john.hintermister@fema.dhs.gov.

SUPPLEMENTARY INFORMATION:

Communities participating in the NFIP are required to adopt a floodplain management ordinance that meets or exceeds the minimum floodplain management standards of the NFIP. In accordance with FEMA's minimum floodplain management standards, communities must require that all new construction and substantial improvement of residential structures and non-residential structures have the lowest floor (including basement) elevated to above the base flood elevation subject to 44 CFR 60.3(c)(2) and (3); unless, for residential structures, the community is granted an exception by FEMA for the allowance of basements under 44 CFR 60.6(b) or (c). New construction and substantial improvement of non-residential structures can also be floodproofed. This means that, together with attendant utility and sanitary facilities, they are designed such that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability to resist hydrostatic and hydrodynamic loads and effects of buoyancy, per 44 CFR 60.3(c)(3)(ii).

Use of the Elevation Certificate and Floodproofing Certificate each serve as a method for a community to document building compliance with these requirements. FEMA also gives NFIP policyholders the option to submit an Elevation Certificate for the purpose of providing elevation information for use in premium rating in lieu of FEMA-sourced elevation information and for the purpose of demonstrating eligibility for the Machinery & Equipment premium discount.

This proposed information collection previously published in the **Federal Register** on June 1, 2026, at 91 FR 32408 with a 60-day public comment period and FEMA received five public comments. One was from Association of

State Floodplain Managers (ASFP), two from the City of Tucson, one from an insurance agent, and one from an anonymous commenter related to this information collection. Many ASFP and City of Tucson comments suggested allowing extra space for comments; providing additional wording for clarification; industry standard wording; and adjusting electronic form capabilities to adjust for capacity and to use with other programs. The anonymous commenter was concerned about the use of waivers, and development in flood prone areas. The comment from the insurance agent was in reference to slab on grade construction on the Elevation Certificate (EC) form.

The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Elevation Certificate/
Floodproofing Certificate.

Type of Information Collection:
Extension of a currently approved information collection.

OMB Number: 1660-0008.

FEMA Forms: FEMA Form FF-206-FY-22-152 (formerly 086-0-33), Elevation Certificate; FEMA Form FF-206-FY-22-153 (formerly 086-0-34), Floodproofing Certificate.

Abstract: The Elevation Certificate and Floodproofing Certificate are to determine a building's compliance with local floodplain management provisions and, in conjunction with the Flood Insurance Application, to document elevations in support of flood insurance premiums or discounts that align with the building's risk of damage from flooding. Respondents are primarily surveyors, architects, or engineers; individual property owners may opt to complete specified portions of the Elevation Certificate.

Affected Public: Individuals or Households, and Businesses or other For-Profit.

Estimated Number of Respondents: 3,517.

Estimated Number of Responses: 3,517.

Estimated Total Annual Burden Hours: 12,735.

Estimated Total Annual Respondent Cost: \$714,083.

Estimated Respondents' Operation and Maintenance Costs: \$0.

Estimated Respondents' Capital and Start-Up Costs: \$0.

Estimated Total Annual Cost to the Federal Government: \$37,415.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the Agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who 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.

Nigel S. Allicock,

Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2026-20497 Filed 10-6-26; 8:45 am]

BILLING CODE 9111-52-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-HQ-OC-2026-4027; FXGO166009OC000-267-FF09X00000]

Hunting and Shooting Sports Conservation and Access Council; Request for Nominations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior (DOI) is seeking member nominations to the Hunting and Shooting Sports Conservation and Access Council (Council). Individuals who submitted a cover letter and resume in response to the April 21, 2026, request for nominations do not need to resubmit for this request. The Council will provide recommendations to the Federal Government, through the Secretary of the Interior and the Secretary of Agriculture, regarding the establishment and implementation of existing and proposed policies and authorities with regard to wildlife and habitat conservation endeavors that benefit wildlife resources; encourage partnership among the public, sporting conservation organizations, and Federal, State, Tribal, and Territorial

governments; benefit hunting and the shooting sports; and increase public access to hunting and the shooting sports.

DATES: Nominations for the Council must be submitted no later than October 22, 2026.

ADDRESSES: You may submit nominations via email to doug_hobbs@fws.gov.

FOR FURTHER INFORMATION CONTACT: Douglas Hobbs, by telephone at (703) 358-2336, or by email at doug_hobbs@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The Council is established under the authority of the Secretary of the Interior and regulated by the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. Ch. 10). The Council's duties are strictly advisory and consist of, but are not limited to,

(a) Assessing the implementation of current and future Executive Orders, Secretary's Orders, Secretarial memos, and Director's Orders that pertain to the objective of the Council, and providing recommendations to enhance and expand their implementation;

(b) Conducting a review of public lands to identify any areas currently unreachable or unavailable for public hunting opportunities and recommending solutions or options to increase access;

(c) Making recommendations regarding policies and programs that:

1. conserve and restore wetlands, grasslands, forests, and other important wildlife habitats, and improve management and restoration of rangelands and agricultural lands to benefit wildlife and enhance hunting and wildlife-associated recreation;

2. promote opportunities for hunting and/or expand access to hunting, shooting sports and wildlife-associated recreation on public lands;

3. improve and enhance agency infrastructure that benefit wildlife and their habitats, that enhance public access to hunting and shooting sports opportunities on public lands and other related and lawful uses in accordance with the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801-6814) and the Great American Outdoors Act (Pub. L. 115-162);

4. encourage hunting and shooting sports safety, including through development of ranges on public lands;

5. recruit and retain new hunters and shooting sports enthusiasts whose participation helps support wildlife conservation and increased access and opportunities through the North American Model of Conservation;

6. increase public awareness of the importance of wildlife conservation and the social and economic benefits of hunting and the shooting sports; and

7. encourage coordination among the public; the hunting and shooting sports communities; wildlife conservation groups; and Federal, State, Tribal and Territorial governments to better utilize natural resources while providing for conservation.

(d) When requested by the Designated Federal Officer (DFO) in consultation with the Council Chairperson, performing a variety of assessments or reviews of policies, programs, and efforts through the Council's designated subcommittees or workgroups for consideration and approval of full Council.

The Council will meet at least two times per year. The Secretary will appoint members and alternates to the Council to serve up to a 3-year term. The Council will not exceed 18 primary representative members, up to 18 alternate representative members, and 4 ex officio members. Ex officio members will include: Secretary of the Interior or designated DOI representatives; Secretary of Agriculture or designated Department of Agriculture representative; and Executive Director, Association of Fish and Wildlife Agencies.

The Secretary will select remaining members from among, but not limited to, the organization/interests listed below. These members must be senior-level representatives of their organization and/or have the ability to represent their designated constituencies.

- State fish and wildlife management agencies;
- Wildlife and habitat conservation/management organizations;
- Shooting sports interests;
- Gamebird hunting organizations;
- Waterfowl hunting organizations;
- Big game hunting organizations;
- U.S. hunters actively engaged in domestic and/or international hunting conservation;
- The firearms or ammunition manufacturing industry;
- Archery interests;
- Wildlife-associated recreation interests;

• Tourism, outfitter, and/or guide businesses related to hunting and/or wildlife conservation;

- Tribal resource management organizations;
- Agriculture interests;
- Ranching interest; and
- Veterans service organizations.

Member Terms and Vacancies To Fill

Each representative member is appointed to serve up to a 3-year term. We are requesting nominations to fill vacancies to represent organizations/interests listed above.

Nomination Method and Information

Nominations should include a cover letter and resume providing an adequate description of the nominee's qualifications, including information that would enable DOI to make an informed decision regarding the ability of a nominee to meet the membership requirements of the Council and the national interest potentially represented by a nominee, and to permit DOI to contact a potential member. Individuals who submitted a cover letter and resume in response to the April 21, 2026, request for nominations do not need to resubmit for this request.

Members of the Council serve without compensation. However, while away from their homes or regular places of business, Council and subcommittee members engaged in Council or subcommittee business that the Designated Federal Officer approves may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703, in the same manner as persons employed intermittently in Federal Government service.

Authority: 5 U.S.C. Ch. 10.

Janine Velasco,

Acting Deputy Director, U.S. Fish and Wildlife Service.

[FR Doc. 2026–20555 Filed 10–6–26; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Wellwise Pharmacy Inc.; Decision and Order

On September 25, 2025, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause and Immediate Suspension of Registration (OSC/ISO) to Wellwise Pharmacy Inc. of Houston, Texas, and Conroe, Texas (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 11. The OSC/ISO

informed Registrant of the immediate suspension of its DEA registration, No. FW2318497, pursuant to 21 U.S.C. 824(d), finding that Registrant's continued registration constitutes “‘an imminent danger to the public health or safety.’” *Id.* at 1 (quoting 21 U.S.C. 824(d)). The OSC/ISO also proposed the revocation of Registrant's registration, alleging that Registrant's continued registration is inconsistent with the public interest. *Id.* at 1 (citing 21 U.S.C. 823(g)(1), 824(a)(4)).¹

Specifically, the OSC/ISO alleges that from at least January 2023 to March 2025, Registrant violated federal and Texas law by repeatedly filling prescriptions for controlled substances that presented multiple flags of diversion and/or abuse without addressing or resolving those red flags. RFAAX 1, at 4. The OSC/ISO alleged that these unresolved red flags of abuse and/or diversion included pattern prescribing; prescriptions for controlled substances commonly known to be abused; prescriptions for controlled substances at their highest strength and/or in large quantities; prescriptions for controlled substances for multiple patients who shared the same address; patients who traveled long distances to fill their controlled substance prescriptions; and patients who were paying high prices or in cash, instead of using insurance, for their controlled substance prescriptions. *Id.* at 5–9.

The OSC/ISO alleged that Registrant violated the following federal regulations: 21 CFR 1306.04 and 21 CFR 1306.06. RFAAX 1, at 2. The OSC/ISO also alleged that Registrant violated the following Texas state laws: Tex. Health & Safety Code § 481.074(a)(1); Tex. Health & Safety Code § 481.128(a)(1); 22 Tex. Admin. Code § 291.29(a)–(b), (f); 22 Tex. Admin. Code § 291.33(c)(2)(A)(i)–(ii), (iv); 22 Tex. Admin. Code § 291.33(c)(2)(C); 22 Tex. Admin. Code § 291.34(b)(1). *Id.* at 2–4.

On November 19, 2025, the Government submitted an RFAA to the Administrator requesting that the Agency issue a default final order revoking Registrant's registration. RFAA, at 1, 10. After carefully reviewing the entire record and conducting the analysis as set forth in detail below, the Agency grants the

¹ The Government's RFAA included a declaration by a DEA Diversion Investigator (DI), in which DI declared under penalty of perjury that on September 29, 2025, she and other DEA personnel traveled to Registrant's registered location and personally served a copy of the OSC/ISO on D.O., a representative of Registrant. RFAAX 2, at 1–2. Due to personal service of the OSC/ISO upon a representative of Registrant, the Agency finds that due process notice requirements have been satisfied.

Government's RFAA and revokes Registrant's registration. As a preliminary matter, this Decision addresses whether Registrant is in default and finds that it is. Thereafter, this Decision makes specific factual findings on the alleged violations as set forth in the OSC/ISO; specifically, the allegations that Registrant repeatedly filled controlled substance prescriptions without resolving red flags of abuse and/or diversion. Next, this Decision considers whether Registrant's registration is inconsistent with the public interest and finds that it is. Lastly, this Decision determines that the appropriate sanction is revocation of Registrant's registration.

I. Default Determination

Under 21 CFR 1301.43, a registrant entitled to a hearing who fails to file a timely hearing request "within 30 days after the date of receipt of the [OSC] . . . shall be deemed to have waived their right to a hearing and to be in default" unless "good cause" is established for the failure. 21 CFR 1301.43(a) & (c)(1). In the absence of a demonstration of good cause, a registrant who fails to timely file an answer also is "deemed to have waived their right to a hearing and to be in default." 21 CFR 1301.43(c)(2). Unless excused, a default is deemed to constitute "an admission of the factual allegations of the [OSC]." 21 CFR 1301.43(e).

Here, the OSC/ISO notified Registrant of its right to file a written request for hearing, and that if it failed to file such a request, it would be deemed to have waived its right to a hearing and be in default. RFAAX 1, at 10–11 (citing 21 CFR 1301.43). According to the Government's RFAA, Registrant failed to request a hearing. RFAA, at 1–2, 9. Thus, the Agency finds that Registrant is in default and therefore has admitted to the factual allegations in the OSC/ISO. 21 CFR 1301.43(e).

II. Public Interest Determination

A. Overview of Law

The Attorney General "may deny, suspend, or revoke [a] registration if . . . the [registrant's] registration would be 'inconsistent with the public interest.'" *Gonzales v. Oregon*, 546 U.S. 243, 251 (2006) (quoting 21 U.S.C. 824(a)(4)). The Attorney General's "discretion in exercising [the authority to register and deregister practitioners] is spelled out in very broad terms." *Id.* at 292 (Scalia, J., dissenting); see also *Neumann's Pharmacy, L.L.C. v. Drug Enf't Admin.*, 167 F.4th 320, 323 (5th Cir. 2026) ("DEA unquestionably has

broad authority to deregister pharmacies and substantial discretion to shape policy within statutory bounds."). In executing this broad mandate, DEA must continuously balance the CSA's public interest goals of curbing the "illegal . . . distribution[,] and possession[,] and improper use of controlled substances[, which has] a substantial and detrimental effect on the health and general welfare of the American people," while ensuring that the public has access to medications that "have a useful and legitimate medical purpose and are necessary to maintain the health and general welfare of the American people." 21 U.S.C. 801(1), (2); see Joanna R. Lampe, Cong. Rsch. Serv., R45948, *The Controlled Substances Act (CSA): A Legal Overview for the 119th Congress* (2025), <https://www.congress.gov/crs-product/R45948>.

In the case of a "practitioner," which is defined in 21 U.S.C. 802(21) to include a "pharmacy," Congress directed the Attorney General to consider five factors in making the public interest determination. 21 U.S.C. 823(g)(1)(A)–(E).² Just as the phrase "inconsistent with the public interest" is broad, the five factors that Congress directed DEA to consider in determining the public interest are similarly broad, suggesting that Congress intended for DEA to have discretion and flexibility to interpret this language as necessary to implement its critical mission to protect the public from drug abuse and diversion. See *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 394–95 (2024) (noting that "[i]n a case involving an agency . . . the statute's meaning may well be that the agency is authorized to exercise a degree of discretion," such as where the statute uses terms or phrases like "appropriate or reasonable" (internal citations omitted)). Indeed, courts have recognized the Agency's broad discretion to deny applications and deregister practitioners for a wide variety of conduct that the Agency has determined is inconsistent with the public interest. See, e.g., *Orusa v. Drug Enf't Admin.*, No. 22–3132, 2023 WL

² The five factors are:

(A) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(B) The [registrant's] experience in dispensing, or conducting research with respect to controlled substances.

(C) The [registrant's] conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(D) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(E) Such other conduct which may threaten the public health and safety.

21 U.S.C. 823(g)(1)(A)–(E).

3886403 (6th Cir. June 8, 2023) (physician issuing prescriptions outside the usual course of professional practice and beneath the standard of care); *St. Croix v. Drug Enf't Admin.*, No. 21–1116, 2022 WL 2092177 (D.C. Cir. June 10, 2022) (physician failing to maintain adequate records, prescribing controlled substances without a legitimate medical purpose, storing controlled substances at an unregistered location, failing to provide effective controls to guard against theft or diversion of these substances); *Suntree Pharmacy v. Drug Enf't Admin.*, No. 20–14626, 2022 WL 444357 (11th Cir. Feb. 14, 2022), *cert. denied*, 143 S. Ct. 305 (2022) (pharmacy filling prescriptions outside the usual course of practice).

The CSA's five public interest factors are considered in the disjunctive. *Gonzales v. Oregon*, 546 U.S. at 292–93 (Scalia, J., dissenting) ("It is well established that these factors are to be considered in the disjunctive," quoting *In re Arora*, 60 FR 4447, 4448 (1995)); *Robert A. Leslie, M.D.*, 68 FR 15227, 15230 (2003). Each factor is weighed on a case-by-case basis. *David H. Gillis, M.D.*, 58 FR 37507, 37508 (1993); see *Morall v. Drug Enf't Admin.*, 412 F.3d 165, 181 (D.C. Cir. 2005) (describing the Agency's adjudicative process as "applying a multi-factor test through case-by-case adjudication," quoting *LeMoyné-Owen Coll. v. N.L.R.B.*, 357 F.3d 55, 61 (D.C. Cir. 2004)). Any one factor, or combination of factors, may be decisive. *David H. Gillis, M.D.*, 58 FR at 37508, and the Agency "may give each factor the weight . . . deem[ed] appropriate in determining whether a registration should be revoked or an application for registration denied." *Morall*, 412 F.3d at 185 n.2 (Henderson, J., concurring) (quoting *Robert A. Smith, M.D.*, 70 FR 33207, 33208 (2007)); see also *Penick Corp. v. Drug Enf't Admin.*, 491 F.3d 483, 490 (D.C. Cir. 2007).

Moreover, while the Agency is required to consider each of the factors, it "need not make explicit findings as to each one." *MacKay v. Drug Enf't Admin.*, 664 F.3d 808, 816 (10th Cir. 2011) (quoting *Volkman v. U.S. Drug Enf't Admin.*, 567 F.3d 215, 222 (6th Cir. 2009)); *Jones Total Health Care Pharmacy, LLC v. Drug Enf't Admin.*, 881 F.3d 823, 830 (11th Cir. 2018); *Hoxie v. Drug Enf't Admin.*, 419 F.3d 477, 482 (6th Cir. 2005). "In short, . . . the Agency is not required to mechanically count up the factors and determine how many favor the Government and how many favor the registrant. Rather, it is an inquiry which focuses on protecting the public interest; what matters is the seriousness of the registrant's misconduct." *Jayam*

Krishna-Iyer, M.D., 74 FR 459, 462 (2009). Accordingly, as the Tenth Circuit has recognized, Agency decisions have explained that findings under a single factor can support the revocation of a registration. *MacKay*, 664 F.3d at 821.

The Government has the burden of proof in this proceeding, 21 CFR 1301.44(e), and the Agency must make its findings based on “substantial [record] evidence.” 5 U.S.C. 556(d); *see* 5 U.S.C. 706(2); 21 U.S.C. 877. If the Government meets its burden of establishing a *prima facie* case that Registrant’s registration is not in the public interest, then the burden shifts to Registrant to rebut the Government’s case. *Pharmacy Doctor Enters., Inc. v. Drug Enf’t Admin.*, 789 Fed. Appx. 724, 729 (11th Cir. 2019) (citing *Jones Total Health Care Pharmacy*, 881 F.3d at 830).

Registrant is registered in Texas, and the OSC/ISO has alleged violations of state laws in Texas. RFAAX 1, at 2–4. Accordingly, the Agency must evaluate the Government’s evidence under Texas law. *See Henry Emery, M.D.*, 90 FR 46927, 46929 (2025) (explaining the Agency analyzes public interest allegations according to the laws in the state where registrant is registered with DEA); *see also* 21 U.S.C. 903 (“No provision of this subchapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which that provision operates, including criminal penalties, to the exclusion of any State law on the same subject matter which would otherwise be within the authority of the State, unless there is a positive conflict between that provision of this subchapter and that State law so that the two cannot consistently stand together.”).

B. Applicable State Law

According to the CSA’s implementing regulations, a lawful controlled substance prescription is one that is “issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.” RFAAX 1, at 2 (citing 21 CFR 1306.04(a)); *see Gonzales v. Oregon*, 546 U.S. at 274; *United States v. Hayes*, 595 F.2d 258, 260 (5th Cir. 1979), *rehearing den.*, 598 F.2d 620 (5th Cir. 1979), *cert. denied*, 444 U.S. 866 (1979). Although “[t]he responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner . . . a corresponding responsibility rests with the pharmacist who fills the prescription.” RFAAX 1, at 2 (citing 21 CFR 1306.04(a)). Pursuant to the CSA’s implementing regulations, only a pharmacist “acting in the usual

course of his professional practice” may fill a prescription for a controlled substance. RFAAX 1, at 2 (citing 21 CFR 1306.06).

As for state law, Texas regulations state that a Texas pharmacist “shall exercise sound professional judgment with respect to the accuracy and authenticity of any prescription drug order” they dispense and “shall make every reasonable effort to ensure that any prescription drug order . . . has been issued for a legitimate medical purpose by a practitioner in the course of medical practice.” 22 Tex. Admin. Code § 291.29(a)–(b); *see also* 22 Tex. Admin. Code § 291.34(b)(1); RFAAX 1, at 3.

Texas Administrative Code § 291.29(f) states that “[a] pharmacist shall make every reasonable effort to prevent inappropriate dispensing due to fraudulent, forged, invalid, or medically inappropriate prescriptions in violation of a pharmacist’s corresponding responsibility,” and provides a list of nineteen “patterns (*i.e.*, red flag factors) [that] are relevant to preventing the non-therapeutic dispensing of controlled substances.” 22 Tex. Admin. Code § 291.29(f); RFAAX 1, at 3–4. The statute further states that these red flags “shall be considered by evaluating the totality of the circumstances rather than any single factor.” *Id.* These “red flag factors” include:

“(1) the pharmacy dispenses a reasonably discernible pattern of substantially identical prescriptions for the same controlled substances, potentially paired with other drugs, for numerous persons, indicating a lack of individual drug therapy in prescriptions issued by the practitioner; . . .

(3) prescriptions by a prescriber presented to the pharmacy are routinely for controlled substances commonly known to be abused drugs, including opioids, benzodiazepines, muscle relaxants, psychostimulants, and/or cough syrups containing codeine, or any combination of these drugs; . . .

(5) prescriptions for controlled substances are commonly for the highest strength of the drug and/or for large quantities (*e.g.*, monthly supply), indicating a lack of individual drug therapy in prescriptions issued by the practitioner; . . .

(10) the Texas Prescription Monitoring Program indicates the person presenting the prescriptions is obtaining similar drugs from multiple practitioners, and/or that the person is being dispensed similar drugs at multiple pharmacies;

(11) multiple persons with the same address present substantially similar

controlled substance prescriptions from the same practitioner;

(12) persons consistently pay for controlled substance prescriptions with cash or cash equivalents more often than through insurance;

(13) persons presenting controlled substance prescriptions are doing so in such a manner that varies from the manner in which persons routinely seek pharmacy services (*e.g.*, persons arriving in the same vehicle with prescriptions from same practitioner; one person seeking to pick up prescriptions for multiple others; drugs referenced by street names[.]”

22 Tex. Admin. Code § 291.29(f); RFAAX 1, at 3–4.

Regarding the operational standards for a pharmacist filling a new prescription, the Texas Board of Pharmacy requires a pharmacist to: (i) review the patient’s medication record and, at a minimum, identify clinically significant information such as “reasonable dose and route of administration; . . . drug-drug interactions; . . . and [] proper utilization, including overutilization or underutilization,” (ii) “take appropriate steps to avoid or resolve [any] problem” identified, “including consultation with the prescribing practitioner”; and (iv) resolve any questions with the prescriber and document the resolution. 22 Tex. Admin. Code § 291.33(c)(2)(A)(i)–(ii), (iv); *see* 22 Tex. Admin. Code § 291.33(c)(2)(C) (outlining the information that such documentation must include); RFAAX 1, at 3.³

Texas regulations further state that “[a] pharmacist may not: (1) dispense . . . a controlled substance . . . except under a valid prescription and in the course of professional practice.” Tex. Health & Safety Code § 481.074(a)(1); *see* Tex. Health & Safety Code § 481.128(a)(1) (“A registrant or dispenser commits an offense if the registrant or dispenser knowingly . . . distributes, delivers, administers, or dispenses a controlled substance in violation of” Sections 481.061–481.080 of the Texas Health and Safety Code); RFAAX 1, at 2.

³ Such documentation must be “on the prescription or in the pharmacy’s data processing system associated with the prescription . . . and shall include . . . (i) [the] date the prescriber was consulted; (ii) [the] name of the person communicating the prescriber’s instructions; (iii) any applicable information pertaining to the consultation; and (iv) [the] initials or identification code of the pharmacist performing the consultation clearly recorded for the purpose of identifying the pharmacist who performed the consultation.” 22 Tex. Admin. Code § 291.33(c)(2)(C); RFAAX 1, at 3.

III. Findings of Fact

Allegation That Registrant Filled Prescriptions Without Addressing or Resolving Red Flags of Abuse and/or Diversion

In light of Registrant's default, the factual allegations in the OSC/ISO are deemed admitted. 21 CFR 1301.43(e). Accordingly, Registrant is deemed to have admitted that from January 2023 through March 2025 Registrant repeatedly filled prescriptions for controlled substances that contained multiple red flags of diversion and/or abuse without addressing or resolving those red flags, as detailed below. RFAAX 1, at 4.

A. Pattern Prescribing, Substances of Abuse, and Highest Strength/Large Quantities

Registrant admits that "pattern prescribing" occurs when practitioners prescribe "the same controlled substances in identical or substantially similar quantities, thus indicating a lack of individualized care." RFAAX 1, at 5. Registrant admits that DEA has recognized pattern prescribing to be a red flag consistent with abuse and/or diversion that needs to be addressed prior to dispensing. *Id.* (citing *The Med. Shoppe*, 79 FR 59504, 59512 (2014)). Registrant also admits that it is a red flag of abuse and/or diversion when prescriptions are for controlled substances that are commonly known to be abused, such as opioids and muscle relaxants, and for the highest strength and/or large quantities, such as a monthly supply. RFAAX 1, at 5.

Further, as discussed above, *see supra* Section II, Texas regulations have recognized pattern prescribing to be a red flag consistent with abuse and/or diversion that needs to be addressed prior to dispensing. 22 Tex. Admin. Code Ann. § 291.29(f)(1); RFAAX 1, at 3, 5. Texas regulations have also recognized that prescriptions for controlled substances commonly known to be abused (such as opioids and narcotics) and prescriptions for controlled substances prescribed at the highest strength and/or in large quantities (*e.g.*, a monthly supply) are red flags consistent with abuse and/or diversion that need to be addressed prior to dispensing. 22 Tex. Admin. Code §§ 291.29(f)(3), (f)(5); RFAAX 1, at 3–5.

Registrant admits that between January 19, 2023, and March 31, 2025, Registrant routinely filled prescriptions for oxycodone 30 mg (a Schedule II opioid), hydrocodone-acetaminophen 10–325 mg (a Schedule II opioid), and carisoprodol 350 mg (a Schedule IV

muscle relaxant). RFAAX 1, at 5. Registrant further admits that it repeatedly failed to identify and resolve pattern prescribing from the same practitioners. *Id.*

Specifically, Drs. C.I., M.L., and M.Q. prescribed 91-percent of all prescriptions that Registrant dispensed for oxycodone 30 mg (599 prescriptions out of 655 total). RFAAX 1, at 5. Drs. C.I. and M.L. prescribed 97-percent of all prescriptions that Registrant dispensed for hydrocodone 10–325 mg (381 prescriptions out of 391 total). *Id.* Drs. C.I. and M.L. prescribed 99-percent of all prescriptions that Registrant dispensed for carisoprodol 350 mg (380 prescriptions out of 383 total). *Id.*

Specific examples of Registrant's failure to identify and resolve red flags of pattern prescribing, substances of abuse, and highest strength and/or large quantities raised by prescriptions issued by Dr. C.I. include the following:

(a) Between December 26, 2024, and March 31, 2025, Registrant filled three prescriptions for individual B.P. for hydrocodone-acetaminophen 10–325 mg (100–108 tablets), and three prescriptions for carisoprodol 350 mg (90 tablets). RFAAX 1, at 5.

(b) Between September 28, 2023, and March 18, 2025, Registrant filled two prescriptions for individual B.S. for oxycodone 30 mg (110 tablets), three prescriptions for hydrocodone-acetaminophen 10–325 mg (100 tablets), and three prescriptions for carisoprodol 350 mg (90 tablets). RFAAX 1, at 5–6.

(c) Between January 31, 2024, and February 19, 2025, Registrant filled one prescription for individual S.H. for oxycodone 30 mg (109 tablets), two prescriptions for hydrocodone-acetaminophen 10–325 mg (100 tablets), and two prescriptions for carisoprodol 350 mg (90 tablets). RFAAX 1, at 6.

(d) Between January 16, 2025, and February 19, 2025, Registrant filled two prescriptions for individual C.B. for hydrocodone-acetaminophen 10–325 mg (110 tablets), and two prescriptions for carisoprodol 350 mg (90 tablets). RFAAX 1, at 6.

(e) Between October 4, 2023, and March 25, 2024, Registrant filled three prescriptions for individual K.B. for oxycodone 30 mg (110 tablets). RFAAX 1, at 6.

(f) Between August 22, 2023, and February 20, 2024, Registrant filled five prescriptions for individual T.D. for oxycodone 30 mg (105–110 tablets). RFAAX 1, at 6.

(g) Between August 10, 2023, and September 8, 2023, Registrant filled two prescriptions for individual Ke.B. for oxycodone 30 mg (100–105 tablets). RFAAX 1, at 6.

Registrant's records do not indicate that Registrant addressed or resolved the red flags discussed above. RFAAX 1, at 6. Accordingly, the Agency finds substantial record evidence that over 26-months Registrant repeatedly filled numerous prescriptions for controlled substances (at least 1,360 prescriptions) without first resolving the prescriptions' red flags of pattern prescribing, substances of abuse, and highest strength and/or large quantities. RFAAX 1, at 5–6.

B. Shared Addresses

Registrant admits that it is a red flag of abuse and/or diversion when multiple individuals presenting prescriptions for controlled substances share the same address. RFAAX 1, at 6. Registrant further admits that under DEA and Texas rules, multiple persons with the same address presenting the same or substantially similar controlled substance prescriptions from the same practitioner is pattern prescribing that must be resolved prior to filling the prescription. *Id.* (citing 22 Tex. Admin. Code § 291.29(f)(11); *Holiday CVS, L.L.C., d/b/a CVS/Pharmacy Nos. 219 and 5195*, 77 FR 62316, 62344 (2012)).

As discussed above, *see supra* Section II, Texas regulations identify the following as a red flag factor of abuse and/or diversion that must be addressed and resolved before filling a prescription for a controlled substance: "multiple persons with the same address present substantially similar controlled substance prescriptions from the same practitioner." 22 Tex. Admin. Code § 291.29(f)(11). DEA has recognized multiple individuals presenting the same or similar controlled substance prescriptions to be a red flag consistent with abuse and/or diversion that needs to be addressed prior to dispensing. *Holiday CVS*, 77 FR at 62344.

Specifically, between August 22, 2023, and March 18, 2025, Registrant filled seven prescriptions for oxycodone 30 mg, three prescriptions for hydrocodone-acetaminophen 10–325 mg, and three prescriptions for carisoprodol 350 mg for individuals B.S. and T.D. who shared the same address. RFAAX 1, at 6. These prescriptions were all issued by Dr. C.I. *Id.*

Between August 10, 2023, and February 19, 2025, Registrant filled three prescriptions for oxycodone 30 mg for individuals S.H. and Ke.B. RFAAX 1, at 6. Registrant also filled five prescriptions for hydrocodone-acetaminophen 10–325 mg and five prescriptions for carisoprodol 350 mg for individuals S.H. and C.B. *Id.* at 7. Individuals S.H., Ke.B., and C.B. shared

the same address. *Id.* These prescriptions were all issued by Dr. C.I. *Id.*

Registrant's records do not indicate that Registrant addressed or resolved the red flags discussed above. RFAAX 1, at 7. Accordingly, the Agency finds substantial record evidence that over approximately 19 months Registrant repeatedly filled numerous prescriptions for controlled substances, at least 26 in total, without first resolving the prescriptions' red flags of the recipients sharing the same address. *Id.*

C. Long Distances

Registrant admits that DEA has recognized that traveling long distances to obtain or fill controlled substance prescriptions is a red flag of abuse and/or diversion. RFAAX 1, at 7 (citing *E Main St. Pharmacy*, 75 FR 66149, 66164 (2010)).

Registrant is further deemed to have admitted that it repeatedly filled controlled substance prescriptions without identifying and resolving the red flag of patients traveling long distances to obtain or fill the prescriptions.⁴ RFAAX 1, at 7. Specifically, Registrant is deemed to have admitted that the following controlled substance prescriptions it filled raised the red flag of long distances:

(a) On six occasions between December 26, 2024, and March 31, 2025, Registrant (Conroe location)⁵ filled prescriptions for hydrocodone-acetaminophen 10–325 mg (100–108 tablets) or carisoprodol 350 mg (90 tablets) for individual B.P., whose home address was approximately 67 miles from Registrant. RFAAX 1, at 7.

(b) On six occasions between December 26, 2024, and March 18, 2025, Registrant (Conroe location) filled prescriptions for hydrocodone-acetaminophen 10–325 mg (100 tablets) or carisoprodol 350 mg (90 tablets) for individual B.S., whose home address is approximately 50 miles from Registrant. RFAAX 1, at 7. On two occasions between October 3, 2023, and April 23, 2024, Registrant (Richmond location)

filled prescriptions for oxycodone 30 mg (110 tablets) for individual B.S., whose home address was approximately 31 miles from Registrant. *Id.*

(c) On four occasions between January 15, 2025, and February 19, 2025, Registrant (Conroe location) filled prescriptions for hydrocodone-acetaminophen 10–325 mg (100 tablets) or carisoprodol 350 mg (90 tablets) for individual S.H., whose home address is approximately 52 miles from Registrant. RFAAX 1, at 7. On one occasion, on January 31, 2024, Registrant (Richmond location) filled a prescription for oxycodone 30 mg (109 tablets) for individual S.H., whose home address was approximately 29 miles from Registrant. *Id.*

(d) On four occasions between January 16, 2025, and February 19, 2025, Registrant (Conroe location) filled prescriptions for hydrocodone-acetaminophen 10–325 mg (110 tablets) or carisoprodol 350 mg (90 tablets) for individual C.B., whose home address was approximately 52 miles from Registrant. RFAAX 1, at 7–8.

(e) On three occasions between October 4, 2023, and March 25, 2024, Registrant (Richmond location) filled prescriptions for oxycodone 30 mg (110 tablets) for individual K.B., whose home address was approximately 303 miles from Registrant. RFAAX 1, at 8.

(f) On five occasions between August 22, 2023, and February 20, 2024, Registrant (Richmond location) filled prescriptions for oxycodone 30 mg (105–110 tablets) for individual T.D., whose home address was approximately 31 miles from Registrant. RFAAX 1, at 8.

(g) On two occasions between August 10, 2023, and September 8, 2023, Registrant (Richmond location) filled prescriptions for oxycodone 30 mg (100–105 tablets) for individual Ke.B., whose home address was approximately 29 miles from Registrant. RFAAX 1, at 8.

Registrant's records do not indicate that Registrant addressed or resolved the red flag of individuals traveling long distances to fill controlled substance prescriptions, as discussed above. RFAAX 1, at 7–8. Accordingly, the Agency finds substantial record evidence that Registrant repeatedly filled numerous prescriptions for controlled substances without first resolving the prescriptions' red flag of the recipients traveling long distances to fill them. *Id.*

D. Cash Payments and Inflated Prices

Registrant admits that individuals paying for controlled substance prescriptions using cash instead of

insurance is a red flag of abuse and/or diversion. RFAAX 1, at 8.

Further, as discussed above, *see supra* Section II, Texas regulations identify the following prescribing pattern as a red flag factor: “[P]ersons consistently pay for controlled substance prescriptions with cash or cash equivalents more often than through insurance.” 22 Tex. Admin. Code § 291.29(f)(12); RFAAX 1, at 8. DEA has also recognized that cash payments are a red flag. *See E Main St. Pharmacy*, 75 FR at 66158, 66164 (“[A]ny reasonable pharmacist knows that a patient that wants to pay cash for a large quantity of controlled substances is immediately suspect.”) (internal quotations omitted). Paying cash or a cash equivalent for controlled substance prescriptions is a red flag of abuse and/or diversion because it allows the individual to avoid the scrutiny associated with the use of insurance. *Id.*; *Jones Total Health Care Pharmacy, L.L.C., and SND Health Care, L.L.C.*, 81 FR 79188, 79191 (2016).

In addition, DEA has recognized that individuals paying inflated prices for controlled substance prescriptions is a red flag of abuse and/or diversion, especially when the price is higher than that of other pharmacies. *Gulf Med Pharmacy*, 86 FR 72694, 72696 (2021); *Jones Total Health Care Pharmacy*, 81 FR at 79191; RFAAX 1, at 8. Inflating prices for controlled substances is a red flag “because a legitimate patient, who could fill his or her prescription at any pharmacy, will switch pharmacies in order to pay the fair market price for that prescription,” as opposed to a “highly suspect patient [who] can only fill prescriptions at a suspicious pharmacy” and is willing to “pay whatever price that suspicious pharmacy sets.” *Gulf Med Pharmacy*, 86 FR at 72696.

Registrant admits that it repeatedly filled controlled substance prescriptions without identifying and resolving the red flags of cash payments and inflated prices. RFAAX 1, at 8–9. Specifically, Registrant is deemed to have admitted that the following controlled substance prescriptions it filled raised the red flags of cash payments and/or inflated prices:

(a) On six occasions between December 26, 2024, and March 31, 2025, individual B.P. paid Registrant between \$290.26–\$340.26 in cash for hydrocodone-acetaminophen 10–325 mg (100–108 tablets) prescriptions or \$90.67 in cash for carisoprodol 350 mg (90 tablets) prescriptions. RFAAX 1, at 8–9.

(b) On eight occasions between September 28, 2023, and March 18, 2025, individual B.S. paid Registrant between \$1,030.99–\$1,180.99 in cash for

⁴ Though long distances are not specifically mentioned in the Texas regulations as a red flag factor, the OSC/ISO notes that “DEA has found that traveling long distances to obtain or fill controlled substances prescriptions is a well-known red flag of abuse or diversion.” RFAAX 1, at 7 (citing *E Main St. Pharmacy*, 75 FR 66149, 66164 (2010) (finding that “the fact that the patients were driving so far to get their prescriptions filled ‘would be a major red flag to any pharmacist’ ”)).

⁵ Registrant's registered address was in Richmond, Texas, prior to September 2024, at which time it relocated to a registered address in Conroe, Texas. RFAAX 1, at 4.

oxycodone 30 mg prescriptions, between \$290.06–\$340.06 in cash for hydrocodone-acetaminophen 10–325 mg prescriptions, or \$90.67 in cash for carisoprodol 350 mg prescriptions. RFAAX 1, at 9.

(c) On five occasions between January 31, 2024, and February 19, 2025, individual S.H. paid Registrant \$1,030.90 in cash for oxycodone 30 mg prescriptions, \$340.06 in cash for hydrocodone-acetaminophen 10–325 mg prescriptions, or \$90.67 in cash for carisoprodol 350 mg prescriptions. RFAAX 1, at 9.

(d) On four occasions between January 16, 2025, and February 19, 2025, individual C.B. paid Registrant \$340.96 in cash for hydrocodone-acetaminophen 10–325 mg prescriptions or \$90.67 in cash for carisoprodol 350 mg prescriptions. RFAAX 1, at 9.

(e) On three occasions between October 4, 2023, and March 25, 2024, individual K.B. paid Registrant between \$1,030.99–\$1,180.99 in cash for oxycodone 30 mg prescriptions. RFAAX 1, at 9.

(f) On five occasions between August 22, 2023, and February 20, 2024, individual T.D. paid Registrant \$1,030.72 in cash for oxycodone 30 mg prescriptions. RFAAX 1, at 9.

(g) On three occasions between August 10, 2023, and September 8, 2023, individual Ke.B. paid Registrant \$1,030.30 in cash for oxycodone 30 mg prescriptions. RFAAX 1, at 9.

Registrant's records do not indicate that Registrant addressed or resolved the red flags of individuals paying in cash or cash equivalents, and/or inflated prices, for controlled substance prescriptions, as discussed above. RFAAX 1, at 8–9. Accordingly, the Agency finds substantial record evidence that Registrant repeatedly filled numerous prescriptions for controlled substances without first resolving the prescriptions' red flags of cash payments and/or inflated prices. *Id.*

E. Expert Review

DEA retained an independent pharmacy expert who reviewed Registrant's Prescription Monitoring Program data, the prescriptions identified above (*supra* Section III.A–D), prescription profiles, and patient notes, and concluded that Registrant filled the prescriptions identified above without resolving red flags of drug abuse and/or diversion. RFAAX 1, at 9. The independent pharmacy expert concluded that from January 2023 to at least March 2025, Registrant filled the above prescriptions in violation of federal law and binding minimal

standards that govern the practice of pharmacy in Texas. *Id.*

In consideration of all the above, the Agency finds substantial record evidence that Registrant repeatedly dispensed the above-referenced prescriptions without first resolving the above-referenced red flags, and that Registrant's dispensing of these prescriptions was outside the usual course of professional practice and lacked a legitimate medical purpose.

IV. Public Interest Determination

A. Registrant's Registration Is Inconsistent With the Public Interest

While the Agency has considered all the public interest factors of 21 U.S.C. 823(g)(1), the Government's evidence in support of its *prima facie* case primarily implicates Factors B and D. RFAA, at 9; RFAAX 1, at 5. Evidence is considered under Factor B when it reflects experience dispensing controlled substances and under Factor D when it reflects compliance or non-compliance with laws related to controlled substances. *Kareem Hubbard, M.D.*, 87 FR 21156, 21162 (2022). Although Factors B and D have some overlap, such that the Agency has frequently analyzed them together, Congress must have intended Factor B to encompass conduct that is not captured under Factor D. *See Kungys v. United States*, 485 U.S. 759, 778 (1988) (referencing the “cardinal rule of statutory interpretation that no provision should be construed to be entirely redundant”).

i. Factor B

As already discussed, the CSA gives the Attorney General authority to revoke a registration if he determines that the registrant “has committed such acts as would render his registration . . . inconsistent with the public interest as determined under [section 823].” 21 U.S.C. 824(a). One of the five factors that the Attorney General must consider in making this determination is the registrant's “experience in dispensing . . . controlled substances.” 21 U.S.C. 823(g)(1)(B) (Factor B). Neither the statute nor the implementing regulations defines the term “experience” or places any limitations on the type of conduct that may be considered as “experience” under Factor B.⁶

⁶ The only limitation discussed in the legislative history on DEA's authority under Factor B is that DEA should not “construe [this factor] in anyway to hinder registration of recent graduates of professional schools who may have no professional experience dispensing or conducting research with controlled substances.” H.R. REP. NO. 98–835, pt. 1, at 14 (1984).

Historically, the Agency's Factor B⁷ analysis considered “both the qualitative manner and quantitative volume of the [practitioner's] experience . . . as expressed through his patients and employees,” and concluded that the record must contain quantitative evidence regarding the practitioner's experience for the Agency to find that Factor B weighs against a practitioner. *E.g., Clair L. Pettinger*, 78 FR 61592, 61619 (2013). In 2015, the Agency abandoned this language, observing that the text of Factor B did not require DEA to consider the practitioner's “quantity” of prescribing. *See JM Pharmacy Group, Inc.*, 80 FR 28667, 28667–68 (2015); *see also Wesley Pope, M.D.*, 82 FR 14944, 14982 (2017). The Agency reviewed dictionary definitions of “experience,” including:

(1) The “direct observation of or participation in events as a basis for knowledge,” (2) “the fact or state of having been affected by or gained knowledge through direct observation or participation,” (3) “practical knowledge, skill, or practice derived from direct observation of or participation in events or in a particular activity,” and (4) “the length of such participation.”

80 FR at 28667 n.2 (citing *Webster's Collegiate Dictionary* 409 (10th ed. 1998); *The Random House Dictionary of the English Language* 681 (2d ed. 1987)).

The word “dispense” means “to deliver a controlled substance[] to an ultimate user or research subject by, or pursuant to the lawful order of a practitioner, including the prescribing or administering of a controlled substance and the packaging, labeling or compounding necessary to prepare the substance for such delivery.” 21 U.S.C. 802(10). This definition encompasses, among other things, practitioners who prescribe controlled substances and pharmacies who fill controlled substance prescriptions. *Id.* The term “controlled substance” simply means “a drug or other substance . . . included in schedule I, II, III, IV, or V” 21 U.S.C. 802(6). Thus, the phrase “experience in dispensing” means the direct participation in the act of delivering, prescribing, dispensing, or

⁷ Historically, the Agency referred to “Factor B” as “Factor Two.” Effective December 2, 2022, the Medical Marijuana and Cannabidiol Research Expansion Act, Public Law 117–215, 136 Stat. 2257 (2022) (Marijuana Research Amendments or MRA), amended the Controlled Substances Act (CSA) and other statutes. Relevant to this matter, the MRA redesignated the public interest factors outlined at 21 U.S.C. 823(f)(1)–(5), which the Agency referred to as Factors One through Five, as 21 U.S.C. 823(g)(1)(A)–(E), which the Agency now refers to as Factors A through E. Accordingly, this Decision cites to the current designation, 21 U.S.C. 823(g)(1)(B), “Factor B.”

administering a controlled substance to an ultimate user.

The phrase “experience in dispensing” must be considered within the context of DEA’s broad mandate under 21 U.S.C. 824(a) to deregister practitioners who “ha[ve] committed such acts as would render [their] registration . . . inconsistent with the public interest.” 21 U.S.C. 824(a)(4). In other words, in determining what type of conduct is relevant under Factor B, DEA’s primary focus is to determine whether a registrant’s “experience in dispensing” is “inconsistent with the public interest” or whether a registrant’s dispensing constitutes “acts” that are inconsistent with the public interest. 21 U.S.C. 823(g)(1), 824(a)(4).

The word “inconsistent” is not defined in the CSA, but it is commonly defined as “lacking consistency: such as (a) not compatible with another fact or claim, [and] (b) containing incompatible elements.” *Inconsistent*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/inconsistent> (last visited on the date of signature). “Public interest” is a broad, discretionary term not explicitly defined in the CSA, but Congress identifies the primary goals in the CSA’s introductory section as ensuring access to controlled substances used for a “legitimate medical purpose” while protecting the public from the “illegal . . . distribution . . . and improper use of controlled substances[, which] have a substantial and detrimental effect on the health and general welfare of the American people.” 21 U.S.C. 801(1) & (2).

Considering these goals, DEA’s Factor B analysis primarily concerns whether a registrant’s “experience in dispensing” reflects illegal distribution or improper use of controlled substances that is inconsistent with the public interest. *Id.* In the context of a pharmacy, this would require the Agency to evaluate whether a pharmacy has dispensed controlled substances in a manner that is improper, illegal, or inconsistent with the public interest; for example, by ignoring indicators that a prescription lacked a legitimate medical purpose or would be improperly used, by filling a prescription in a manner that is inconsistent with state law or the state’s standards of practice, or by distributing controlled substances in a way that creates a risk of diversion.⁸

Of course, the Agency is not only concerned with acts of intentional

diversion,⁹ as DEA has explained that “[c]areless or negligent handling of controlled substances creates the opportunity for diversion and [can] justify the revocation of an existing registration . . .” *Samson K. Orusa, M.D.*, 87 FR 2986, 3018 (2022) (quoting *Paul J. Caragine, Jr.*, 63 FR 51592, 51602 (1998)); *Bradley H. Chesler, M.D.*, 87 FR 4917, 4917–01 (2022) (citing *Bienvenido Tan*, 76 FR 17673, 17689 (2011)); *Dewey C. MacKay, M.D.*, 75 FR 49956, 49974 n.35 (2010) (“Accordingly, under the public interest standard, DEA has authority to consider those prescribing practices of a physician, which, while not rising to the level of intentional or knowing misconduct, nonetheless create a substantial risk of diversion.”). Indeed, neither 21 U.S.C. 824(a) nor 21 U.S.C. 823(g) requires DEA to find that a registrant has intentionally diverted controlled substances. Ultimately, a registrant whose dispensing practices create an environment that encourages or is indifferent to the abuse or diversion of controlled substances is acting outside the public’s interest. As the opioid epidemic surges and other controlled substances, such as amphetamines, ketamine, and benzodiazepines, are increasingly abused, DEA must remain vigilant to protect the public against registrants who fail to employ the CSA’s safeguards to ensure the health and general wellness of the American public.

Registrants “may continue to introduce evidence as to . . . lawful . . . dispensing activities.”¹⁰ However, the Agency has found that “evidence that a practitioner has treated thousands of patients does not negate a *prima facie* showing that the practitioner has committed acts inconsistent with the public interest.”¹¹ *Krishna-Iyer*, 74 FR at

⁹ Only criminally unlawful conduct requires an act of intentional diversion such as proof that a physician “used ‘his authority to prescribe controlled substances . . . not for treatment of a patient, but for the purpose of assisting another in the maintenance of a drug habit’ or some other illegitimate purposes, such as his own ‘personal profit.’” *United States v. McIver*, 470 F.3d 550, 559 (4th Cir. 2006) (quoted in *Laurence T. McKinney*, 73 FR 43260, 43266 (2008)). Compare 21 U.S.C. 823 and 824, with 21 U.S.C. 841, 842, 843.

¹⁰ *Randall L. Wolff, M.D.*, 77 FR 5106, 5153 (2012) (finding that evidence of lawful prescribing is “entitled to some evidentiary weight only in cases where a practitioner credibly demonstrates an acceptance of responsibility and reform of past practices”); see also *Roberto Zayas, M.D.*, 82 FR 21410, 21422 n.27 (2017) (“[T]he Agency properly considers a [registrant’s] evidence of a lengthy history of compliance after the Government makes out its *prima facie* case, as determining what sanction is necessary to protect the public interest is the ultimate purpose of these provisions.”). In other words, this evidence may be relevant to the Agency’s sanctions analysis.

¹¹ “[E]very registrant can undoubtedly point to an extensive body of legitimate prescribing over the

463. Accordingly, the Agency has consistently rejected registrants’ arguments that acts of unlawful prescribing were mitigated by years of lawful prescribing. See, e.g., *Syed-Jawed Akhtar-Zaidi*, 80 FR 42961, 42967 (2015), pet. for rev. denied, 841 F.3d 707, 713 (6th Cir. 2016) (rejecting respondent’s argument that he was denied a “fair adjudication” because the Government seized 400 patient files but only proved the illegality of a handful of prescriptions issued during undercover visits, and finding that “the physician’s prescribing to thousands of other patients do not . . . render her prescribings to the undercover officers any less unlawful, or any less acts which are inconsistent with the public interest”) (internal quotations and citations omitted).¹²

Here, as found above, Registrant is deemed to have admitted, and the Agency finds, that Registrant repeatedly filled controlled substance prescriptions that contained multiple red flags of abuse and/or diversion without addressing or resolving those red flags. Registrant has further admitted that it “repeatedly dispensed prescriptions in violation of the minimum practice standards that govern pharmacy practice in Texas.” RFAAX 1, at 4. The Agency finds that Registrant’s failure to adhere to the minimum standards governing Texas pharmacy practice and its repeated issuance of prescriptions without addressing or resolving red flags reflects “experience in dispensing . . . controlled substances” that created an opportunity for the abuse or diversion of controlled substances and was outside the public interest. Registrant did not request a hearing and thus did not provide the Agency with any evidence related to its “experience in dispensing” that served the public’s interest. Accordingly, the Agency finds that Factor B weighs strongly against Registrant’s continued registration.¹³

course of [their] professional career.” *Krishna-Iyer*, 74 FR at 463. Accordingly, except where the Agency has found in its decision that a prescription was issued outside the public interest or in violation of law, the Agency assumes that all controlled substance prescriptions dispensed by a pharmacy are dispensed for a legitimate medical purpose and in accordance with relevant laws. See *Dewey C. Mackay, M.D.*, 75 FR at 49977.

¹² In an unreported opinion, the Sixth Circuit affirmed DEA’s conclusion that the respondent’s acts of unlawful prescribing outweighed his years of work experience. *Orusa v. Drug Enf’t Admin.*, 2023 WL 3886403 at *5 (“Orusa’s credentials and years of work experience, which the agency acknowledged, do nothing to disturb the agency’s detailed review of his prescribing history—the relevant “experience in dispensing . . . controlled substances.”).

¹³ While the Agency has determined that Registrant’s dispensing conduct is relevant to Factors B and D, to the extent that the found

⁸ Analysis of whether a prescription is illegally filled, distributed, or possessed also fit within Factor D, “Compliance with applicable State, Federal, or local laws relating to controlled substances.” 21 U.S.C. 823(g)(1)(D).

ii. Factor D

Under Factor D, the Agency considers a registrant's "[c]ompliance with applicable State, Federal, or local laws relating to controlled substances." 21 U.S.C. 823(g)(1)(D). Texas law establishes several factors that require resolution "to prevent[] the non-therapeutic dispensing of controlled substances"—in other words, diversion—a concern that goes to the heart of the CSA's public interest goal to ensure controlled substances stay in legitimate channels and outside of illicit channels. 22 Tex. Admin. Code § 291.29(f); 21 U.S.C. 801(1) & (2); *Gonzales v. Raich*, 545 U.S. at 12–13.

Here, an independent medical expert reviewed the evidence in this matter and concluded that Registrant's dispensing failed to prevent diversion insofar as Registrant failed to resolve concerns that Texas law establishes are indicative of diversion, and therefore, require resolution. RFAAX 1, at 9. To this extent, as the expert concluded, Registrant's repeated failure to resolve red flags—that are indicative of diversion per Texas law—violated "binding minimal standards that govern" the dispensing of controlled substances, standards which are designed to prevent diversion and that align with the CSA's public interest goals. *Id.* In this way, Registrant's dispensing failed to comply with applicable state law relating to controlled substances and the prevention of diversion. 21 U.S.C. 823(g)(1)(D).

Accordingly, as found above, Registrant is deemed to have admitted, and the Agency finds, that Registrant repeatedly dispensed controlled substances over a period of two years without resolving or documenting multiple red flags of drug abuse and/or diversion, as required by state law. As such, the Agency finds substantial record evidence that Registrant violated Texas law by failing to resolve red flags that are indicative of diversion. 22 Tex. Admin. Code § 291.29(f).

The Agency finds that after considering the public interest factors of 21 U.S.C. 823(g)(1), Factors B and D weigh in favor of revocation of Registrant's registration. Accordingly, the Government has satisfied its *prima facie* burden of showing that

Registrant's continued registration would be "inconsistent with the public interest." 21 U.S.C. 824(a)(4). The Agency also finds that there is insufficient mitigating evidence to rebut the Government's *prima facie* case. Thus, the only remaining issue is whether, in spite of the public interest determination, Registrant can be trusted with a registration.

V. Sanction

Where, as here, the Government has met its burden of showing that Registrant's continued registration is inconsistent with the public interest, the burden shifts to Registrant to show why she can be entrusted with a registration. *Morall*, 412 F.3d at 174; *Jones Total Health Care Pharmacy*, 881 F.3d at 830; *Garrett Howard Smith, M.D.*, 83 FR 18882, 18904 (2018). The issue of trust is necessarily a fact-dependent determination based on the circumstances presented by the individual registrant. *Jones Total Health Care Pharmacy*, 881 F.3d at 833; *Jeffrey Stein, M.D.*, 84 FR 46968, 46972 (2019). Moreover, as "past performance is the best predictor of future performance," the Agency requires that a registrant who has committed acts inconsistent with the public interest accepts responsibility for those acts, understands the gravity and seriousness of the misconduct, and demonstrates that the registrant will not engage in future misconduct. *ALRA Labs., Inc. v. Drug Enf't Admin.*, 54 F.3d 450, 452 (7th Cir. 1995); *Jones Total Health Care Pharmacy*, 881 F.3d at 831–33. The Agency requires a registrant's unequivocal acceptance of responsibility. *Janet S. Pettyjohn, D.O.*, 89 FR 82639, 82641 (2024); *Mohammed Asgar, M.D.*, 83 FR 29569, 29573 (2018); *Jones Total Health Care Pharmacy*, 881 F.3d at 830–31. In addition, a registrant's candor during the investigation and hearing, if one is requested, is an important factor in determining acceptance of responsibility and the appropriate sanction. *Jones Total Health Care Pharmacy*, 881 F.3d at 830–31; *Hoxie*, 419 F.3d at 483–84. Further, the Agency considers the egregiousness and extent of the misconduct as significant factors in determining the appropriate sanction. *Jones Total Health Care Pharmacy*, 881 F.3d at 834 & n.4. The Agency also considers the need to deter similar acts by a registrant and by the community of registrants. *Stein*, 84 FR at 46972–73.

Here, Registrant did not timely request a hearing and was deemed to be in default. 21 CFR 1301.43(c)(1), (e), (f)(1); RFAA, at 1–2, 9. To date, Registrant has not filed a motion with

the Office of the Administrator to excuse the default. 21 CFR 1301.43(c)(1). Registrant has thus failed to answer the allegations contained in the OSC/ISO and has not otherwise availed itself of the opportunity to refute the Government's case. As such, Registrant has made no representations as to its future compliance with the CSA nor made any demonstration that it can be entrusted with registration. Moreover, the evidence presented by the Government, and that is deemed admitted by way of Registrant's default, shows that Registrant committed egregious violations of the CSA by repeatedly filling controlled substance prescriptions over several years without addressing or resolving serious red flags that the controlled substances were being abused and/or diverted, further indicating that Registrant cannot be entrusted with a registration.

Accordingly, the Agency will order the revocation of Registrant's registration.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1) and 824(a)(4), I hereby revoke DEA Certificate of Registration, No. FW2318497, issued to Wellwise Pharmacy Inc. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1) and 824(a)(4), I hereby deny any pending applications of Wellwise Pharmacy Inc. to renew or modify this registration, as well as any other pending application of Wellwise Pharmacy Inc. for additional registration in Texas. This Order is effective November 6, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on October 2, 2026, by DEA Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

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conduct does not fall within these factors, it would nevertheless constitute "other conduct which may threaten the public health and safety." 21 U.S.C. 823(g)(1)(E). Registrant's repeated dispensing of controlled substances without addressing or resolving red flags may threaten the public health and safety by creating the risk that controlled substances may leave the CSA's closed distribution system and be abused or diverted.

DEPARTMENT OF JUSTICE**Drug Enforcement Administration****Mark Allen, D.D.S.; Correction to Rescission of Final Agency Action and Withdrawal of Order To Show Cause**

The Drug Enforcement Administration (DEA) published a document in the **Federal Register** on September 8, 2026, concerning the rescission of a final agency action regarding Mark Allen, D.D.S. That document contained a citation error corrected herein.

I hereby *rescind* the Decision and Order published on July 10, 2026, at 91 FR 42757 (2026). Additionally, I *withdraw* the Order to Show Cause issued to Mark Allen, D.D.S., of Edmond, Oklahoma on November 24, 2025.

It is so ordered.

Signing Authority

This document of the Drug Enforcement Administration was signed on September 29, 2026, by DEA Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

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DEPARTMENT OF JUSTICE**Drug Enforcement Administration****Arenbii Pharmacy LLC; Decision and Order**

On September 17, 2025, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause and Immediate Suspension of Registration (OSC/ISO) to Arenbii Pharmacy LLC of Missouri City, Texas (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 11. The OSC/ISO informed Registrant of the immediate suspension of its DEA Certificate of Registration, No. FA3529849, pursuant to 21 U.S.C. 824(d), alleging that Registrant's

continued registration constitutes “an imminent danger to the public health or safety.” *Id.* at 1 (quoting 21 U.S.C. 824(d)). The OSC/ISO also proposed the revocation of Registrant's DEA Certificate of Registration, alleging that Registrant's continued registration is inconsistent with the public interest. *Id.* (citing 21 U.S.C. 823(g)(1); 824(a)(4)).¹ Specifically, the OSC/ISO alleged that as recently as May 12, 2025, Registrant violated federal and Texas state law by continuously filling Schedule II controlled substance prescriptions despite obvious red flags of abuse and/or diversion and without addressing or resolving those red flags.² RFAAX 1, at 1–2.

On February 5, 2026, the Government submitted an RFAA requesting that the Agency issue a default final order revoking Registrant's registration. RFAA, at 1–3. After carefully reviewing the entire record and conducting the analysis as set forth in more detail below, the Agency grants the Government's RFAA and revokes Registrant's registration.

I. Default Determination

Under 21 CFR 1301.43, a registrant entitled to a hearing who fails to file a timely hearing request “within 30 days after the date of receipt of the [OSC/ISO] . . . shall be deemed to have waived their right to a hearing and to be in default” unless “good cause” is established for the failure. 21 CFR 1301.43(a) & (c)(1). In the absence of a demonstration of good cause, a registrant who fails to timely file an answer also is “deemed to have waived their right to a hearing and to be in default.” 21 CFR 1301.43(c)(2). Unless excused, a default is deemed to constitute “an admission of the factual allegations of the [OSC/ISO].” 21 CFR 1301.43(e).

Here, the OSC/ISO notified Registrant of its right to file a written request for hearing, and that if it failed to file such a request, it would be deemed to have waived its right to a hearing and be in default. RFAAX 1, at 10 (citing 21 CFR 1301.43). According to the Government's RFAA, Registrant failed to request a hearing. RFAA, at 2. Thus,

¹ Based on the Government's submissions in its RFAA dated February 5, 2026, the Agency finds that service of the OSC/ISO on Registrant was adequate. Specifically, the Declaration from a DEA Diversion Investigator (DI) indicates that on September 22, 2025, the OSC/ISO was personally served on Registrant at its registered address. RFAAX 2, at 1.

² The OSC/ISO also alleges that Registrant partially filled prescriptions in violation of federal law. RFAAX 1, at 2, 6–7. However, the OSC/ISO does not allege sufficient facts to support this allegation in a default final order.

the Agency finds that Registrant is in default and therefore has admitted to the factual allegations in the OSC/ISO. 21 CFR 1301.43(e).

II. Public Interest**A. Applicable Law**

As the Supreme Court stated in *Gonzales v. Raich*, 545 U.S. 1 (2005), “the main objectives of the [Controlled Substances Act (CSA)] were to conquer drug abuse and control the legitimate and illegitimate traffic in controlled substances.” 545 U.S. at 12. *Gonzales* explained that:

Congress was particularly concerned with the need to prevent the diversion of drugs from legitimate to illicit channels. To effectuate these goals, Congress devised a closed regulatory system making it unlawful to manufacture, distribute, dispense, or possess any controlled substance except in a manner authorized by the CSA. . . . The CSA and its implementing regulations set forth strict requirements regarding registration, labeling and packaging, production quotas, drug security, and recordkeeping.

Id. at 12–14.

The OSC/ISO's allegations concern the CSA's “statutory and regulatory provisions . . . mandating . . . compliance with . . . security controls to guard against diversion, recordkeeping and reporting obligations, and prescription requirements” and, therefore, go to the heart of the CSA's “closed regulatory system” specifically designed “to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances,” and “to prevent the diversion of drugs from legitimate to illicit channels.” *Id.* at 12–14, 27.

Allegation That Registrant Filled Prescriptions Without Addressing or Resolving Red Flags of Abuse and/or Diversion

According to the CSA's implementing regulations, a lawful prescription for a controlled substance is one that is “issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.” 21 CFR 1306.04(a); RFAAX 1, at 2. Although “[t]he responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner . . . a corresponding responsibility rests with the pharmacist who fills the prescription.” *Id.* Pursuant to the CSA's implementing regulations, only a pharmacist “acting in the usual course of his [or her] professional practice” may fill a prescription for a controlled substance. 21 CFR 1306.06; RFAAX 1, at 2.

As for state law, Texas regulations state that a Texas pharmacist “shall exercise sound professional judgment with respect to the accuracy and authenticity of any prescription drug order” they dispense and “shall make every reasonable effort to ensure that any prescription drug order . . . has been issued for a legitimate medical purpose by a practitioner in the course of medical practice.” 22 Tex. Admin. Code Ann. § 291.29(a)–(b); *see also* 22 Tex. Admin. Code Ann. § 291.34(b)(1); RFAAX 1, at 3.

Texas Administrative Code § 291.29(f) states that “[a] pharmacist shall make every reasonable effort to prevent inappropriate dispensing due to fraudulent, forged, invalid, or medically inappropriate prescriptions in violation of a pharmacist’s corresponding responsibility,” and provides a list of nineteen “patterns (*i.e.*, red flag factors) [that] are relevant to preventing the non-therapeutic dispensing of controlled substances.” 22 Tex. Admin. Code § 291.29(f); RFAAX 1, at 4. The statute further states that these red flags “shall be considered by evaluating the totality of the circumstances rather than any single factor.” 22 Tex. Admin. Code § 291.29(f); RFAAX 1, at 4. These “red flag factors” include:

(1) the pharmacy dispenses a reasonably discernible pattern of substantially identical prescriptions for the same controlled substances, potentially paired with other drugs, for numerous persons, indicating a lack of individual drug therapy in prescriptions issued by the practitioner; . . .

(3) prescriptions by a prescriber presented to the pharmacy are routinely for controlled substances commonly known to be abused drugs, including opioids, benzodiazepines, muscle relaxants, psychostimulants, and/or cough syrups containing codeine, or any combination of these drugs; . . .

(5) prescriptions for controlled substances are commonly for the highest strength of the drug and/or for large quantities (*e.g.*, monthly supply), indicating a lack of individual drug therapy in prescriptions issued by the practitioner; . . .

(10) the Texas Prescription Monitoring Program indicates the person presenting the prescriptions is obtaining similar drugs from multiple practitioners, and/or that the person is being dispensed similar drugs at multiple pharmacies; [and]

(11) multiple persons with the same address present substantially similar controlled substance prescriptions from the same practitioner.

22 Tex. Admin. Code Ann. § 291.29(f); RFAAX 1, at 4.

Regarding the operational standards for a pharmacist filling a new prescription, the Texas Board of Pharmacy requires a pharmacist to: (i) review the patient’s medication record and, at a minimum, identify clinically

significant information such as “reasonable dose and route of administration; . . . drug-drug interactions; . . . and [] proper utilization, including overutilization or underutilization,” (ii) “take appropriate steps to avoid or resolve [any] problem” identified, “including consultation with the prescribing practitioner”; and (iv) resolve any questions with the prescriber and document the resolution. 22 Tex. Admin. Code Ann. § 291.33(c)(2)(A)(i)–(ii), (iv); RFAAX 1, at 3.³

Texas regulations further state that “[a] pharmacist may not: (1) dispense . . . a controlled substance . . . except under a valid prescription and in the course of professional practice.” Tex. Health & Safety Code Ann. § 481.074(a)(1); RFAAX 1, at 3.

B. Findings of Fact

Allegation That Registrant Filled Prescriptions Without Addressing or Resolving Red Flags of Abuse and/or Diversion

The Agency finds that, in light of Registrant’s default, the factual allegations in the OSC/ISO are deemed admitted. 21 CFR 1301.43(e). Accordingly, Registrant is deemed to have admitted and the Agency finds that from at least January 10, 2024, through at least May 12, 2025, Registrant repeatedly filled controlled substance prescriptions that contained multiple red flags of abuse and/or diversion without addressing or resolving those red flags. RFAAX 1, at 5–8.

Pattern Prescribing, Controlled Substances Known To Be Abused, and Highest Strength/Large Quantities

Registrant admits that “pattern prescribing” occurs when practitioners prescribe the same controlled substances in identical or substantially similar quantities, thus indicating a lack of individualized care. RFAAX 1, at 5. Registrant admits that DEA has recognized pattern prescribing as a red flag consistent with abuse and/or diversion that needs to be addressed prior to dispensing. *Id.* (citing *The Med. Shoppe*, 79 FR 59504, 59512 (2014)).

³ Such documentation must be “on the prescription or in the pharmacy’s data processing system associated with the prescription . . . and shall include . . . (i) [the] date the prescriber was consulted; (ii) [the] name of the person communicating the prescriber’s instructions; (iii) any applicable information pertaining to the consultation; and (iv) [the] initials or identification code of the pharmacist performing the consultation clearly recorded for the purpose of identifying the pharmacist who performed the consultation.” 22 Tex. Admin. Code Ann. § 291.33(c)(2)(C); RFAAX 1, at 3.

Further, as discussed above, *see* Section III.A., Texas regulations have recognized pattern prescribing as a red flag consistent with abuse and/or diversion that needs to be addressed prior to dispensing. 22 Tex. Admin. Code Ann. § 291.29(f)(1); RFAAX 1, at 4. Texas regulations have also recognized that prescriptions for controlled substances commonly known to be abused (such as opioids and narcotics) and prescriptions for controlled substances prescribed at the highest strength and/or in large quantities (*e.g.*, a monthly supply) are red flags consistent with abuse and/or diversion that need to be addressed prior to dispensing. 22 Tex. Admin. Code Ann. § 291.29(f)(3), (5); RFAAX 1, at 5.

Registrant admits that from at least January 2023 through at least February 2025, Registrant repeatedly failed to appropriately identify and resolve red flags associated with pattern prescribing of controlled substances that are commonly known to be abused and prescribed at the highest strength and/or in large quantities. RFAAX 1, at 5–6.

Specifically, Registrant admits that between April 20, 2022, and May 12, 2025, more than 90% of the controlled substance prescriptions it filled for Schedule II opioids were issued by the same doctor, Dr. M.Q. Registrant admits that these prescriptions were written for similar strength and quantity and they exhibited a pattern of simultaneously changing medication strength or type in the same way for multiple patients. These red flag prescriptions included prescriptions written by Dr. M.Q. for the following patients:

Patient Tr.H.: Registrant filled oxycodone prescriptions for Patient Tr.H. on June 28, 2024 (100 tablets, 30 mg), July 26, 2026 (100 tablets, 30 mg), August 27, 2024 (100 tablets, 10 mg), and on five additional occasions between September 25, 2024, and February 24, 2025 (100 tablets, 15 mg).

Patient A.Lo.: Registrant filled oxycodone prescriptions for Patient Tr.H. on three occasions between May 14, 2024, and July 15, 2024 (100 tablets, 30 mg), on August 26, 2024 (100 tablets, 10 mg), and on six occasions between September 25, 2024, and February 21, 2025 (100 tablets, 15 mg).

Patient Ti.H.: Registrant partially filled oxycodone prescriptions for Patient Ti.H. on three occasions between May 10, 2024, and July 15, 2024 (110 tablets prescribed, 100 tablets dispensed, 30 mg), on August 26, 2024, (110 tablets prescribed, 100 tablets dispensed, 10 mg), and on four occasions between September 25, 2024, and December 20, 2024, (110 tablets

prescribed, 100 tablets dispensed, 15 mg). Registrant also filled oxycodone prescriptions for Patient Ti.H. on January 23, 2025, and February 20, 2025 (100 tablets, 30 mg).

Patient W.G.: Registrant partially filled oxycodone prescriptions for Patient W.G. on seven occasions between January 10, 2024, and July 22, 2024 (104 tablets prescribed, 100 tablets dispensed, 30 mg), and on six occasions between September 11, 2024, and February 14, 2025 (104 tablets prescribed, 100 tablets dispensed, 15 mg). Registrant also filled an oxycodone prescription for Patient W.G. on August 26, 2024 (104 tablets, 10 mg).

Patient E.B.: Registrant partially filled oxycodone prescriptions for Patient E.B. on seven occasions between January 25, 2024, and August 26, 2024, (108 tablets prescribed, 100 tablets dispensed, 30 mg), and on six occasions between September 12, 2024, and February 13, 2025 (108 tablets prescribed, 100 tablets dispensed, 15 mg).

Patient C.B.: Registrant partially filled oxycodone prescriptions for Patient C.B. on seven occasions between January 25, 2024, and July 22, 2024, (105 tablets prescribed, 100 tablets dispensed, 30 mg), and on six occasions between September 11, 2024, and February 13, 2025 (105 tablets prescribed, 100 tablets dispensed, 15 mg). Registrant also filled an oxycodone prescription for Patient C.B. on August 26, 2024 (105 tablets, 10 mg). RFAAX 1, at 6.

Accordingly, the Agency finds substantial record evidence that Registrant filled at least 67 oxycodone prescriptions over a three-year period without first resolving the red flags arising from pattern prescribing of controlled substances known to be abused, at their highest strength and/or in large quantities.

Registrant also admits that it filled prescriptions for promethazine with codeine (a Schedule V narcotic) in large quantities that are significantly more than is necessary for the duration of a single patient's cough symptoms. RFAAX 1, at 8. Specifically, Registrant admits that on at least 30 occasions between October 22, 2024, and April 30, 2025, Registrant dispensed 240 milliliters (equivalent to approximately eight ounces) or more of promethazine with codeine. *Id.* Accordingly, the Agency finds substantial record evidence that Registrant filled at least 30 prescriptions for promethazine with codeine without addressing or resolving the red flag of controlled substances prescribed in their highest strength and/or in large quantities.

Shared Address

Registrant admits that it is a red flag of abuse and/or diversion when multiple individuals presenting prescriptions for controlled substances share the same address. RFAAX 1, at 8. As discussed above, Texas regulations identify the following as a red flag factor of abuse and/or diversion that must be addressed and resolved before filling a prescription for a controlled substance: "multiple persons with the same address present substantially similar controlled substance prescriptions from the same practitioner." 22 Tex. Admin. Code § 291.29(f)(11); RFAAX 1, at 4. DEA has recognized multiple individuals presenting the same or similar controlled substance prescriptions to be a red flag consistent with abuse and/or diversion that needs to be addressed prior to dispensing. *See Suntree Pharmacy and Suntree Med. Equip.*, 85 FR 73753, 73770 (2020); *Pharmacy Doctors Enters. d/b/a/Zion Clinic Pharmacy*, 83 FR 10876, 10866 (2018); RFAAX 1, at 8.

Registrant admits that between at least May 2, 2024, and December 26, 2024, it filled multiple prescriptions from the same prescriber for two patients living at the same address in Houston, Texas, and these prescriptions fit a similar pattern in dosage and quantity. RFAAX 1, at 9–10. Specifically, Registrant admits that it filled prescriptions for hydrocodone/acetaminophen 7.5/325 mg for Patients D.B. and M.F. with the same address on the following occasions in 2024: May 2, May 31, June 28, July 26, September 3, October 28, November 25, and December 26. These prescriptions ranged from 90 tablets to 110 tablets. *Id.* On at least six of these occasions, Registrant admits that it received a record from the prescribing physician showing that these prescriptions had been issued within 25 minutes of each other. *Id.*

Accordingly, the Agency finds substantial record evidence that Registrant filled at least 16 prescriptions for hydrocodone/acetaminophen for Patients D.B. and M.F. without first resolving the red flag that the patients shared the same address.

Expert Review

DEA retained an independent pharmacy expert to review, among other materials, Registrant's prescription data and patient profiles. *Id.* at 9. The pharmacy expert concluded, and Registrant admits, that the prescriptions presented multiple red flags that were highly indicative of abuse and diversion. *Id.* The expert concluded, and Registrant admits, that "[t]hese red

flags were not properly documented or resolved by a pharmacist acting in the usual course of professional practice prior to dispensing, and therefore, each prescription was filled outside the binding minimal standards that govern the practice of pharmacy in Texas." *Id.* Finally, the expert concluded, and Registrant admits, that "the Pharmacy's practice of filling prescriptions issued predominantly by one physician, together with the failure to resolve the red flags those prescriptions presented, violated the binding minimal standards that govern the practice of pharmacy in Texas." *Id.*

In consideration of all of the above, the Agency finds substantial record evidence that Registrant repeatedly dispensed the above-referenced prescriptions without first resolving the above-referenced red flags, in violation of the standard of care in Texas.

C. Legal Background on Public Interest Determinations

The Attorney General "may deny, suspend, or revoke [a] registration if . . . the [registrant's] registration would be 'inconsistent with the public interest.'" *Gonzales v. Oregon*, 546 U.S. 243, 251 (2006) (quoting 21 U.S.C. 824(a)(4)). The Attorney General's "discretion in exercising [the authority to register and deregister practitioners] is spelled out in very broad terms." *Id.* at 292 (Scalia, J., dissenting); *see also Neumann's Pharmacy, L.L.C. v. Drug Enft Admin.*, No. 25–60068, 2026 WL 411942 (5th Cir. Feb. 13, 2026) ("DEA unquestionably has broad authority to deregister pharmacies and substantial discretion to shape policy within statutory bounds."). In executing this broad mandate, DEA must continuously balance the CSA's public interest goals of curbing the "illegal . . . distribution[] and possession[,] and improper use of controlled substances[, which has] a substantial and detrimental effect on the health and general welfare of the American people," while ensuring that the public has access to medications that "have a useful and legitimate medical purpose and are necessary to maintain the health and general welfare of the American people." 21 U.S.C. 801(1), (2); *see* Joanna R. Lampe, Cong. Rsch. Serv., R45948, *The Controlled Substances Act (CSA): A Legal Overview for the 119th Congress* (2025), <https://www.congress.gov/crs-product/R45948>.

In the case of a "practitioner," which is defined in 21 U.S.C. 802(21) to include a "pharmacy," Congress directed the Attorney General to consider five factors in making the public interest determination. 21 U.S.C.

823(g)(1)(A–E).⁴ Just as the phrase “inconsistent with the public interest” is broad, the five factors that Congress directed DEA to consider in determining the public interest are similarly broad, suggesting that Congress intended for DEA to have discretion and flexibility to interpret this language as necessary to implement its critical mission to protect the public from drug abuse and diversion. *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 394–95 (2024) (noting that “[i]n a case involving an agency . . . the statute’s meaning may well be that the agency is authorized to exercise a degree of discretion,” such as where the statute uses terms or phrases like ‘appropriate or reasonable’” (internal citations omitted)). Indeed, courts have recognized the Agency’s broad discretion to deny applications and deregister practitioners for a wide variety of conduct that the Agency has determined is inconsistent with the public interest. *See, e.g., Orusa v. Drug Enf’t Admin.*, No. 22–3132, 2023 WL 3886403 (6th Cir. June 8, 2023) (physician issuing prescriptions outside the usual course of professional practice and beneath the standard of care); *St. Croix v. Drug Enf’t Admin.*, No. 21–1116, 2022 WL 2092177 (D.C. Cir. June 10, 2022) (physician failing to maintain adequate records, prescribing controlled substances without a legitimate medical purposes, storing controlled substances at an unregistered location, failing to provide effective controls to guard against theft or diversion of these substances); *Suntree Pharmacy v. Drug Enf’t Admin.*, No. 20–14626, 2022 WL 444357 (11th Cir. Feb. 14, 2022), cert. denied, 143 S. Ct. 305 (2022) (pharmacy filling prescriptions outside the usual course of practice).

The CSA’s five public interest factors are considered in the disjunctive. *Gonzales v. Oregon*, 546 U.S. at 292–93 (Scalia, J., dissenting) (“It is well established that these factors are to be considered in the disjunctive,” quoting *In re Arora*, 60 FR 4447, 4448 (1995)); *Robert A. Leslie, M.D.*, 68 FR 15227, 15230 (2003). Each factor is weighed on a case-by-case basis. *David H. Gillis,*

M.D., 58 FR 37507, 37508 (1993); *see Morall v. Drug Enf’t Admin.*, 412 F.3d 165, 181 (D.C. Cir. 2005) (describing the Agency’s adjudicative process as “applying a multi-factor test through case-by-case adjudication,” quoting *LeMoyné-Owen Coll. v. N.L.R.B.*, 357 F.3d 55, 61 (D.C. Cir. 2004)). Any one factor, or combination of factors, may be decisive. *David H. Gillis, M.D.*, 58 FR at 37508, and the Agency “may give each factor the weight . . . deem[ed] appropriate in determining whether a registration should be revoked or an application for registration denied.” *Morall*, 412 F.3d at 185 n.2 (Henderson, J., concurring) (quoting *Robert A. Smith, M.D.*, 70 FR 33207, 33208 (2007)); *see also Penick Corp. v. Drug Enf’t Admin.*, 491 F.3d 483, 490 (D.C. Cir. 2007).

Moreover, while the Agency is required to consider each of the factors, it “need not make explicit findings as to each one.” *MacKay v. Drug Enf’t Admin.*, 664 F.3d 808, 816 (10th Cir. 2011) (quoting *Volkman v. U.S. Drug Enf’t Admin.*, 567 F.3d 215, 222 (6th Cir. 2009)); *Jones Total Health Care Pharmacy, LLC v. Drug Enf’t Admin.*, 881 F.3d 823, 830 (11th Cir. 2018); *Hoxie v. Drug Enf’t Admin.*, 419 F.3d 477, 482 (6th Cir. 2005). “In short, . . . the Agency is not required to mechanically count up the factors and determine how many favor the Government and how many favor the registrant. Rather, it is an inquiry which focuses on protecting the public interest; what matters is the seriousness of the registrant’s misconduct.” *Jayam Krishna-Iyer, M.D.*, 74 FR 459, 462 (2009). Accordingly, as the Tenth Circuit has recognized, Agency decisions have explained that findings under a single factor can support the revocation of a registration. *MacKay*, 664 F.3d at 821.

The Government has the burden of proof in this proceeding, 21 CFR 1301.44(e), and the Agency must make its findings based on “substantial [record] evidence.” 5 U.S.C. 556(d); *see* 5 U.S.C. 706(2); 21 U.S.C. 877. If the Government meets its burden of establishing a *prima facie* case that Registrant’s registration is not in the public interest, then the burden shifts to Registrant to rebut the Government’s case. *Pharmacy Doctor Enters., Inc. v. Drug Enf’t Admin.*, 789 Fed. Appx. 724, 729 (11th Cir. 2019) (citing *Jones Total Health Care Pharmacy*, 881 F.3d at 830).

Registrant is registered in Texas, and the OSC/ISO has alleged violations of state laws in Texas. RFAAX 1, at 2–5. Accordingly, the Agency must evaluate the Government’s evidence under Texas law. *See Henry Emery, M.D.*, 90 FR 46927, 46929 (2025) (explaining the

Agency analyzes public interest allegations according to the laws in the state where registrant is registered with DEA); *see also* 21 U.S.C. 903 (“No provision of this subchapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which that provision operates, including criminal penalties, to the exclusion of any State law on the same subject matter which would otherwise be within the authority of the State, unless there is a positive conflict between that provision of this subchapter and that State law so that the two cannot consistently stand together.”).

D. Discussion

While the Agency has considered all the public interest factors of 21 U.S.C. 823(g)(1), the Government’s evidence in support of its *prima facie* case primarily implicates Factors B and D. RFAA, at 5–6; RFAAX 1, at 5. Evidence is considered under Factor B when it reflects experience dispensing controlled substances and under Factor D when it reflects compliance or non-compliance with laws related to controlled substances. *Kareem Hubbard, M.D.*, 87 FR 21156, 21162 (2022). Although Factors B and D have some overlap such that the Agency has frequently analyzed them together, Congress must have intended Factor B to encompass conduct that is not captured under Factor D. *See Kungys v. United States*, 485 U.S. 759, 778 (1988) (referencing the “cardinal rule of statutory interpretation that no provision should be construed to be entirely redundant”).

i. Factor B

As already discussed, the CSA gives the Attorney General authority to revoke a registration if he determines that the registrant “has committed such acts as would render his registration . . . inconsistent with the public interest as determined under [section 823].” 21 U.S.C. 824(a). One of the five factors that the Attorney General must consider in making this determination is the registrant’s “experience in dispensing . . . controlled substances.” 21 U.S.C. 823(g)(1)(B) (Factor B). Neither the statute nor the implementing regulations defines the term “experience” or places any limitations on the type of conduct that may be considered as “experience” under Factor B.⁵

⁵ The only limitation discussed in the legislative history on DEA’s authority under Factor B is that DEA should not “construe [this factor] in any way to hinder registration of recent graduates of

Continued

⁴ The five factors are:

(A) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(B) The [registrant’s] experience in dispensing, or conducting research with respect to controlled substances.

(C) The [registrant’s] conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(D) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(E) Such other conduct which may threaten the public health and safety.

21 U.S.C. 823(g)(1)(A–E).

Historically, the Agency's Factor B⁶ analysis considered "both the qualitative manner and quantitative volume of the [practitioner's] experience . . . as expressed through his patients and employees," and concluded that the record must contain quantitative evidence regarding the practitioner's experience for the Agency to find that Factor B weighs against a practitioner. *E.g., Clair L. Pettinger*, 78 FR 61592, 61619 (2013). In 2015, the Agency abandoned this language, observing that the text of Factor B did not require DEA to consider the practitioner's "quantity" of prescribing. *See JM Pharmacy Group, Inc.*, 80 FR 28667, 28667–68 (2015); *see also Wesley Pope, M.D.*, 82 FR 14944, 14982 (2017). The Agency reviewed dictionary definitions of "experience," including:

(1) The "direct observation of or participation in events as a basis for knowledge," (2) "the fact or state of having been affected by or gained knowledge through direct observation or participation," (3) "practical knowledge, skill, or practice derived from direct observation of or participation in events or in a particular activity," and (4) "the length of such participation."

80 FR at 28667 n.2 (citing *Webster's Collegiate Dictionary* 409 (10th ed. 1998); *The Random House Dictionary of the English Language* 681 (2d ed. 1987)).

The word "dispense" means "to deliver a controlled substance[] to an ultimate user or research subject by, or pursuant to the lawful order of a practitioner, including the prescribing or administering of a controlled substance and the packaging, labeling or compounding necessary to prepare the substance for such delivery." 21 U.S.C. 802(10). This definition encompasses, among other things, practitioners who prescribe controlled substances and pharmacies who fill controlled substance prescriptions. *Id.* The term "controlled substance" simply means "a drug or other substance . . . included in schedule I, II, III, IV, or V" 21 U.S.C. 802(6). Thus, the phrase "experience in dispensing" means the

professional schools who may have no professional experience dispensing or conducting research with controlled substances." H.R. REP. NO. 98–835, pt. 1, at 14 (1984).

⁶Historically, the Agency referred to "Factor B" as "Factor Two." Effective December 2, 2022, the Medical Marijuana and Cannabidiol Research Expansion Act, Public Law 117–215, 136 Stat. 2257 (2022) (Marijuana Research Amendments or MRA), amended the CSA and other statutes. Relevant to this matter, the MRA redesignated the public interest factors outlined at 21 U.S.C. 823(f)(1–5), which the Agency referred to as Factors One through Five, as 21 U.S.C. 823(g)(1)(A–E), which the Agency now refers to as Factors A through E. Accordingly, this Decision cites to the current designation, 21 U.S.C. 823(g)(1)(B), "Factor B."

direct participation in the act of delivering, prescribing, dispensing, or administering a controlled substance to an ultimate user.

The phrase "experience in dispensing" must be considered within the context of DEA's broad mandate under 21 U.S.C. 824(a) to deregister practitioners who "ha[ve] committed such acts as would render [their] registration . . . inconsistent with the public interest." 21 U.S.C. 824(a)(4). In other words, in determining what type of conduct is relevant under Factor B, DEA's primary focus is to determine whether a registrant's "experience in dispensing" is "inconsistent with the public interest" or whether a registrant's dispensing constitutes "acts" that are inconsistent with the public interest. 21 U.S.C. 823(g)(1), 824(a)(4).

The word "inconsistent" is not defined in the CSA, but it is commonly defined as "lacking consistency: such as (a) not compatible with another fact or claim, [and] (b) containing incompatible elements." *Inconsistent*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/inconsistent> (last visited on the date of signature). "Public interest" is not explicitly defined in the CSA, but Congress identifies the primary "public interest" goals in the CSA's introductory section as ensuring access to controlled substances used for a "legitimate medical purpose" while protecting the public from the "illegal . . . distribution . . . and improper use of controlled substances[, which] have a substantial and detrimental effect on the health and general welfare of the American people." 21 U.S.C. 801(1) & (2).

Considering these goals, DEA's Factor B analysis primarily concerns whether a registrant's "experience in dispensing" reflects illegal distribution or improper use of controlled substances that is inconsistent with the public interest. *Id.* In the context of a pharmacy, this would require the Agency to evaluate whether a pharmacy has dispensed controlled substances in a manner that is improper, illegal, or inconsistent with the public interest; for example, by ignoring indicators that a prescription lacked a legitimate medical purpose or would be improperly used, by filling a prescription in a manner that is inconsistent with state law or the state's standards of practice, or by distributing controlled substances in a way that creates a risk of diversion.⁷

⁷ Analysis of whether a prescription is illegally filled, distributed, or possessed also fits within Factor D, "Compliance with applicable State, Federal, or local laws relating to controlled substances." 21 U.S.C. 823(g)(1)(D).

Of course, the Agency is not only concerned with acts of intentional diversion,⁸ as DEA has explained that "[c]areless or negligent handling of controlled substances creates the opportunity for diversion and [can] justify the revocation of an existing registration" *Samson K. Orusa, M.D.*, 87 FR 2986, 3018 (2022) (quoting *Paul J. Caragine, Jr.*, 63 FR 51592, 51602 (1998)); *Bradley H. Chesler, M.D.*, 87 FR 4917–01 (citing *Bienvenido Tan*, 76 FR 1763, 17689 (2011)); *Dewey C. MacKay, M.D.*, 75 FR 49956, 49974 n.35 (2010) ("Accordingly, under the public interest standard, DEA has authority to consider those prescribing practices of a physician, which, while not rising to the level of intentional or knowing misconduct, nonetheless create a substantial risk of diversion."). Indeed, neither 21 U.S.C. 824(a) nor 21 U.S.C. 823(g) requires DEA to find that a registrant has intentionally diverted controlled substances. Ultimately, a registrant whose dispensing practices create an environment that encourages or is indifferent to the abuse or diversion of controlled substances is acting outside the public's interest. As the opioid epidemic surges and other controlled substances, such as amphetamines, ketamine, and benzodiazepines, are increasingly abused, DEA must remain vigilant to protect the public against registrants who fail to employ the CSA's safeguards to ensure the health and general wellness of the American public.

Registrants "may continue to introduce evidence as to . . . lawful . . . dispensing activities."⁹ However, the Agency has found that "evidence that a practitioner has treated thousands of patients does not negate a *prima facie* showing that the practitioner has committed acts inconsistent with the

⁸Only criminally unlawful conduct requires an act of intentional diversion such as proof that a physician "used 'his authority to prescribe controlled substances . . . not for treatment of a patient, but for the purpose of assisting another in the maintenance of a drug habit' or some other illegitimate purposes, such as his own 'personal profit.'" *United States v. McIver*, 470 F.3d 550, 559 (4th Cir. 2006) (quoted in *Laurence T. McKinney*, 73 Fed. Reg. 43260, 43266 (2008). *Compare* 21 U.S.C. 823 and 824 with 21 U.S.C. 841, 842, 843.

⁹*Randall L. Wolff, M.D.*, 77 FR 5106, 5153 (2012) (finding that evidence of lawful prescribing is "entitled to some evidentiary weight only in cases where a practitioner credibly demonstrates an acceptance of responsibility and reform of past practices"); *see also Roberto Zayas, M.D.*, 82 FR 21410, 21422 n.27 (2017) ("[T]he Agency properly considers a [registrant's] evidence of a lengthy history of compliance after the Government makes out its *prima facie* case, as determining what sanction is necessary to protect the public interest is the ultimate purpose of these provisions."). In other words, this evidence may be relevant to the Agency's sanctions analysis.

public interest.”¹⁰ *Krishna-Iyer*, 74 FR at 463. Accordingly, the Agency has consistently rejected registrants’ arguments that acts of unlawful prescribing were mitigated by years of lawful prescribing. *See, e.g., Syed-Jawed Akhtar-Zaidi*, 80 FR 42961, 42967 (2015), *pet. for rev. denied*, 841 F.3d 707, 713 (6th Cir. 2016) (rejecting Registrant’s argument that he was denied a “fair adjudication” because the Government seized 400 patient files but only proved the illegality of a handful of prescriptions issued during undercover visits, and finding that “the physician’s prescriptions to thousands of other patients do not . . . render her prescriptions to the undercover officers any less unlawful, or any less acts which are inconsistent with the public interest”) (internal quotations and citations omitted).¹¹

Here, as found above, Registrant is deemed to have admitted and the Agency finds that Registrant repeatedly filled controlled substance prescriptions that contained multiple red flags of abuse and/or diversion without addressing or resolving those red flags. Registrant has further admitted that “[t]hese red flags were not properly documented or resolved by a pharmacist acting in the usual course of professional practice prior to dispensing, and therefore, each prescription was filled outside the binding minimal standards that govern the practice of pharmacy in Texas.” RFAAX 1, at 9. The Agency finds that Registrant’s failure to adhere to the minimum standards governing Texas pharmacy practice and its repeated issuance of prescriptions without addressing or resolving red flags reflects “experience in dispensing . . . controlled substances” that created an opportunity for the abuse or diversion of controlled substances and was outside the public interest. Registrant did not request a hearing and thus did not provide the Agency with any evidence

related to its “experience in dispensing” that served the public’s interest. Accordingly, the Agency finds that Factor B weighs strongly against Registrant’s continued registration.¹²

ii. Factor D

Under Factor D, the Agency considers a registrant’s “[c]ompliance with applicable State, Federal, or local laws relating to controlled substances.” 21 U.S.C. 823(g)(1)(D). Texas law establishes several factors that require resolution “to prevent[] the non-therapeutic dispensing of controlled substances”—in other words, diversion—a concern that goes to the heart of the CSA’s public interest goal to ensure controlled substances stay in legitimate channels and outside of illicit channels. 22 Tex. Admin. Code § 291.29(f); 21 U.S.C. 801(1) & (2); *Gonzales v. Raich*, 545 U.S. at 12–13.

Here, an independent medical expert reviewed the evidence in this matter and concluded that Registrant’s dispensing failed to prevent diversion insofar as Registrant failed to resolve concerns that Texas law establishes are indicative of diversion, and therefore, require resolution. RFAAX 1, at 9. To this extent, as the expert concluded, Registrant’s repeated failure to resolve red flags—that are indicative of diversion per Texas law—violated “binding minimal standards that govern” the dispensing of controlled substances, standards which are designed to prevent diversion and that align with the CSA’s public interest goals. *Id.* In this way, Registrant’s dispensing failed to comply with applicable state law relating to controlled substances and the prevention of diversion. 21 U.S.C. 823(g)(1)(D).

Accordingly, as found above, Registrant is deemed to have admitted, and the Agency finds, that Registrant repeatedly dispensed controlled substances over a period of two years without resolving or documenting multiple red flags of drug abuse and/or diversion, as required by state law. As such, the Agency finds substantial record evidence that Registrant violated Texas law by failing to resolve red flags

that are indicative of diversion. 22 Tex. Admin. Code § 291.29(f).

The Agency finds that after considering the public interest factors of 21 U.S.C. 823(g)(1), Factors B and D weigh in favor of revocation of Registrant’s registration. Accordingly, the Government has satisfied its *prima facie* burden of showing that Registrant’s continued registration would be “inconsistent with the public interest.” 21 U.S.C. 824(a)(4). The Agency also finds that there is insufficient mitigating evidence to rebut the Government’s *prima facie* case. Thus, the only remaining issue is whether, in spite of the public interest determination, Registrant can be trusted with a registration.

III. Sanction

Where, as here, the Government has met the burden of showing that Registrant’s registration is inconsistent with the public interest, the burden shifts to Registrant to show why it can be entrusted with a registration. *Morall*, 412 F.3d at 174; *Jones Total Health Care Pharmacy, LLC v. Drug Enf’t Admin.*, 881 F.3d 823, 830 (11th Cir. 2018); *Garrett Howard Smith, M.D.*, 83 FR 18882, 18904 (2018). The issue of trust is necessarily a fact-dependent determination based on the circumstances presented by the individual registrant. *Jeffrey Stein, M.D.*, 84 FR 46968, 46972 (2019); *see also Jones Total Health Care Pharmacy*, 881 F.3d at 833. Moreover, as past performance is the best predictor of future performance, the Agency requires that a registrant that has committed acts inconsistent with the public interest accept responsibility for those acts and demonstrate that it will not engage in future misconduct. *See Jones Total Health Care Pharmacy*, 881 F.3d at 833; *ALRA Labs, Inc. v. Drug Enf’t Admin.*, 54 F.3d 450, 452 (7th Cir. 1995). The Agency requires a registrant’s unequivocal acceptance of responsibility. *Janet S. Pettyjohn, D.O.*, 89 FR 82639, 82641 (2024); *Mohammed Asgar, M.D.*, 83 FR 29569, 29573 (2018); *see also Jones Total Health Care Pharmacy*, 881 F.3d at 830–31. In addition, a registrant’s candor during the investigation and hearing is an important factor in determining acceptance of responsibility and the appropriate sanction. *See Jones Total Health Care Pharmacy*, 881 F.3d at 830–31; *Hoxie*, 419 F.3d at 483–84. Further, the Agency considers the egregiousness and extent of the misconduct as significant factors in determining the appropriate sanction. *See Jones Total Health Care Pharmacy*, 881 F.3d at 834 & n.4. The Agency also considers the

¹⁰ “[E]very registrant can undoubtedly point to an extensive body of legitimate prescribing over the course of [their] professional career.” *Krishna-Iyer*, 74 FR at 463. Accordingly, except where the Agency has found in its decision that a prescription was issued outside the public interest or in violation of law, the Agency assumes that all controlled substance prescriptions dispensed by a pharmacy are dispensed for a legitimate medical purpose and in accordance with relevant laws. *See Dewey C. Mackay, M.D.*, 75 FR at 49977.

¹¹ In an unreported opinion, the Sixth Circuit affirmed DEA’s conclusion that the Registrant’s acts of unlawful prescribing outweighed his years of work experience. *Orusa v. Drug Enf’t Admin.*, 2023 WL 3886403 at *5 (“Orusa’s credentials and years of work experience, which the agency acknowledged, do nothing to disturb the agency’s detailed review of his prescribing history—the relevant “experience in dispensing . . . controlled substances.”).

¹² While the Agency has determined that Registrant’s dispensing conduct is relevant to Factors B and D, to the extent that the found conduct does not fall within these factors, it would nevertheless constitute “other conduct which may threaten the public health and safety.” 21 U.S.C. 823(g)(1)(E). Registrant’s repeated dispensing of controlled substances without addressing or resolving red flags may threaten the public health and safety by creating the risk that controlled substances may leave the CSA’s closed distribution system and be abused or diverted.

need to deter similar acts by a registrant and by the community of registrants. *Jeffrey Stein, M.D.*, 84 FR at 46972–73.

Here, Registrant did not request a hearing and was deemed to be in default. To date, Registrant has not filed a motion with the Office of the Administrator to excuse the default. 21 CFR 1301.43(c)(1). Registrant has thus failed to answer the allegations contained in the OSC/ISO and has not otherwise availed itself of the opportunity to refute the Government's case. As such, Registrant has made no representations regarding its future compliance with the CSA nor made any demonstration that it can be trusted with registration. Moreover, the evidence presented by the Government shows that Registrant repeatedly filled controlled substance prescriptions outside the usual course of professional practice in Texas and in violation of the CSA, indicating that Registrant cannot be entrusted.

Accordingly, the Agency will order the revocation of Registrant's registration.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a) and 21 U.S.C. 823(g)(1), I hereby revoke DEA Certificate of Registration No. FA3529849 issued to Arenbii Pharmacy LLC. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending application of Arenbii Pharmacy LLC to renew or modify this registration as well as any other pending application of Arenbii Pharmacy LLC for additional registration in Texas. This Order is effective November 6, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on September 30, 2026, by DEA Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–20535 Filed 10–6–26; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Decision and Order: Medpharm Research, LLC

On September 17, 2025, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to MedPharm Research, LLC, of Denver, Colorado (Applicant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 6. The OSC proposed the denial of Applicant's application for DEA registration as a bulk manufacturer of marijuana in its Schedule I form,¹ Control No. W16089931E, alleging that Applicant's registration would be inconsistent with the public interest. *Id.* at 1 (citing 21 U.S.C. 823(a)).

More specifically, the OSC alleged that Applicant's sibling and parent entities have been handling marijuana for years without DEA registration and its sibling entity has engaged in diversion by manufacturing marijuana for the recreational market. RFAAX 1, at 4 (citing 21 U.S.C. 823(a)(6), 824(a)(4); 21 CFR 1318.05(b)(1)); RFAA, at 5. On July 21, 2026, the Government submitted an RFAA requesting that the Agency issue a default final order denying Applicant's application for registration. RFAA, at 1, 6.

After carefully reviewing the entire record and conducting the analysis as set forth in detail below, the Agency² grants the Government's RFAA and denies Applicant's application for registration.

I. Default Determination

Under 21 CFR 1301.43, a registrant entitled to a hearing who fails to file a timely hearing request “within 30 days after the date of receipt of the [OSC] . . . shall be deemed to have waived their right to a hearing and to be in default” unless “good cause” is established for the failure. 21 CFR 1301.43(a), (c)(1). In the absence of a

¹ The CSA and DEA regulations refer to the substance as “marijuana” and “marihuana” interchangeably. *See, e.g.*, 21 U.S.C. 802(16)(A) (providing that “the terms ‘marihuana’ and ‘marijuana’ mean all parts of the plant *Cannabis sativa* L.,” subject to applicable exceptions); 21 U.S.C. 812(c), Schedule I(c)(10) (listing “marihuana” in Schedule I); 21 CFR 1301.13(k) (setting forth provisions for medical “marijuana” registrations); 21 CFR 1301.33(d) (discussing applications for registration to manufacture “marihuana”). This Decision will refer to the substance as “marijuana,” unless quoting language that uses the alternate spelling. 21 U.S.C. 802(16)(A), 812(c), Schedule I(c)(10); 21 CFR 1308.11(d)(23), (58).

² The CSA delegates authority to the Attorney General, who has delegated it to the Administrator of DEA (the Agency). 28 CFR 0.100.

demonstration of good cause, a registrant who fails to timely file an answer also is “deemed to have waived their right to a hearing and to be in default.” 21 CFR 1301.43(c)(2). Unless excused, a default is deemed to constitute “an admission of the factual allegations of the [OSC].” 21 CFR 1301.43(e).

Based on the Government's submissions in its RFAA, the Agency finds that service of the OSC on Applicant was adequate. Specifically, the Declaration from a DEA Diversion Investigator (DI) indicates that on September 19, 2025, the DI personally served a copy of the OSC on Applicant at its proposed registered address. RFAAX 2, at 1. At the time of service, Applicant's Director of Pharmacology, Mr. D.M., signed a DEA–12, Receipt for Cash or Other Items, acknowledging receipt of the OSC. RFAAX 2 and Exhibit A.

The OSC notified Applicant of its right to file a written request for hearing and answer, and that if it failed to file such a request and answer, it would be deemed to have waived its right to a hearing and be in default. RFAAX 1, at 5 (citing 21 CFR 1301.43). Here, Applicant did not request a hearing, file an answer, or respond to the OSC in any way. RFAA, at 1, 3, 5–6. Thus, the Agency finds that Applicant is in default and therefore has admitted to the factual allegations in the OSC. 21 CFR 1301.43(c)(1), (e), (f)(1).

II. Applicable Law

Marijuana, as defined in the CSA, as well as marijuana extract and tetrahydrocannabinols³ (hereinafter collectively referred to as marijuana), are Schedule I controlled substances, unless they are in a U.S. Food and Drug Administration approved product or subject to a state medical marijuana license under 21 CFR 1308.13(g) as Schedule III controlled substances. 21 U.S.C. 812(c), Schedule I(c)(10); 21 CFR 1308.11(d)(23), (31), (58); RFAAX 1, at 1.

Congress enacted the CSA “to conquer drug abuse and control the legitimate and illegitimate traffic in controlled substances.” *Gonzales v. Raich*, 545 U.S. 1, 12 (2005). A particular concern of Congress was “the need to prevent the diversion of drugs from legitimate to illicit channels,” and it “devised a closed regulatory system making it unlawful to manufacture, distribute, dispense, or possess any

³ Marijuana extract and tetrahydrocannabinols are defined in 21 CFR 1308.11(d).

Tetrahydrocannabinols do not include any material, compound, mixture, or preparation that falls within the definition of hemp set forth in 7 U.S.C. 1639o.

controlled substance except in a manner authorized by the CSA.” *Id.* at 12–13; *see, e.g.*, 21 CFR 1301.71(a), .72–.76, 1318.04(a), 1318.05(a)(1), (5) (establishing various requirements to prevent diversion); RFAAX 1, at 3.

The CSA’s requirements under this closed regulatory system include that “[e]very person who manufactures . . . any controlled substance . . . , or who proposes to engage in the manufacture . . . of any controlled substance . . . , shall obtain annually a registration issued by the Attorney General in accordance with the rules and regulations promulgated by him.” 21 U.S.C. 822(a)(1); *see Raich*, 545 U.S. at 12–13, 27–28; RFAAX 1, at 2; *see also* 21 U.S.C. 823(a) (establishing requirements for the registration of manufacturers); 21 CFR 1301.11(a) (“Every person who manufactures . . . any controlled substance or who proposes to engage in the manufacture . . . of any controlled substance shall obtain a registration unless exempted . . .”). “[I]t shall be unlawful for any person knowingly or intentionally . . . to manufacture . . . or possess with intent to manufacture . . . a controlled substance” except as authorized by the CSA. 21 U.S.C. 841(a)(1); RFAAX 1, at 2.

The CSA provides that the Agency shall register an applicant to manufacture controlled substances in Schedule I or II if such registration is determined to be “consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971.” 21 U.S.C. 823(a); RFAAX 1, at 2. Further, DEA regulations provide that “the Administrator may grant an application for a registration to manufacture marihuana, including the cultivation of cannabis, only if he determines that such registration is consistent with the public interest and with United States obligations under the Single Convention.” 21 CFR 1318.03(a); RFAAX 1, at 2.

In April 2026, the Acting Attorney General issued a Final Rule which, in part, established “an expedited registration process . . . for entities holding state medical marijuana licenses, enabling such entities to engage in the manufacture, distribution, and/or dispensing of marijuana for medical purposes under federal law,” subject to applicable requirements. *Schedules of Controlled Substances: Rescheduling of Food and Drug Administration Approved Products Containing Marijuana From Schedule I to Schedule III; Corresponding Change to Permit Requirements*, 91 FR 22714, 22715 (2026). Applicant’s 2016

application will be reviewed under the application requirements for Schedule I bulk manufacturers of marijuana, as set forth in the OSC. 21 U.S.C. 823(a); 21 CFR 1318.05(a), (b); *but see infra* n.8.

The CSA establishes six factors for the Administrator to consider in determining whether a registration to manufacture controlled substances is in the public interest. 21 U.S.C. 823(a); *see* 21 CFR 1318.05(a) (DEA regulations implementing the same six factors); *MCRGC, LLC*, 90 FR 48431, 48431–32 (2025); RFAAX 1, at 2–3. Those six public interest factors for manufacturers are:

“(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

(2) compliance with applicable State and local law;

(3) promotion of technical advances in the art of manufacturing these substances and the development of new substances;

(4) prior conviction record of applicant under Federal and State laws relating to the manufacture, distribution, or dispensing of such substances;

(5) past experience in the manufacture of controlled substances, and the existence in the establishment of effective control against diversion; and

(6) such other factors as may be relevant to and consistent with the public health and safety.”

21 U.S.C. 823(a)(1)–(6); *see* 21 CFR 1318.05(a)(1)–(6); RFAAX 1, at 2–3.

Further, in determining which manufacturer applications are in the public interest, the Administrator must place “particular emphasis” on “[w]hether the applicant has demonstrated prior compliance with the [CSA] and [DEA regulations].” 21 CFR 1318.05(b)(1); RFAAX 1, at 3.

A DEA registration to manufacture marijuana does “not authorize the manufacture, distribution, dispensing, or use of marijuana or products containing marijuana for non-medical purposes.” 21 CFR 1301.13(k)(1)(iv); RFAAX 1, at 5 n.2.

The burden is on Applicant to establish that granting its application for registration to manufacture marijuana is

in the public interest. 21 CFR 1318.03(b); *see* 21 CFR 1301.44(a).

III. Findings of Fact

In light of Applicant’s default, the factual allegations in the OSC are deemed admitted.⁴ 21 CFR 1301.43(e). Accordingly, Applicant admits that on or about September 12, 2016, Mr. A.G., the Chief Executive Officer (CEO) of Applicant’s parent company, submitted an application on behalf of Applicant for a DEA registration (control No. WI6089931E) as a bulk manufacturer of marijuana.⁵ RFAAX 1, at 4.

Applicant is a wholly-owned subsidiary of MedPharm Holdings, LLC (d/b/a “Bud & Mary’s Cannabis”). RFAAX 1, at 4. MedPharm Holdings also owns a second subsidiary known as MX, LLC. RFAAX 1, at 4. Mr. A.G. is the CEO of MedPharm Holdings and, in that position of responsibility over the parent company, oversees both Applicant and MX as subsidiaries and sister entities. RFAAX 1, at 4. Neither Applicant, its parent company MedPharm Holdings, nor its sister company MX is registered or has ever been registered by DEA to manufacture marijuana. RFAAX 1, at 4.

Applicant’s sister company, MX, currently has numerous licenses from the State of Colorado and from the consolidated city-county of Denver to research, grow, manufacture, and sell marijuana in the Colorado state recreational and medicinal marijuana markets. RFAAX 1, at 4. MX has been growing and selling marijuana in Colorado since 2016. RFAAX 1, at 4.

On December 22, 2023, DEA requested additional information from Applicant, including documentation of Applicant’s authority to manufacture marijuana under state law. RFAAX 1, at 4. Applicant provided DEA with a copy of a State of Colorado marijuana research and development license (MMJ R&D Cultivation No. 408C–00001) that had been issued to Applicant’s parent company, MedPharm Holdings. RFAAX 1, at 4.

Applicant proposed to conduct its operations at the same facility where its sister company MX operates under the control of parent company MedPharm

⁴ According to the CSA, “[f]indings of fact by the [DEA Administrator], if supported by substantial evidence, shall be conclusive.” 21 U.S.C. 877. Here, where Applicant is found to be in default, all the factual allegations in the OSC are deemed to be admitted. These uncontested and deemed admitted facts constitute evidence that exceeds the “substantial evidence” standard of 21 U.S.C. 877.

⁵ A Notice of Applicant’s application was published in the *Federal Register* on August 27, 2019. *Bulk Manufacturer of Controlled Substances Applications: Bulk Manufacturers of Marihuana*, 84 FR 44920, 44922 (2019).

Holdings. RFAAX 1, at 4. That location has been operating, and continues to operate, as a marijuana cultivation facility, growing both medical and recreational marijuana, which is sold to third-party marijuana dispensaries operating within Colorado's marijuana market. RFAAX 1, at 4.

IV. Discussion

Here, Applicant's parent company, MedPharm Holdings, and its sister company, MX, have been manufacturing marijuana without DEA registration for at least the past 10 years. RFAAX 1, at 4. Further, Applicant's parent company and sister company have been engaged in the manufacture of marijuana for sale in the recreational market. RFAAX 1, at 4. Manufacturing marijuana without a registration from DEA violates the CSA and DEA regulations. 21 U.S.C. 822(a)(1), 823(a), 841(a)(1); 21 CFR 1301.11(a); *Raich*, 545 U.S. at 12–13. Further, manufacturing marijuana for the recreational market violates the CSA and DEA regulations, and it constitutes diversion of a Schedule I controlled substance. 21 CFR 1301.13(k)(1)(iv), 1301.71(a), .72–.76, 1318.04(a); *Raich*, 545 U.S. at 12–13.

In sum, Applicant's corporate structure, acting through the company that owns and controls Applicant and its sister company, all of which are managed by the same CEO, Mr. A.G.,⁶ has engaged in the unregistered manufacture of marijuana for at least a decade and has diverted marijuana into the recreational market, in violation of federal law. *See* Sections III–IV. The unregistered manufacture of marijuana and the diversion of marijuana into recreational channels weigh against a finding of registration being consistent with the public interest and demonstrate a lack of “prior compliance with the” CSA and DEA regulations, which also weigh against a finding of registration being consistent with the public interest. 21 U.S.C. 823(a)(6); 21 CFR 1318.05(b)(1).

Considering the un rebutted and substantial evidence of record establishing Applicant's unregistered manufacture of and diversion of a Schedule I controlled substance, the Agency determines that issuing Applicant a manufacturer registration (bulk) for marijuana would not be

consistent with the public interest.⁷ 21 U.S.C. 823(a)(6); 21 CFR 1318.05(b)(1). Accordingly, the Agency will order the denial of Applicant's application for registration.⁸

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(a), I hereby deny the pending application for a DEA Certificate of Registration, Control No. W16089931E, submitted by MedPharm Research, LLC, as well as any other pending application of MedPharm Research, LLC, to amend or modify this application, or for additional registration in Colorado. This Order is effective November 6, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on October 2, 2026, by DEA Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters

⁷ The burden is on the applicant to establish that its registration is consistent with the public interest. 21 CFR 1301.44(a); 21 CFR 1318.03(b); RFAAX 1, at 2. Here, by virtue of its default, Applicant has failed to present any evidence whatsoever to establish its registration is consistent with the public interest, and the deemed admitted facts (*i.e.*, noncompliance with the CSA, violation of the registration requirement, and diversion of a Schedule I controlled substance), weigh against a finding in favor of registration. Although these are only factors, they are dispositive here because Applicant's default means it not only waived the right to present evidence regarding these factors, but it also waived the right to present any other evidence that its registration would be consistent with the public interest.

⁸ Denial of Applicant's application in this Order does not prohibit Applicant from submitting an application through the new framework established for issuing registrations based on state licenses to handle marijuana for medical purposes, if applicable. *See Schedules of Controlled Substances: Rescheduling of Food and Drug Administration Approved Products Containing Marijuana From Schedule I to Schedule III; Corresponding Change to Permit Requirements*, 91 FR 22714, 22721 (2026) (adding paragraph (k) to 21 CFR 1301.13 “establish[ing] an expedited review process for entities holding state medical marijuana licenses who seek registration as a marijuana manufacturer”); *see also id.* at 22722 (adding paragraphs (g)(2)–(4) to 21 CFR 1308.13 placing into Schedule III marijuana, marijuana extract, and delta-9-tetrahydrocannabinols “subject to a state medical marijuana license”).

the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–20553 Filed 10–6–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0052]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Title—Identity History Summary Request Form (1–783)

AGENCY: Criminal Justice Information Services (CJIS) Division, Federal Bureau of Investigation (FBI), Department of Justice (DOJ).

ACTION: 30-Day notice.

SUMMARY: The CJIS, FBI, 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** on August 5, 2026, 91 FR 50558, allowing a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until November 5, 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: Brian A. Cain, 1000 Custer Hollow Road, Clarksburg, WV 26306, 304–625–CJIS, bacain@fbi.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;

⁶ *See Pharmboy Ventures Unlimited, Inc.*, 77 FR 33770, 33771 n.2 (2012) (noting that “DEA has long held that” the Agency “can look behind [an entity's] ownership structure” to evaluate the conduct of the people making decisions regarding the controlled substance side of the business) (citing *Carriage Apothecary*, 52 FR 27599, 27599 (1987)).

- 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 1110–0070. 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 Brian Cain to bacain@fbi.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: Individuals interested in obtaining a copy of their identification record contained in the FBI’s Next Generation Identification System. The U.S. Department of Justice Order 556–773 directs the FBI to publish rules for the dissemination of arrest and conviction records to the subjects of such records upon request. This order resulted in a determination that 28 United States Code 534 does not prohibit the subjects of arrest and convictions records from having access to those records.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a currently approved collection Title of the Form/Collection: Identity History Summary Request Form (1–783).

2. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* 1110–0052, Form Identity History Summary Request (1–783); CJIS Division, FBI, DOJ.

3. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected Public: Individuals; Individuals wishing to obtain a copy of their identification record based on US DOJ Order 556–773.

4. *Obligation to Respond:* Required to obtain or retain a benefit.

5. *Total Estimated Number of Respondents:* 74,438 per year.

6. *Estimated Time per Respondent:* 5 minutes.

7. *Frequency:* Varies.

8. *Total Estimated Annual Time Burden:* 6,203 hours.

9. *Total Estimated Annual Other Costs Burden:* \$27.72 avg hourly wage × 6,203 hours = \$171,947.00 cost burden.

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: October 5, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–20534 Filed 10–6–26; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[CPCLO Order No. 010–2026]

Privacy Act of 1974; System of Records

AGENCY: Drug Enforcement Administration, United States Department of Justice.

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, and Office of Management and Budget (OMB) Circular No. A–108, notice is hereby given that the Drug Enforcement Administration (DEA), a component of the United States Department of Justice (Department or DOJ), proposes to modify and republish a system of records notice titled “JUSTICE/DEA–021, DEA Aviation Unit Reporting System,” 65 FR 24986, to be retitled “DEA Aviation Division Reporting System”, which is the repository of reporting records held by DEA’s Aviation Division. DEA proposes to update the categories of individuals covered by the system, as well as record categories, purpose of the system, routine uses of records maintained in the system and policies and practices for storing, retrieving, retaining, and disposing of records in the system.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is effective upon publication, subject to a 30-day period in which the public may comment on the routine uses described below. Therefore, please submit any comments by November 5, 2026.

ADDRESSES: The public, Office of Management and Budget, and Congress are invited to submit any comments online via the Federal e-Rulemaking Portal: <http://www.regulations.gov> and following the instructions for submitting comments; by mail to the United States Department of Justice, ATTN: Privacy Analyst, Office of Privacy and Civil Liberties, Two Constitution Square (2CON), 145 N Street NE, Suite 8W.300, Washington, DC 20530, by facsimile at 202–307–0693, or by email at privacy.compliance@usdoj.gov. To ensure proper handling, please reference the above CPCLO Order No. on your correspondence.

FOR FURTHER INFORMATION CONTACT: David Makoto Hudson, Attorney, Drug Enforcement Administration, Office of Chief Counsel, Strategic Programs Section, 8701 Morrisette Drive, Springfield, VA 22152.

SUPPLEMENTARY INFORMATION: DEA is proposing to modify this system to update the categories of individuals covered by the system. More specifically, the modification will reflect that the categories of individuals covered by the system include DEA employees and contractors and not just DEA pilots, as well as vendors, detainees, inmates, non-DEA law enforcement personnel, and other federal government employees and contractors. Additional changes are being made to this Notice to provide greater clarity about the information contained in the Inspection Division Records and the types of information that can be retrieved. The DEA also proposes to update, add to, and/or clarify the system location, the categories of individuals covered by the system; the record categories in the system; the record source categories; the purpose of the system; the system’s routine uses; policies and practices for storing, retrieving, retaining, and disposing of records in the system; the record access procedures; and procedures to contest the accuracy of records in the system. The purpose of this modification is to update the language to better reflect the modernization of applications in DEA’s information system related to controlled substance transaction reporting and to more accurately describe the breadth of the records contained therein. Finally, the modification will bring the SORN

into compliance with current legal requirements.

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and Congress on this notice of a modified system of records.

Dated: October 1, 2026.

Laurence E. Rothenberg,
Chief Privacy and Civil Liberties Officer,
United States Department of Justice.

JUSTICE/DEA-021

SYSTEM NAME AND NUMBER:

DEA Aviation Division Reporting System; Justice/DEA-021.

SECURITY CLASSIFICATION:

The system is unclassified.

SYSTEM LOCATION:

Records will be maintained primarily electronically at one or more of the Department of Justice-authorized cloud service providers Amazon Web Services or Microsoft Azure Cloud on servers located in protected sites within the Continental United States, as well as at Federal Records Centers. Any manual, hard copy records will be maintained in DEA facilities at 2300 Horizon Drive, Fort Worth, TX 76177. Access to electronic records may occur at any location at which the DEA operates, where DEA operations are supported, including DEA Headquarters, 700 Army-Navy Drive, Arlington, VA 22202, and through computer systems at all DEA field offices and DEA aviation facilities, and may include foreign locations. See www.dea.gov for a listing of DEA office locations.

Some or all the information in the system may be duplicated at other locations where the Department has granted direct access to support DOJ Cybersecurity Services Staff (CSS) operations, system backup, emergency preparedness, and/or continuity of operations. To determine the location of a particular record maintained in this system of records, contact the system manager, whose contact information is listed in the "SYSTEM MANAGER(S)" paragraph, below.

SYSTEM MANAGER(S):

DEA Aviation Division Special Agent-In-Charge, 2300 Horizon Drive, Fort Worth, TX 76177.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Comprehensive Drug Abuse Prevention and Control Act of 1970 (Controlled Substances Act) (Pub. L. 91-513, as amended; 21 U.S.C. 01, *et seq.*) and its attendant regulations (21 CFR 1300, *et seq.*), the Omnibus Crime Control and Safe Streets Act, (Pub. L. 90-351, as amended), the obligations of

the United Nations Single Convention on Narcotic Drugs (18 U.S.C. 1407) and Reorganization Plan No. 1 of 1968 as authorized by 5 U.S.C. 903, provide DEA with the specific legal authority to enforce the controlled substances laws and regulations of the United States, as well as establish and maintain this system in furtherance thereof. Authority to establish and maintain this system is also contained in 5 U.S.C. 301-302 and 44 U.S.C. 3101, which authorize the Attorney General to create and maintain federal records of agency activities, and 31 U.S.C. 1343 authorizing acquisition and maintenance of aircraft. *See also*, 14 CFR parts 21, 23, 25, 27, 29, 33, 35, 39, 43, 45, 47, 65, 91, 107, 133 and 145; and 41 CFR 102-33.50 (acquisition of aircraft).

PURPOSE(S) OF THE SYSTEM:

Records in this system are used to monitor the acquisition, utilization, and maintenance of DEA aircraft; to monitor the qualifications and training of DEA pilots in furtherance of DEA enforcement operations conducted pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91-513); for scheduling of flights and the aircraft used; for the maintenance of lists of passengers; and to log the use of, and identity of visual observers for, small, unmanned aircraft systems.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. DEA employees, detailees, and contractors (including pilots and unmanned aircraft operators and observers), including as administrators or system users accessing the system in connection with audit log information.
2. Other non-DEA federal law enforcement personnel and contractors aboard or scheduled to depart on DEA aircraft.
3. Vendors servicing DEA aircraft.
4. Detainees aboard or scheduled to depart on DEA aircraft.
5. Inmates aboard or scheduled to depart on DEA aircraft.
6. Non-federal law enforcement personnel aboard or scheduled to depart on DEA aircraft; and
7. Other federal government employees and contractors either servicing, riding onboard, or using a DEA aircraft.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Records relating to the operation and maintenance of DEA aircraft.
2. Records relating to DEA pilot qualifications and training.
3. Records relating to flight scheduling, including aircraft used by DEA.

4. Records relating to passengers aboard scheduled DEA flights of manned aircraft.

5. Records relating to the use and identities of visual observers if small, unmanned aircraft systems are deployed by DEA.

6. Acquisition, inventory and accounting records.

7. Audit log information of system users or administrators accessing the system.

RECORD SOURCE CATEGORIES:

Whenever possible, the sources of information in these records will be collected from the DEA employees, vendors, or contractors with direct knowledge of the information entered and/or individuals about whom the information pertains. Records will also be collected from within DEA information systems (via electronic data transfer or manual input depending on source), other DOJ components and any outside entities when necessary and relevant.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

All or a portion of a relevant record or records or any relevant facts derived therefrom may be disclosed as a routine use pursuant to 5 U.S.C. 552a(b)(3) under the circumstances or for the purposes described below, to the extent such disclosures are compatible with the purposes for which the information was collected and when it has been determined by DEA or Department of Justice that such a need exists:

- (a) To the Federal Aviation Administration for purposes of aircraft documentation and pilot certification.
- (b) To the United States military departments and defense agencies for communication purposes.
- (c) To the United States Coast Guard for communication purposes.
- (d) To the communications relay services under contract with DEA for communications purposes.
- (e) To appropriate federal, state, local, tribal and foreign law enforcement agencies or other relevant entities charged with the investigation and prosecution of illegal activities or regulatory enforcement or implementation responsibilities, where a record either alone or in conjunction with other information indicates a potential violation of law—whether criminal, civil or regulatory in nature; in order to facilitate official actions;
- (f) To any person or entity that DEA has reason to believe possesses information regarding a matter within the jurisdiction of DEA, to the extent

deemed to be necessary by DEA in order to elicit such information or cooperation from the recipient for use in the performance of an authorized law enforcement activity.

(g) To any person, organization, or governmental entity in order to notify them of a serious terrorist threat; or where there is reason to believe the recipient is or could become the target of a particular criminal activity, conspiracy, or other threat, to the extent the information is relevant to the protection of life, health, or property, for the purpose of guarding against or responding to such a threat.

(h) To complainants and/or victims to the extent necessary to provide them with information and explanations concerning the progress and/or results of the investigation or case arising from the matters of which they complained and/or of which they were a victim.

(i) To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion on such matters as settlement, plea bargaining, or in informal discovery proceedings, in accordance with requests made under the proper administrative procedures.

(j) To a court, grand jury, or administrative or adjudicative body in any appropriate proceeding where DEA or the Department of Justice determines the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

(k) To the news media and the public pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(l) To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal government, when necessary to accomplish an agency function related to this system of records.

(m) To designated officers and employees of state, local, territorial, or tribal law enforcement or detention agencies in connection with the hiring or continued employment of an employee or contractor, where the employee or contractor would occupy or occupies a position of public trust as a law enforcement officer or detention officer having direct contact with the public or with prisoners or detainees, to the extent that the information is

relevant and necessary to the recipient agency's decision.

(n) To appropriate officials and employees of a Federal agency or entity which requires information relevant to a decision concerning the hiring, appointment, or retention of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract, or the issuance of a grant or benefit.

(o) To a former employee of the Department of Justice for purposes of responding to an official inquiry by a Federal, state, or local government entity or professional licensing authority in accordance with applicable regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

(p) To Federal, state, local, territorial, tribal, foreign, or international licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

(q) To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

(r) To the National Archives and Records Administration (NARA) for purposes of management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(s) To appropriate agencies, entities, and persons when (1) the DEA or Department of Justice suspects or has confirmed that there has been a breach of the system of records; (2) the DEA or Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DEA, the Department of Justice (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 the DEA or Department of Justice efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(t) To another Federal agency or Federal entity, when the DEA or Department of Justice determines that information from this system of records

is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(u) To any agency, organization, or individual such as the Government Accountability Office, the Department's Office of the Inspector General, or the Office of Special Counsel for the purpose of performing authorized audit or oversight operations of DEA including those related to fraud, waste, and abuse, and meeting related reporting requirements.

(v) To appropriate officials and employees of a federal agency for which the Department is authorized to provide a service, when disclosed in accordance with an interagency agreement and when necessary to accomplish an agency function articulated in the interagency agreement compatible with the purposes for which the information was collected.

(w) To the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

(x) To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are maintained electronically, stored securely in government cloud servers or in government record centers in accordance with applicable executive orders, statutes, and agency implementing recommendations. Users of individual computers can only gain access to the data by a valid user identification and password. The system is protected by both physical security methods and dissemination and access controls. In addition, manual records concerning maintenance and training are kept at the DEA Aviation Division's secure facility.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records within this system may be retrieved by authorized DEA personnel for official purposes with a need to know and role-based system access ability. Records generally are retrieved by reference to any data category in the records, including an individual's name, other personal identifier, or the tail number of the aircraft in question.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Electronic records in this system will be retained and disposed of in accordance with the appropriate records schedules approved by the National Archives and Records Administration (NARA) for the constituent source systems of records, including but not limited to, NARA retention schedule 1180-01-10 (N1-170-94-1) Aircraft Maintenance Files (files of DEA aircraft mission reports, aircraft maintenance references, aircraft history, airframe log book, engine and propeller history, aircraft service, aircraft status, and aircraft maintenance management files), which provides different retentions period for different kinds of aviation-related records. DEA usually retains maintenance and service records for at least the lifespan that an aircraft is with the Aviation Division.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Information in this system is electronic with some paper record copies maintained in accordance with applicable laws, rules, and policies on protecting individual privacy. The system is protected by physical security methods, administrative processes, and electronic means, including dissemination and access controls. Servers owned by Department-authorized cloud service providers Amazon Web Services and Microsoft Azure Cloud are in protected locations within the Continental United States. Any paper records or working copies are safeguarded in locked rooms with access limited to authorized agency personnel. Internet connections are protected by multiple firewalls. Security personnel conduct periodic vulnerability scans using DOJ-approved software to ensure security compliance and security logs are enabled for all computers to assist in troubleshooting and forensics analysis during incident investigations. Users of individual computers can only gain access to the data by a valid user identification and password and multifactor authentication. Paper records are maintained in specifically designated

locations for the use of Aviation Division personnel, with access normally limited to such staff or other staff accompanied by aviation personnel.

RECORD ACCESS PROCEDURES:

All requests for access to records from this system may be submitted electronically by visiting the DEA FOIA Public Access Link Portal: <https://ifa.dea.gov/foia/>, or in writing via letter in accordance with 28 CFR part 16. If submitted via letter the request should be addressed to: Drug Enforcement Administration, Attn: Freedom of Information and Privacy Act Section, 8701 Morrisette Drive, Springfield, Virginia 22152, or to the System Manager listed above. The envelope and letter should be clearly marked 'Privacy Access Request.' The request must include a general description of the records the records sought with sufficient detail to enable Department personnel to locate them with a reasonable amount of effort. The request must also include the requester's full name, current address, and date and place of birth. A written request via letter must be signed and either notarized or submitted under penalty of perjury and dated. Some information may be exempt from disclosure. An individual who is the subject of a record in this system may access those records that are not exempt from disclosure. A determination whether a record may be accessed will be made at the time a request is received. Although no specific form is required, forms may be obtained for this purpose from the FOIA/Privacy Act Mail Referral Unit, United States Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530; or on the Department of Justice website at <https://www.justice.gov/oip/oip-request.html>; or you may obtain a DEA-specific form (DEA-382 FOIA/PA Request Letter) to make a 'Privacy Access Request' from the Privacy Act page of the FOIA section of the DEA.gov website at <https://www.dea.gov/foia/foia-privacy-act>.

More information regarding the Department's procedures for accessing records in accordance with the Privacy Act can be found at 28 CFR part 16 Subpart D, "Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974."

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest or amend information maintained in the system may submit the requests by email, in hard copy, or through DEA's online portal Public Access Link (PAL) and in accordance with the procedures

described at <https://www.dea.gov/foia/foia-privacy-act>. For any requests to contest or amend records submitted in writing via letter, the envelope and letter should be clearly marked, "Privacy Act Amendment Request," and be addressed to: Drug Enforcement Administration, Attn: Freedom of Information and Privacy Act Section, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests must state clearly and concisely what record or information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. A determination whether a record may be amended will be made at the time a request is received.

More information regarding the Department's procedures for amending or contesting records in accordance with the Privacy Act can be found at 28 CFR 16.46, "Requests for Amendment or Correction of Records."

NOTIFICATION PROCEDURES:

Individuals may be notified if a record in this system of records pertains to them when the individuals request information utilizing the same procedures as those identified in the "RECORD ACCESS PROCEDURES" paragraph above. Inquiries should be addressed to: Drug Enforcement Administration, Attn: Freedom of Information and Privacy Act Section, 8701 Morrisette Drive, Springfield, Virginia 22152, or an electronic request may be filed at the DEA FOIA Public Access Link Portal: <https://ifa.dea.gov/foia/>.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This is a revision of the SORN DEA-021, "DEA Aviation Unit Reporting System," 65 FR 24986 (April 28, 2000) (last published in full), as amended by: 66 FR 8425 (Jan. 31, 2011); 82 FR 24147 (May 25, 2017).

[FR Doc. 2026-20531 Filed 10-6-26; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

[CPCLO Order No. 008-2026]

Privacy Act of 1974; Systems of Records

AGENCY: Office of the Pardon Attorney, United States Department of Justice.

ACTION: Notice of a new system of records.

SUMMARY: Pursuant to the Privacy Act of 1974 and Office of Management and

Budget (OMB) Circular No. A–108, notice is hereby given that the Office of the Pardon Attorney (PARDON), a component within the United States Department of Justice (DOJ or Department), proposes to develop a new system of records titled Firearms Rights Restoration Electronic Records Database (FRRERD), JUSTICE/OPA–002. The proposed system of records will be used to receive, track, and adjudicate applications to restore federal firearms rights pursuant to 18 U.S.C. 925(c) and 28 CFR 107.1 *et seq.*

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is effective upon publication, subject to a 30-day period in which to comment on this notice. Please submit any comments by November 6, 2026. The routine uses listed in this notice will be effective after November 6, 2026.

ADDRESSES: The public, OMB, and Congress are invited to submit any comments by mail to the U. S. Department of Justice, Office of Privacy and Civil Liberties, ATTN: Privacy Analyst, Two Constitution Square (2CON), 145 N Street NE, Suite 8W.300, Washington, DC 20530; by facsimile at 202–307–0693; or by email at privacy.compliance@usdoj.gov. To ensure proper handling, please reference the above CPCLD Order No. on your correspondence.

FOR FURTHER INFORMATION CONTACT: Kira Gillespie, Deputy Pardon Attorney, Office of the Pardon Attorney, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530.

SUPPLEMENTARY INFORMATION: The FRRERD is a new system of records that will leverage an existing information system and technology—the Federal Bureau of Investigation’s (FBI) Electronic Departmental Order (eDO) service, which resides within the FBI’s Next Generation Identification (NGI) system (JUSTICE/FBI–009, 84 FR 54182 (Oct. 9, 2019))—to collect material in connection with federal firearms rights restoration applications. The eDO and NGI will also host the FRRERD where the collected material will be stored and maintained. The FRRERD system of records will be maintained by PARDON, who will receive, track, and adjudicate applications to restore federal firearms rights. Further, PARDON will initiate the necessary investigations concerning these applications and prepare recommendations for the Attorney General, or designee, to determine if, pursuant to 18 U.S.C. 925(c), relief from disability is warranted. As part of this process, PARDON will collect, store, and maintain the records pertaining to an applicant seeking the restoration of

federal firearms rights. PARDON will also act as a liaison to the public for inquiries about the federal firearms rights restoration process.

Pursuant to 5 U.S.C. 552a(b)(12), records maintained in this system of records may be disclosed to a consumer reporting agency without the prior written consent of the individual to whom the record pertains. Such disclosures will only be made in accordance with 31 U.S.C. 3711(e).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and Congress on this new system of records.

Dated: October 1, 2026.

Laurence E. Rothenberg,
Chief Privacy and Civil Liberties Officer,
United States Department of Justice.

JUSTICE/OPA–002

SYSTEM NAME AND NUMBER:

Firearms Rights Restoration Electronic Records Database (FRRERD).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records described in this notice will be maintained by PARDON in the FRRERD and hosted on FBI’s eDO, within the NGI system and is maintained by the FBI, Criminal Justice Information Services Division (CJIS). The FRRERD will also interface with other FBI systems, including, but not limited to, the National Instant Criminal Background Check System (NICS) for the adjudication of the applications.

SYSTEM MANAGER(S):

Pardon Attorney/Chief Information Officer, Office of the Pardon Attorney, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authorities for the maintenance of these records include 5 U.S.C. 301; 18 U.S.C. 922(g) and 925(c); 28 U.S.C. 509–510; Public Law 107–296, 116 Stat. 2135; Executive Order 12988—Civil Justice Reform; Executive Order 14206—Protecting Second Amendment Rights; 28 CFR 25 and 107; 90 FR 13,080 (Withdrawing the Attorney General’s Delegation of Authority); 91 FR 54,054 (Application for Relief From Disabilities Imposed by Federal Laws With Respect to the Acquisition, Receipt, Transfer, Shipment, Transportation, or Possession of Firearms); and 28 CFR 107.1 *et seq.*

PURPOSE(S) OF THE SYSTEM:

Federal law prohibits several categories of persons from “possess[ing]

in or affecting commerce, any firearm or ammunition.” 18 U.S.C. 922(g). At the same time, the law also provides that any “person who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition may make application to the Attorney General for relief from th[at] disability” and that “the Attorney General may grant such relief if it is established to his satisfaction that the circumstances regarding the disability, and the applicant’s record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest.” 18 U.S.C. 925(c). Prior to March 2025, the process was handled by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”). However, since 1992, Congress has restricted the ATF from expending its appropriated funds to conduct § 925(c) investigations, rendering ATF’s relief from disabilities program unusable. The Attorney General seeks to reinvigorate § 925(c) as an appropriate avenue to restore firearm rights to certain individuals who have demonstrated that they are unlikely to pose a danger to public safety. The FRRERD, which will be administered by PARDON, is a new system of records with the principal purpose of collecting, storing, and maintaining the records of applicants seeking the restoration of their federal firearms rights, thereby enabling PARDON to comprehensively review, assess, evaluate, and make recommendations to the Attorney General, or designee, on an applicant’s eligibility and suitability for relief from disabilities under 18 U.S.C. 922(g) and 925(c) and 28 CFR 107.1 *et seq.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Individuals who have applied for or have been granted or denied relief from disabilities under 18 U.S.C. 922(g) and 925(c) and 28 CFR 107.1 *et seq.*

B. Individuals who have corresponded with PARDON concerning persons who have applied for or who have been granted or denied relief from disabilities under 18 U.S.C. 922(g) and 925(c) and 28 CFR 107.1 *et seq.*

C. Individuals who have provided character references for people who have applied for relief from disabilities under 18 U.S.C. 922(g) and 925(c) and 28 CFR 107.1 *et seq.*

D. Department of Justice personnel, to include contractors, who are authorized to access and use the system.

E. Victim(s) of applicants, if the applicant has a criminal arrest or conviction that involves a victim.

F. Spouse or partner, former spouse(s) or partner(s), and children of applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Applicant's identifying information, *e.g.*, name, tax identification number, social security number, alien registration number (if applicable), sex, prior names (if applicable), Federal firearms license number, FBI universal control number (if applicable), and passport number.

B. Applicant's biometric data, *e.g.*, fingerprints and the results of fingerprint verification searches.

C. Applicant's demographic information, *e.g.*, date of birth or age, place of birth, race, ethnicity, citizenship, and religion.

D. Applicant or legal representative contact information, *e.g.*, personal or business mailing address, residential address, personal or business email address, and personal or business phone number.

E. Applicant records pertaining to mental health incompetency adjudications or commitment, as well as records pertaining to recovery of competency.

F. Applicant medical records, including information concerning past or present treatment for substance abuse.

G. Applicant military records.

H. Applicant consular records.

I. Applicant arrest records.

J. Applicant records regarding firearms prohibitors, as listed in 18 U.S.C. 922(g).

K. Legal documents, *i.e.*, publicly available litigation and bankruptcy records.

L. Applicant criminal records information, *e.g.*, information regarding an applicant's federal, military, state, tribal and other locality criminal conviction(s), performance and service of their criminal sentence(s), prison adjustment files, and other criminal history.

M. Applicant records from foreign jurisdictions related to criminal conduct, mental health determinations, or service in foreign military bodies.

N. Applicant juvenile criminal records information.

O. Civil law enforcement information, *e.g.*, civil suits/judgments pertaining to § 922(g) litigation for applicant or others.

P. Identifying information of an applicant's spouse or partner, former spouse(s) or partner(s), and children, *e.g.*, name or sex.

Q. Identifying information for personal character references.

R. Identifying information about the victim(s) of an applicant.

S. System administrative/audit data regarding DOJ personnel and contractors, *e.g.*, user ID, user passwords/codes, IP address, date/time of access.

T. Unique case numbers, personal identifying numbers, secure links, or other identifying information assigned to applicants.

RECORD SOURCE CATEGORIES:

A. Individual applicants seeking the restoration of their federal firearms rights and their representatives. This information will be collected utilizing the following PARDON electronic webforms:

1. Application to Restore Federal Firearms Rights: which will apply to individuals seeking relief from federal firearms disabilities under 18 U.S.C. 925(c) and 28 CFR 107.1 *et seq.*

2. Authorization for Release of Information: which will authorize investigators, special agents or other duly accredited representatives of DOJ to obtain a range of academic, residential, employment, criminal and other information about an applicant seeking restoration of his/her federal firearms rights.

3. Authorization for Release of Medical Information (Mental Health): which will authorize the release of information relating to mental health counseling/psychotherapy to the Pardon Attorney in connection with an application for relief from federal firearms disabilities under 18 U.S.C. 925(c) and 28 CFR 107.1 *et seq.*

B. Records, assessments, and reports of the FBI and/or other government agencies.

C. Records of the Federal Bureau of Prisons.

D. Records and reports of the U.S. Parole Commission.

E. Records and reports of the Armed Forces.

F. Records and reports provided by other federal, state, local, territorial, tribal, foreign, and international governmental agencies.

G. Non-governmental sources, such as hospital and medical professionals.

H. Employees of the Department of Justice, to include contract personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b), all or a portion of the records in this system of records may be disclosed as a routine use pursuant to 5 U.S.C. 552a(b)(3) under the circumstances or for the purposes described below, to the extent such

disclosures are compatible with the purposes for which the records were collected:

A. To any person or entity, whose knowledge or views about a particular firearms rights restoration application are solicited by PARDON in connection with its investigation and review of an application, to the extent deemed by PARDON to be necessary in order to enable such persons or entities to respond to the request or take other appropriate action.

B. To a federal, state, local, or tribal agency in order to verify and supplement information in applications to determine eligibility and suitability for relief, to consult with these entities regarding information necessary to the Attorney General's determination on the granting of relief, or to record the restoration decisions of the Attorney General.

C. To local, state, tribal, territorial, or federal law enforcement or criminal justice agencies or other authorized federal agencies where such disclosure:

1. May assist the recipient in the performance of its law enforcement, criminal justice, or national security functions;

2. May assist the FBI in performing a law enforcement or national security function;

3. May promote, assist, or otherwise serve the mutual efforts of the law enforcement, criminal justice, and national security communities; or

4. May serve a comparable civil law enforcement purpose.

D. To federal, state, local, territorial, tribal, foreign, or international law enforcement agencies and licensing agencies or associations that conduct firearms eligibility checks and/or that require information concerning the suitability or eligibility of an individual for a firearms license or permit.

E. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record or acting pursuant to congressional oversight functions.

F. To a federal, state, local, tribal, foreign, or international agency, as required by federal statutes, treaties, executive orders and other presidential and executive directives, federal regulations, federal rules, or Attorney General Guidance. Such agencies may include federal and state probation and/or parole systems, the Department of War, and federal, state, and tribal penal departments that require such information to determine the eligibility of a person to access and/or possess firearms or explosives and/or when

necessary to accomplish the agency's duties.

G. To the public via the **Federal Register**, identifying, by name, those applicants for whom a grant of the restoration of federal firearms rights has been approved.

H. Where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant records may be referred to the appropriate federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law.

I. To complainants and/or victims of an offense(s) perpetrated by an applicant to the extent necessary to provide such persons with information and explanations concerning the progress and/or results of the investigation or case arising from the matters of which they complained and/or of which they were a victim.

J. In a proceeding before a court, grand jury, or administrative or adjudicative body, when the Department determines that the records are relevant to the proceeding; or in a proceeding before an administrative or adjudicative body when the Department determines the records to be relevant to the proceeding.

K. To officials of civil or criminal courts for use in proceedings under 18 U.S.C. 925(c), 922(g), and other related litigation, domestic violence and stalking cases, and/or matters related to prospective protective court orders and custody disputes.

L. To the news media and the public, including disclosures pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

M. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Department, when necessary to accomplish an agency function related to this system of records.

N. To designated officers and employees of state, local, territorial, or tribal law enforcement or detention agencies in connection with the hiring or continued employment of an employee or contractor, where the employee or contractor would occupy or occupies a position of public trust as a

law enforcement officer or detention officer having direct contact with the public or with prisoners or detainees, to the extent that the information is relevant and necessary to the recipient agency's decision.

O. To appropriate officials and employees of a federal agency or entity that requires information relevant to a decision concerning the hiring, appointment, or retention of an employee; the assignment, detail, or deployment of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract, or the issuance of a grant or benefit.

P. To the National Archives and Records Administration (NARA) for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Q. To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department (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 the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

R. To another federal agency or federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach, or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

S. To any Federal Office of the Inspector General, or similar publicly identified official of a federal agency who has the official mission and duty to detect and deter waste, fraud, and abuse, as necessary for the purpose of identification and elimination of such waste, fraud, and abuse related to federal programs, employees, contractors, grantees, inmates, or beneficiaries.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The FRRERD will be hosted on the FBI's eDO platform within the NGI system, thereby providing a secure infrastructure for storage and processing of the information contained therein. All records which are part of FRRERD will be stored within the FBI's NGI system in electronic format.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Individual case files which are part of FRRERD are typically retrieved via the name of the person who applied for or was granted or denied relief from disabilities pursuant to 18 U.S.C. 925(c) and 28 CFR 107.1 *et seq.*, but also may be retrieved via uniquely identifying numbers, such as Social Security number or case number assigned by PARDON.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The Department has drafted a schedule for the records maintained in the FRRERD and has submitted the draft to NARA for review. While awaiting approval, all records maintained in the FRRERD will be maintained without a destruction schedule. Once the records schedule is approved, all records within the FRRERD will be maintained in accordance with the records retention schedule as approved by NARA. When a case is closed, all records pertaining to the case file are maintained in the FRRERD for the period stated in the records retention schedule. Once the retention period has lapsed, all records categorized as permanent are sent to NARA. Once NARA becomes the legal custodian of the records, any remaining records within the FRRERD are destroyed.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

As noted above, the FRRERD will be hosted on the FBI's eDO platform within the NGI system, thus inheriting the management, operational, and technical controls related to the NGI system and operating environment. The NGI system provides a secure infrastructure for storage and processing of the information. Further, access to the FRRERD is strictly limited to trained personnel assigned to the specific task of managing firearms rights restoration applications (*i.e.*, internally to PARDON staff who have obtained the requisite clearance and the proper request form and/or identity validation has occurred). Access to the system is role-based and users are only authorized to access information that they need to know to perform their job duties. Mandatory

training is required of all system users before they may gain access to the database.

By using the FBI website hosting the FRRERD, individuals electronically submit their applications online. The website provides applicants a unique personal identification number and secure links and/or other secure authentication methods to lessen the possibility of an individual accessing records pertaining to another person without authority.

RECORD ACCESS PROCEDURES:

All requests for access to records must be in writing and should be addressed to the attention of the PARDON FOIA Public Liaison, Office of the Pardon Attorney, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530 or emailed to PardonAttorneyFOIA@usdoj.gov. The envelope and letter should be clearly marked "Privacy Act Access Request." The request must describe the records sought in sufficient detail to enable Department personnel to locate them with a reasonable amount of effort. The request must include a general description of the records sought and must include the requester's full name, current address, and date and place of birth. The request must be signed and either notarized or submitted under penalty of perjury. Some information may be exempt from the access provisions as described in the "EXEMPTIONS PROMULGATED FOR THE SYSTEM" paragraph, below. An individual who is the subject of a record in this system of records may access those records that are not exempt from access. A determination whether a record may be accessed will be made at the time a request is received.

Although no specific form is required, a requestor may obtain forms for this purpose from the FOIA/Privacy Act Mail Referral Unit, U. S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530, or on the Department of Justice website at <https://www.justice.gov/oip/oip-request.html>.

More information regarding the Department's procedures for accessing records in accordance with the Privacy Act can be found at 28 CFR part 16 Subpart D, "Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974."

CONTESTING RECORD PROCEDURES:

Individuals seeking to amend records maintained in this system of records must direct their requests to the address indicated in the "RECORD ACCESS PROCEDURES" paragraph, above. All requests to amend records must be in

writing and the envelope and letter should be clearly marked "Privacy Act Amendment Request." All requests must state clearly and concisely which record is to be amended, the reasons therefor, and the proposed language for the amendment. Some information may be exempt from the amendment provisions as described in the "EXEMPTIONS PROMULGATED FOR THE SYSTEM" paragraph, below. An individual about whom a record in this system of records pertains may seek to amend only those records that have not been exempted from the amendment provisions of the Privacy Act. A determination of whether a record is or is not exempt from the amendment provisions will be made after a request is received.

More information regarding the Department's procedures for amending or contesting records in accordance with the Privacy Act can be found at 28 CFR 16.46, "Requests for Amendment or Correction of Records."

NOTIFICATION PROCEDURES:

Individuals may be notified if a record in this system of records pertains to them when the individuals request information utilizing the same procedures as those identified in the "RECORD ACCESS PROCEDURES" paragraph, above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The Attorney General has exempted this system from subsections of the Privacy Act pursuant to 5 U.S.C. 552a(j) and/or (k) subsections. The exemptions will be applied only to the extent that the information in the system is subject to exemption pursuant to 5 U.S.C. 552a(j) and/or (k) subsections. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e), and have been published in the **Federal Register**.

HISTORY:

None.

[FR Doc. 2026–20536 Filed 10–6–26; 8:45 am]

BILLING CODE 4410–29–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0109]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change, of a Previously Approved Collection; Procurement Collusion Strike Force Complaint Form

AGENCY: Antitrust Division, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Antitrust Division (ATR), 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** at 91 FR 48942 (Aug. 3, 2026), allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until November 5, 2026.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Sarah Oldfield, Deputy Chief Legal Advisor, Antitrust Division, United States Department of Justice, 950 Pennsylvania Street NW, Washington, DC 20530. Written comments can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to OIRA_submissions@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. When submitting a comment, please send a copy to Sarah Oldfield at OIRA_submissions@omb.eop.gov. 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;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.
2. *The Title of the Form/Collection:* Procurement Collusion Strike Force Complaint Form.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is no agency form number for this collection. The applicable component within the Department of Justice is the Antitrust Division.
4. *Affected public who will be asked or required to respond, as well as a brief abstract:*
Primary: individuals or households. The Procurement Collusion Strike Force (PCSF) complaint form facilitates reporting by the public of complaints, concerns, and tips regarding potential antitrust crimes affecting government procurement, grants, and program funding. Respondents will be able to complete and submit information electronically through the PCSF complaint form on the Antitrust Division's website.
5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* estimate 100 respondents annually and 30 minutes for an individual to respond.
6. *An estimate of the total public burden (in hours) associated with the collection:* estimate 50 annual burden hours associated with this collection.

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC 20530.

Dated: October 5, 2026

Darwin Arceo,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2026-20529 Filed 10-6-26; 8:45 am]

BILLING CODE 4410-11-P

DEPARTMENT OF JUSTICE

[OMB Number 1105-0086]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of and Reinstatement of Previously Approved Collection; Comments Requested. Title—Electronic Applications for the Attorney Student Loan Repayment Program

AGENCY: Office of Adjudication, Recruitment and Management, Justice Management Division, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Office of Adjudication, Recruitment and Management, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. **DATES:** Comments are encouraged and will be accepted for 60 days until December 7, 2026.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Deana Willis, Assistant Director, Office of Adjudication, Recruitment and Management, c/o Deana Willis, 450 5th Street NW, Suite 10200, Washington, DC 20530, 202-514-8900, Deana.Willis@usdoj.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 Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of

appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract

The Office of Adjudication, Recruitment, and Management (formerly the Office of Attorney Recruitment and Management) oversees the DOJ Attorney Student Loan Repayment Program. DOJ attorneys enter information pertinent to their qualifying federal student loans and the basis for the Department to make determinations required by 5 U.S.C. 5379 and 5 CFR part 537), e.g., whether they possess high or unique qualifications or meet a special need of the Department, the basis for a determination of recruitment or retention difficulty, the extent to which their departure would affect DOJ's ability to carry out an activity or perform a mission-essential function, and their likelihood of leave DOJ for employment outside the Federal service on a form-fillable, electronically submitted form. The request is reviewed by their Human Resources office to ensure they meet statutory and regulatory eligibility requirements, then forwarded to OARM for presentation to a review and selection Panel consisting of five senior DOJ employees identified by position in the Department's ASLRP policy.

Overview of This Information Collection

1. *Type of information collection:* Revision and reinstatement of a previously approved collection.
2. *The title of the form/collection:* Electronic Applications for the Attorney Student Loan Repayment Program.
3. *The agency form number, if any, and the applicable component of the department sponsoring the collection:* There is no agency form number for this collection. The applicable component within the Department of Justice is the Justice Management Division, Office of Adjudication, Recruitment, and Management.
4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public-Individuals. The obligation to respond is voluntary.
5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* The Department anticipates about 180 respondents annually will complete the new request and justification form to apply for participation in the ASLRP annually. It

is estimated that each new request (including justification) will take two (2) hours to complete. This includes the time associated with reviewing the instructions, searching existing data sources, gathering the data needed, and completing the request. In addition, we estimate no more than 100 respondents will request renewal of payments by

completing a short renewal form. We estimate it takes 30 minutes to gather the necessary data and complete the renewal form.

6. An estimate of the total public burden (in hours) associated with the collection:

The estimated burden associated with this collection is 410 hours. It is

estimated that new applicants will take 2 hours to complete the request form and justification. The burden hours for collecting respondent data, 420 hours, are calculated as follows: 180 new respondents × 2 hours = 360 hours; plus 100 renewing participants × .5 hour = 50 hours.

TOTAL BURDEN HOURS

Activity	Average number of respondents	Frequency (annually)	Total annual responses	Time per response	Total annual burden (hours)
Initial request & Justification (individuals).	180	1	180	120 minutes including time to collect responsive documents.	360
Renewal Request	100	1	100	30 minutes including time to collect responsive documents.	50
Unduplicated Totals	280	1	280		410

7. An estimate of the total annual cost burden associated with the collection:
\$12,549.00.

The estimated cost to the government is solely based on the review time, estimated as 16 hours for each ASLRP Panel member (80 hours total); plus, OARM staff time (program management, intake review and packet assembly, student loan validation, notification issuance, and finance coordination (60 hours).

8. Estimate of Annualized Cost to the Federal Government: (based on OPM 2026 Washington, DC federal salary table).

OARM annual costs	
Staff Salaries:	
GS-13/5	\$1,587.00
GS-15/10	3,402.00
Subtotal OARM Costs	4,989.00
Reviewer Annual Costs:	
Assuming five GS 15/10 level reviewers @ \$1512 per reviewer	7,560.00
Total Annual Costs	12,549.00

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: October 5, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026-20556 Filed 10-6-26; 8:45 am]

BILLING CODE 4410-PB-P

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2026-6]

Music Streaming Fraud

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of inquiry.

SUMMARY: Pursuant to a congressional request, the United States Copyright Office is soliciting information from the public regarding issues related to music streaming fraud.

DATES: Written comments must be received no later than 11:59 p.m. Eastern Time on November 23, 2026. Written reply comments must be received no later than 11:59 p.m. Eastern Time on December 21, 2026.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments should be submitted electronically through *regulations.gov*. Specific instructions for submitting comments are available on the Office's website at <https://www.copyright.gov/policy/music-streaming-fraud>. If electronic submission of comments is not feasible due to lack of access to a computer or the internet, please contact the Office using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT:

Rhea Efthimiadis, Assistant to the General Counsel, by email at USCOGeneralCounsel@copyright.gov or by telephone at (202) 707-8350.

SUPPLEMENTARY INFORMATION:

I. Background

Earlier this year, the United States Copyright Office ("Office") received a letter from Representative Scott Fitzgerald (the "Congressional Request") expressing concerns over streaming fraud and its impact on royalties for sound recordings and musical works.¹ The Congressional Request asked the Office to "examine the prevalence of streaming fraud across digital platforms and how it may be affecting the music industry as a whole."²

In response to the Congressional Request, this notice provides background on streaming fraud and the music industry. The notice solicits public comments that, together with the Office's own research, may contribute to Congress's understanding of streaming fraud, current efforts to curb this problem, and potential solutions.

A. Economic Importance of Music Streaming

Current consumption of recorded music is driven largely by digital streaming.³ The Digital Media Association estimates that "streaming [is] now driving around 70% of global sales," making it a significant contributor to the music economy's

¹ Letter from Rep. Scott Fitzgerald, Comm. on the Judiciary, to Shira Perlmutter, Register of Copyrights and Dir., U.S. Copyright Office at 1-4 (May 21, 2026) ("Congressional Request"), <https://www.copyright.gov/policy/music-streaming-fraud/usco-letter-on-music-streaming-fraud.pdf>.

² *Id.* at 1-4.

³ See U.S. Copyright Office, Copyright and the Music Marketplace 70 (2015), <https://perma.cc/RP5F-K779> ("In recent years there has been a profound shift in the way music is consumed—from purchases of physical albums, to downloads of digital singles, to on-demand access through digital streaming services.")

overall health.⁴ For sound recording copyright owners (e.g., record labels), the latest figures place streaming-specific revenues at approximately \$9.5 billion domestically⁵ and \$22 billion globally.⁶ While public data about streaming-specific revenues for musical works is not available, total revenue for their copyright owners (e.g., music publishers) is reported to be approximately \$7.3 billion domestically⁷ and \$10 billion globally.⁸ Publicly available sources predict that music streaming revenue will grow significantly over the next decade.⁹

⁴ Digi. Media Ass'n ("DIMA"), DIMA Annual Report 2025 20 (2025), <https://perma.cc/NB68-DU2L>.

⁵ Recording Indus. Ass'n of Am. ("RIAA"), RIAA Year-End Recorded Music Revenue Report (2025), <https://perma.cc/R3CD-U3CF>; see Lauryn Sink, *US Recorded Music 2025 Annual Revenue Achieves New High*, MusicRow (Mar. 16, 2026), <https://perma.cc/8RCG-P68Y> ("According to the RIAA 2025 Year-End Recorded Music Revenue Report, the US wholesale annual revenue achieved a record high of \$11.5 billion last year. Last year, streaming revenues grew to \$9.5 billion and for the fifth straight year, streaming represented 82% of total US revenue."); see also Ariel King, *RIAA 2026 Mid-Year Report: Streaming Growth Drives Revenue to \$6 Billion, CD Sales Increase More Than 50%*, Billboard (Sep. 1, 2026), <https://www.billboard.com/pro/riaa-2026-mid-year-report/> (reporting that the RIAA's 2026 Mid-Year Report reflected a 4.7% increase of total streaming revenue).

⁶ See, e.g., *Global Music Report 2026: Global Recorded Music Revenues Grow 6.4% as Record Companies Drive Innovation*, Int'l Fed'n of the Phonographic Indus. ("IFPI") (Mar. 18, 2026), <https://perma.cc/B23V-ZHNN> ("Total streaming revenues surpassed US\$22 billion and accounted for 69.6% of global recorded music income.").

⁷ *US Music Publishing Revenues Hit \$7.3B in 2025, NMPA Reveals at Annual Meeting Honoring P!nk, Julian Bunetta and Harvey Mason Jr.*, Nat'l Music Publishers' Ass'n ("NMPA") (June 11, 2026), <https://perma.cc/YL6D-CQRZ>; Press Release, Int'l Confederation of Societies of Authors and Composers ("CISAC"), Statement on CISAC Global Collections Report 2025 (Nov. 5, 2025), <https://perma.cc/XJ2G-N486> ("Streaming and subscription services now represent more than a third of total global collections income, reflecting a seven-fold increase (+596.2%) in digital revenues since 2015.").

⁸ *Omdia: Music Publishing Revenue Growth to Outshine Recorded-Music Over the Next Five Years*, Omdia (Oct. 20, 2025), <https://perma.cc/KA38-898B> ("[G]lobal music publisher revenue will top the \$10bn mark for the first time this year. Moreover, revenue is set to rise annually for the next five years. Total income is projected to exceed \$13bn for the first time in 2029 and then reach the \$14bn milestone the following year.").

⁹ See, e.g., *Music Streaming Market Size, Share and Growth Analysis*, SkyQuest Tech. (Nov. 2025), <https://perma.cc/8J42-GVZK>; *Music Streaming Market Size & Share—Growth Analysis and Forecast 2027–2036*, Rsch. Nester (Aug. 31, 2026), <https://perma.cc/LEA3-NJC2> (valuing streaming market size as \$65 billion in 2026 and forecasting a market size of \$279.41 billion in 2036); *Music Streaming Market (2026–2033)*, Grand View Rsch., <https://perma.cc/K4VM-F65K> (last visited Sep. 25, 2026) (calculating music streaming revenue at \$54.1 billion in 2025 and projecting growth to \$158.1 billion in 2033); Elizabeth Dilts Marshall, *Global Recorded Music Retail Revenue to Top \$121 Billion*

Unfortunately, these benefits can be undercut by streaming fraud.

B. How Music Streaming Fraud Operates

Music streaming fraud¹⁰ can be defined as "the illegitimate practice of using deceptive, inappropriate, or unpermitted methods to artificially increase the number of streams a song or album receives in order to skew public perception of notoriety, to gain financial rewards, or any other benefit(s) not otherwise obtained by legitimate means."¹¹

Streaming services commonly pay for their use of copyrighted works by dedicating a percentage of their revenue to royalty pools, which are then used to pay various rights owners.¹² Those royalties may be paid directly to those rightsholders, or may first flow through different intermediaries, including distributors¹³ and statutory collectives, such as SoundExchange and the Mechanical Licensing Collective ("MLC"), and other collective management organizations ("CMOs") or performance rights organizations ("PROs").¹⁴ Generally, under this "pro-rata" system, the more a song is played on a streaming service, the more revenue that song's rightsholders will receive.¹⁵

by 2033, MIDiA Report Says, Billboard (Aug. 13, 2026), <https://www.billboard.com/pro/recorded-music-revenue-more-than-double-2033-report/> (reflecting MIDiA's projection that, "[b]y 2033, global recorded music revenues are expected to grow by 62.9% to \$121.1 billion, from \$74.3 billion in 2025," and that "streaming will continue to be the primary driver of growth").

¹⁰ Streaming fraud may also be referred to as "stream manipulation" or "artificial streaming" and be used as a blanket statement to describe various criminal offenses. See Sealed Indictment at 2–17, *U.S. v. Smith*, No. 24–cr–504 (S.D.N.Y. Sep. 4, 2024) ("Smith Indictment"), Doc. No. 3, <https://perma.cc/RQL5-6T6Q> (discussing a "streaming fraud" indictment alleging conspiracy to commit wire fraud under 18 U.S.C. 1349, wire fraud under 18 U.S.C. 2 and 18 U.S.C. 1343, and money laundering conspiracy under 18 U.S.C. 1956(h)).

¹¹ *Streaming Fraud 101*, Music Fights Fraud All., <https://perma.cc/M2GA-AERD> (defining "streaming fraud") (last visited Sep. 25, 2026).

¹² See Smith Indictment at 2.

¹³ Independent musicians may use music distributors to deliver their sound recordings to streaming services and collect any royalties owed. Publishing administrators similarly manage permissions and royalties for a song's musical work. See Donald S. Passman, *All You Need to Know About the Music Business* 209–10, 310 (2024). This notice uses the term "distributor" broadly to include both sound recording distributors and musical work administration services.

¹⁴ See *id.* at 2–3.

¹⁵ See, e.g., *id.* at 2; Congressional Request at 2; see also 37 CFR 385.2 (defining "Play" for the statutory mechanical license as an eligible stream or limited download "lasting 30 seconds or more and, if a track lasts in its entirety under 30 seconds . . . the entire duration of the track," but excluding a play caused by user manipulation); 37 CFR

Unfortunately, this system can incentivize bad actors to fraudulently or deceptively inflate "plays" of their songs, diverting money from rights owners of legitimately streamed works. Streaming fraudsters use bot farms,¹⁶ click farms,¹⁷ playlist stuffing,¹⁸ account hijacking,¹⁹ or other methods of user manipulation²⁰ to inflate their songs' plays. These activities are frequently accomplished by unethical marketing companies.²¹ Streaming fraudsters may also engage in "copyright fraud," a term that, as used

370.4(b) (defining "Play frequency" for certain services using the section 114 license as "the number of times a sound recording is publicly performed by [an eligible service] during the relevant period, without respect to the number of listeners receiving the sound recording").

¹⁶ Clovis McEvoy, *How AI-Generated Songs are Fueling the Rise of Streaming Farms*, WIPO Mag. (May 27, 2025), <https://perma.cc/Q7JQ-62CE> ("Using armies of bots or forming entire streaming farms, fraudsters artificially inflate streaming numbers, diverting billions of dollars from the finite royalty pool—funds that should be allocated to right holders such as music creators, artists, labels, or publishers—into their own bank accounts."); JC Sanchez, *How to Identify Fake Streams and What to Do*, Orphiq (July 23, 2026), <https://perma.cc/2VJN-9VUH> ("Bot farms . . . range from basic scripts to operations that mimic human listening patterns with varied session lengths and skip rates.").

¹⁷ JC Sanchez, *How to Identify Fake Streams and What to Do*, Orphiq (July 23, 2026), <https://perma.cc/2VJN-9VUH> ("Click farms use human workers in low-cost labor markets who create accounts and stream specific songs."); Eric Drott, *Fake Streams, Listening Bots, and Click Farms: Counterfeiting Attention in the Music Economy*, 38 a.m. Music 153, 168–70 (2020), <https://perma.cc/D7FS-UDX9> (defining "click farms" and describing the difficulty in identifying all the members of a click farm's supply chain); see also Meghan O'Donnell, *Streaming Fraud in 2026: The \$2B Problem & How the Music Industry is Fighting Back*, Trolley (Mar. 30, 2026), <https://perma.cc/4UXV-5J4C> ("Click farmers use smartphones, computers, and tablets to form a network of devices that play given songs on repeat to artificially boost streaming numbers. The techniques employed make these listens appear human-generated, creating the illusion of a large number of genuine listeners.").

¹⁸ JC Sanchez, *How to Identify Fake Streams and What to Do*, Orphiq (July 23, 2026), <https://perma.cc/2VJN-9VUH> ("Playlist stuffing adds songs to playlists that receive bot traffic.").

¹⁹ *Id.* ("Account hijacking uses compromised accounts to stream songs without the real owner knowing. The streams look like they come from real users because the accounts are real.").

²⁰ 37 CFR 385.2 (defining "User Manipulation" for the statutory mechanical license as "any behavior that artificially distorts the number of Plays, including, but not limited to, the use of manual (e.g., click farms) or automated (e.g., bots) means").

²¹ See Aruni Soni et al., *This Masquerade: Streaming Fraud and Copyright*, 72 J. Copyright Soc'y 1005, 1006–08 (2025), <https://perma.cc/77EV-GKEL>; Eric Drott, *Fake Streams, Listening Bots, and Click Farms: Counterfeiting Attention in the Music Economy*, 38 a.m. Music 153, 162–63 (2020), <https://perma.cc/D7FS-UDX9> (describing the advertising campaign of several media companies offering different services to increase social media influence on streaming platforms through fraudulent techniques).

here, would include claiming others' original works as their own or uploading and claiming manipulated versions of others' works, sometimes called "carbon copying" or "ghost tracking."²²

Streaming fraud is already harming copyright owners, performers, songwriters, digital music providers²³ ("DMPs"), and others. While the primary harm is the dilution of the royalty revenue pool,²⁴ it can also cause secondary harms, such as affecting where songs are placed on a DMP's playlist or in an algorithm's queue;²⁵ "distorting the [streaming] data artists and venues use to make key business decisions," including "when and where to tour";²⁶ "reduc[ing] the likelihood of music fans discovering talented, lesser-known artists";²⁷ or causing other reputational or financial harms.²⁸ As the fraud detection platform Beatdapp has explained, streaming fraud "does more than just drain revenue," "[i]t poisons your analytics, wastes marketing spend, compromises user trust in your charts and leaderboards, and leads to inaccurate payouts that damage partner relationships."²⁹

C. Combatting Music Streaming Fraud

Leaders from across the music industry have condemned streaming

fraud.³⁰ As one music executive stated, "[t]here aren't a lot of advocates for fraud."³¹ Different industry sectors—including DMPs, distributors, vendors, copyright owners, PROs and CMOs, and law enforcement—have approached the problem in different ways. Below, the Office has identified some publicly reported strategies used to combat streaming fraud. These are intended to be illustrative, not exhaustive, especially as not all such efforts have been made public.³²

DMPs have implemented strategies both internally and with outside partners to combat streaming fraud. Internal approaches can include daily evaluations of suspected artificial streams,³³ including analyzing metrics like listening time, users' geographic locations, users' streams of specific artists, and the relationship of saves and follows to total streams.³⁴ DMPs have also imposed fines on uploaders of artificially streamed songs.³⁵

In addition, DMPs are working with others to fight streaming fraud. Some have empowered users and artists to report suspected streaming fraud themselves,³⁶ or partnered with vendors to detect and prevent streaming fraud.³⁷

Music distributors have taken various approaches to combatting streaming fraud.³⁸ They have bolstered their identity verification departments, created "Trust and Safety Departments," and implemented "know your customer" (KYC) protocols.³⁹ Some require their clients (songwriters or performing artists) to agree to standard contract terms prohibiting streaming fraud⁴⁰ and subjecting violators to contractual penalties that range from

(“Apple’s strategy in squashing Apple Music fraud consists of a sliding scale of fines When it was first implemented, the fee was 5% and capped at 25%. As of this month [February 2026], however, Apple has doubled the fee. It now starts at 10% and is capped at 50%.”); Daniel Brooks, *Streaming Fraud Crackdown 2026: How Spotify, Apple, and Distributors are Killing Fake Streams*, Chartlex (Apr. 28, 2026), <https://perma.cc/X56B-T3XA> (“Spotify now charges distributors a \$10 fee per track with detected fraudulent streams.”).

³⁶ *Reporting Violations*, SoundCloud, <https://perma.cc/Z5C2-9VB8> (last visited Sep. 25, 2026) (enabling users or artists to report streaming fraud).

³⁷ See, e.g., *Protect Your Platform with Unmatched Anomaly Detection*, Beatdapp, <https://perma.cc/DH7A-CGNY> (last visited Sep. 25, 2026) (explaining that its systems are appropriate for DMPs, developers, and artists); Search, Pex, <https://perma.cc/GV95-Z6Q8> (last visited Sep. 25, 2026) (explaining how its technology can find alternate versions that do not match the original song). Vendors also provide their fraud detection and prevention services to distributors, copyright owners, and others. Elias Leight, *Beatdapp, Universal Music Group to Collaborate in Fighting Streaming Fraud*, Billboard (Jan. 19, 2024), <https://perma.cc/35UN-Y299> (noting that Universal Music Group and SoundExchange have engaged vendors to fight streaming fraud); 91 FR 33208, 33214 (noting that the MLC “engages with third-party vendors with fraud detection expertise and pursues collaboration with other industry stakeholders to bolster prevention and detection efforts”).

³⁸ See, e.g., Eamonn Forde, *AI, bot farms and innocent indie victims: how music streaming became a hotbed of fraud and fakery*, The Guardian (June 3, 2025), <https://perma.cc/JJT4-TP5A> (noting that music distributor Fuga “gives streaming patterns a ‘severity score,’ separating out ‘non-human listening patterns’ to spot fraud”) (quoting Darren Owen, COO, Fuga)).

³⁹ Jorge Brea, *Fighting Streaming Fraud at the Distributor Level*, SYMPHONIC BLOG (June 17, 2024), <https://perma.cc/9583-6259> (describing the company’s “know your customer” protocols and identification verification systems); Gabija Stankeviciute, *Streaming Fraud: How it Affects the Music Industry*, Identify Blog (June 23, 2026), <https://perma.cc/ZN2A-ZZ7G> (“The most effective first step [to combatting streaming fraud] is lowering user anonymity, which is why many companies rely on Know Your Customer (KYC) measures, or identity verification”).

⁴⁰ See Aruni Soni et al., *This Masquerade: Streaming Fraud and Copyright*, 72 J. Copyright Soc’y 1005, 1007 (2025), <https://perma.cc/77EV-GKEL> (statement of Patra Sinner, Gen. Counsel, Symphonic Distribution) (explaining that their company’s template contract addresses improper activity, including streaming fraud and copyright infringement).

²² See Meghan O’Donnell, *Streaming Fraud in 2026: The \$2B Problem & How the Music Industry is Fighting Back*, Trolley (Mar. 30, 2026), <https://perma.cc/4UXV-5J4C> (“[T]he idea is relatively simple—a fraudster takes an artist’s original work, manipulates it enough to fool the algorithm (e.g., speeding it up or slowing it down), and uploads it as their own recording.”).

²³ Also referred to as “digital service providers” (“DSPs”) or simply “streaming services.”

²⁴ See *End Streaming Fraud*, Music Bus. Worldwide (Feb. 26, 2026), <https://perma.cc/AWJ7-ZXSK> (“Because streaming services pay rights-holders from a finite pool of revenue, income is being diverted from legitimate creators who attracted users, subscriptions, and advertising to these platforms in the first place.”); Daniel Brooks, *Streaming Fraud Crackdown 2026: How Spotify, Apple, and Distributors are Killing Fake Streams*, Chartlex (Apr. 28, 2026), <https://perma.cc/X56B-T3XA> (“[E]very dollar fraudulently extracted is a dollar pulled from the legitimate royalty pool that pays everyone else.”).

²⁵ See Music Observer Staff, *How Music Streaming Fraud is Impacting Artists and Fans Alike*, Music Observer (Jan. 23, 2026), <https://perma.cc/AH3J-EZTB> (“When fake streams flood the system, legitimate artists get pushed down the algorithm.”).

²⁶ Congressional Request at 3.

²⁷ Meghan O’Donnell, *Streaming Fraud in 2026: The \$2B Problem & How the Music Industry is Fighting Back*, Trolley (Mar. 30, 2026), <https://perma.cc/4UXV-5J4C>.

²⁸ See Sift Trust and Safety Team, *Streaming Fraud: What it is and How it Works*, Sift (Aug. 4, 2025), <https://perma.cc/7Z7Y-DFL2> (noting streaming fraud’s financial and reputational harms to digital music providers (“DMPs”)).

²⁹ *Protect Your Platform with Unmatched Anomaly Detection*, Beatdapp, <https://perma.cc/DH7A-CGNY> (last visited Sep. 25, 2026).

³⁰ See, e.g., *NMPA Inks Deals With Udio & KLAY, Marking First Industry-Wide Licensing Pacts With Major AI Music Firms*, NMPA (June 10, 2026), <https://perma.cc/2JQV-Z7V3> (statement of David Israelite, President and CEO, NMPA); *End Streaming Fraud*, Music Bus. Worldwide (Feb. 26, 2026), <https://perma.cc/AWJ7-ZXSK> (op-ed by Victoria Oakley, CEO, IFPI, and Mitch Glazier, CEO, RIAA); Daniel Tencer, *Rob Stringer says music streaming fraud ‘is a problem that must be eliminated’, calls for better payouts from short-form video platforms*, Music Bus. Worldwide (May 25, 2023), <https://perma.cc/39BF-Y4NT> (“Fraud on key DSPs is a problem that must be eliminated through aggressive enforcement by these DSPs and distributors, or by changing payment methods [i.e., royalty payout models] to better reduce the incentive for fraud.”) (statement of Rob Stringer, Chairman, Sony Music Grp.); DIMA, *DIMA Annual Report 2026* 6 (June 2026), <https://perma.cc/M4LA-WNL3> (agreeing that streaming fraud “weakens the integrity of the music ecosystem: if left unmitigated, it could distort royalty distributions, skew performance metrics, and disadvantage artists and rights-holders who are operating legitimately”).

³¹ Elias Leight, *Beatdapp, Universal Music Group to Collaborate in Fighting Streaming Fraud*, Billboard (Jan. 19, 2024), <https://perma.cc/35UN-Y299> (statement of Michael Nash, Chief Digi. Officer and EVP, Universal Music Grp.).

³² See, e.g., 91 FR 33208, 33214 (June 3, 2026) (noting the Mechanical Licensing Collective’s (“MLC”) belief that it “must keep specific [fraud] detection and prevention strategies confidential to preserve their effectiveness”).

³³ See *Artificial Streaming and paid 3rd-party services that guarantee streams*, Spotify, <https://perma.cc/8WWD-4L9E> (last visited Sep. 25, 2026); Stuart Dredge, *Apple Talks Music Fraud: ‘On Apple Music Less Than 1% of Streams are Manipulated’*, Music:Ally (Jan. 21, 2025), <https://perma.cc/5ZMR-UCUG> (discussing Apple Music’s efforts).

³⁴ See generally Daniel Brooks, *Streaming Fraud Crackdown 2026: How Spotify, Apple, and Distributors are Killing Fake Streams*, Chartlex (Apr. 28, 2026), <https://perma.cc/X56B-T3XA>; JC Sanchez, *How to Identify Fake Streams and What to Do*, Orphiq (July 23, 2026), <https://perma.cc/2VJN-9VUH>.

³⁵ See, e.g., Chance Miller, *Apple Music Doubles the Penalties for Fraudulent Streaming*, 9to5mac (Feb. 11, 2026), <https://perma.cc/XS9U-GU7G>

issuing warnings to closing accounts⁴¹ or imposing monetary penalties.⁴² Despite these efforts, some “music-streaming scammers” are able to continue their “lucrative schemes” by “bouncing from distributor to distributor” once they are detected—a problem that has led at least one distributor to propose the creation of “a worldwide database of individuals found to be abusing the streaming system.”⁴³ The Music Fights Fraud Alliance, launched in 2023, was created to enable distributors and DMPs to better coordinate their efforts to combat streaming fraud.⁴⁴

Entities representing copyright owners’ interests have taken steps to prevent both streaming and copyright fraud, including through data-accuracy and related initiatives.⁴⁵ Some copyright owners have partnered with DMPs and distributors in their efforts⁴⁶ and recently IFPI announced the launch

of its “Streaming Integrity Initiative,” joining copyright owners and distributors who have “commit[ed] to baseline practices to prevent, detect and respond to streaming fraud.”⁴⁷ Others have proposed creative solutions, such as replacing the pro-rata royalty system with an artist- or user-centric model, to prevent the dilution of royalties owed for legitimate plays.⁴⁸

Law enforcement agencies also play an important role.⁴⁹ In one recent high-profile case, the United States Department of Justice indicted a defendant in North Carolina on charges of wire fraud, conspiracy to commit wire fraud, and conspiracy to commit money laundering related to streaming fraud.⁵⁰ The defendant, Michael Smith, had created thousands of “bot” accounts on streaming platforms, used those accounts to stream his uploaded songs,⁵¹ and fraudulently collected some \$10 million in royalties.⁵²

Outside of the United States, a Danish man was recently sentenced to prison and fined for artificially inflating stream counts.⁵³ An alarming report out of Sweden found that “crime networks linked to drugs, fraud, and contract killings have for years used . . . false streams of songs published by artists with ties to the gangs,” to “effectively launder[] the [gang’s] money.”⁵⁴ And there appear to be growing concerns that organized crime will use streaming fraud for money-laundering and other nefarious purposes.⁵⁵

II. Congressional Request and Subjects of Inquiry

The Congressional Request asked for information on “the prevalence of streaming fraud across digital platforms and how it may be affecting the music industry as a whole.”⁵⁶ To aid Congress’s understanding of these issues, the Office is soliciting written responses on the subjects of inquiry below.

1. How is streaming fraud executed? What data is available about the prevalence of specific schemes (e.g., bot farms, click farms, playlist manipulation, and fraudulent marketing companies)?

2. What industry policies or practices may be inadvertently contributing to streaming fraud?

3. What data is available on the current and projected economic impacts of streaming fraud?

4. What data is available on the relationship of streaming fraud to “the effects of AI-generated [music]” and “the licensing and distribution . . . royalties” for the performance and

⁴¹ See, e.g., *What is Artificial Streaming?*, DistroKid, <https://perma.cc/LE53-GHDR> (last visited Sep. 25, 2026); *What’s the Deal With Streaming Fraud?*, TuneCore, <https://perma.cc/7J8Q-RKLM> (last visited Sep. 25, 2026).

⁴² *What is Artificial Streaming?*, CD Baby, <https://perma.cc/93JE-3ZQ7> (last updated Feb. 2026).

⁴³ Sir Lucian Grainge’s *Royalty Payout Letter was a ‘Hallelujah Moment’ for Streaming’s Anti-Fraud Movement*, Music Bus. Worldwide (Jan. 17, 2023), <https://perma.cc/743T-YFVU> (statement of Nick Dunn, CEO, Horus Music); see also Aruni Soni et al., *This Masquerade: Streaming Fraud and Copyright*, 72 J. Copyright Soc’y 1005, 1016–17 (2025), <https://perma.cc/77EV-GKEL> (statement of Jon Glass, Senior VP, Head of Digi. Legal Affairs, Warner Music Grp.) (noting that “information sharing is important” to prevent streaming fraud).

⁴⁴ Dan Rys, *Digital Music Companies Band Together to Combat Streaming Fraud With New Task Force*, Billboard (June 14, 2023), <https://www.billboard.com/pro/digital-music-companies-combat-streaming-fraud-initiative/>.

⁴⁵ CISAC, *Global Annual Report 2025* 9, 20 (2025), <https://perma.cc/VQ6W-TGW5> (describing efforts to “prevent fraud and inaccurate data during the musical works registration process”); *ASCAP and BMI Announce Joint Task Force to Address Fraud*, ASCAP (May 18, 2023), <https://perma.cc/TGM9-STNB> (noting focus on data integrity and identity verification and validation and efforts related to “raising awareness around suspicious activity and schemes” and “shar[ing] best practices”).

⁴⁶ See, e.g., Press Release, Universal Music Grp., Statement on Universal Music Group and Amazon Music Expand Global Relationship (Dec. 22, 2024), <https://perma.cc/T4F3-ZYKJ> (noting that collaboration that would “protect[] against fraud and misattribution”). But see Bill Donahue, *‘AI-Generated Slop’: UMG Sues DistroKid for ‘Flooding’ Streaming Platforms With Junk Music*, Billboard (Sep. 15, 2026), <https://www.billboard.com/pro/universal-music-sues-distrokid-in-lawsuit-over-ai-songs/> (reporting a copyright owner’s lawsuit against a distributor for copyright infringement and Delaware Uniform Deceptive Trade Practices Act and suggesting that the distributor “help[ed] to saturate the market with ‘mass AI-generated, SEO-optimized, and copyright-infringing slop’ that [was] deceptively passed off as human-created music” (quoting Compl. at 3–4, *UMG Recordings, Inc. v. Distrokid LLC*, No. 26–cv–1156 (D. Del. Sep. 15, 2026), Doc. No. 1)).

⁴⁷ Kristin Robinson, *IFPI Launches Initiative to Combat Streaming Fraud*, Billboard (Sep. 14, 2026), <https://www.billboard.com/pro/ifpi-initiative-fight-streaming-fraud/> (the initiative’s “five core commitments” involve “Know Your Customer” checks, “[c]ontent vetting,” “[d]etection, investigation and mitigation of suspected fraud,” “[i]ntelligence sharing,” and “[c]ontinuously strengthening and measuring anti-fraud systems to address evolving threats”).

⁴⁸ See Aruni Soni, et al., *This Masquerade: Streaming Fraud and Copyright*, 72 J. Copyright Soc’y 1005, 1013–14 (2025), <https://perma.cc/77EV-GKEL> (statement of Jon Glass, Senior VP, Head of Digi. Legal Affairs, Warner Music Grp.) (describing a royalty distribution model where royalties are distributed according to each user’s plays, instead of dividing a larger, “pooled group of revenue” by all users’ plays).

⁴⁹ U.S. Dep’t of Just. (“DOJ”), Press Release, Statement on North Carolina Musician Charged With Music Streaming Fraud Aided By Artificial Intelligence (Sep. 4, 2024) (“DOJ Press Release”), <https://perma.cc/C6C7-HH32>; see also Dylan Smith, *Co-Conspirator Details Emerge in Massive \$10 Million Streaming Fraud Indictment—Including the CEO of a Major AI Music Company*, Digi. Music News (Sep. 5, 2024), <https://perma.cc/F67W-BKA2> (describing the criminal investigation into the streaming fraud scheme).

⁵⁰ Smith Indictment at 15–17.

⁵¹ In this case, the hundreds of thousands of songs that the defendant uploaded were created with artificial intelligence (“AI”). *Id.* at 10–11. As the Congressional Request noted, “there is nothing inherently wrong with using AI as a creative tool in music development, or the organic growth of AI-generated music,” but there are concerns that “generative AI can serve as a catalyst for criminals to perpetrate streaming fraud[,]” especially as streaming fraud scales relative to the number of songs involved in the scheme. Congressional Request at 2; Smith Indictment at 9 (“To successfully execute the streaming fraud scheme . . . the defendant[] needed access to a large volume of songs. Although [the defendant] was himself a musician and had access to a small catalog of music that he owned, . . . [the defendant] needed to own far more songs for his scheme to generate meaningful illicit proceeds.”).

⁵² Smith Indictment at 5, 12; DOJ, Press Release, Statement on North Carolina Man Pleads Guilty To Music Streaming Fraud Aided By Artificial Intelligence (Mar. 19, 2026), <https://perma.cc/>

WPB3-TSCS. In March 2026, the defendant pleaded guilty to one count of conspiracy to commit wire fraud, and sentencing is scheduled for October 2026. DOJ Press Release; Order Setting Sentencing for 10/6/2026 at 3:00 p.m. Before Judge John G. Koeltl, No. 24–cr–504 (S.D.N.Y. June 10, 2026).

⁵³ See Mandy Dalugdug, *Court Increases Prison Sentence for Danish Man Convicted of Streaming Fraud*, Music Bus. Worldwide (Feb. 10, 2025), <https://perma.cc/GS2U-NLWR> (“The scheme involved releasing edited versions of music copied from Danish musicians under his own name” and resulted in a criminal conviction for data fraud and copyright infringement leading to a prison sentence and restitution exceeding \$45,000 USD.).

⁵⁴ See Ashley King, *Swedish Investigatory Report Reveals Spotify as Money-Laundering ‘ATM’ for Criminal Gangs*, Digi. Music News (Sep. 6, 2023), <https://perma.cc/5A3N-3QH2>.

⁵⁵ See *NMPA Inks Deals With Udio & KLAY, Marking First Industry-Wide Licensing Pacts With Major AI Music Firms*, NMPA (June 10, 2026), <https://perma.cc/2JQV-Z7V3> (“There is growing concern by the U.S. government that [streaming fraud] is being used to launder money for organized crime and even to finance terrorism. Streaming fraud is a national security issue.”) (statement of David Israelite, President and CEO, NMPA).

⁵⁶ Congressional Request at 4.

reproduction of musical works and sound recordings?⁵⁷

5. What data is available on the relationship of streaming fraud to various aspects of live music performances, including venue selection, ticket sales, or “secondary sales (e.g., food and beverage, merchandise, parking, etc.)?”⁵⁸

6. What methods have been used by various stakeholders to combat streaming fraud and how effective have those methods been? Commenters may wish to address:

a. How various stakeholders are differently positioned to prevent fraudulent activity or investigate suspicious behavior;

b. The effectiveness of policies regarding trusted distributors, content verification, customer verification, royalty clawback, fines, and content removal; and

c. How stakeholders are using vendors to combat streaming fraud.

7. How can ownership or usage data be employed to better combat streaming fraud? Commenters may wish to address:

a. Sharing of suspicious activity reports or other efforts to increase transparency;

b. A shared database to track instances of known streaming fraud;

c. Metadata standardization and use; or

d. Labeling of content that is ineligible for statutory royalties.

8. What are some potential voluntary, statutory, or regulatory solutions to streaming fraud? Commenters may wish to address:

a. Any voluntary initiatives or best practices that are currently being considered;

b. Whether legislation providing for a remedy such as no-fault injunctive relief⁵⁹ could be used to address streaming fraud; and

c. How rules governing information-sharing could be adjusted to better combat streaming fraud.⁶⁰

9. How can streaming fraud be better addressed through criminal enforcement? Commenters may wish to address:

a. Effective approaches to pursuing criminal prosecutions related to streaming fraud, including at the state and local level; and

b. Uses of streaming fraud by organized crime.

10. Any additional recommendations for Congress to address issues related to streaming fraud.

Dated: October 5, 2026.

Emily L. Chapuis,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2026–20537 Filed 10–6–26; 8:45 am]

BILLING CODE 1410–30–P

OFFICE OF SPECIAL COUNSEL

Senior Executive Service Performance Board

AGENCY: U.S. Office of Special Counsel.

ACTION: Notice.

SUMMARY: The Office of Special Counsel (OSC) publishes the names of the members selected to serve on its Senior Executive Service (SES) Performance Review Board (PRB). This notice supersedes all previous notices of the PRB membership.

DATES: These appointments are effective upon publication.

ADDRESSES: U.S. Office of Special Counsel, 1730 M Street NW, Suite 218, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT:

Jessica McDaniels, Chief Human Capital Officer, OSC, at 202–804–7038 or *HCO@osc.gov*.

SUPPLEMENTARY INFORMATION: Section 4314(c) of Title 5, U.S.C. requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more PRBs.

The U.S. Office of Special Counsel (OSC) announces the appointment of individuals to serve as members of the agency’s Performance Review Board (PRB). The PRB is responsible for reviewing and making recommendations to the appointing authority concerning proposed performance appraisals, ratings, bonuses, and pay adjustments for incumbents of Senior Level (SL) and

information sharing between financial institutions to curb crimes, including money laundering and fraud, and explaining when and how the information can be shared through a statutory safe harbor).

Senior Executive Service (SES) positions within OSC.

The following individuals have been designated to serve on the OSC’s PRB:

- Laura Ames, Associate Special Counsel;
- Patrick Boulay, Associate Special Counsel;
- Karen Gorman, Principal Deputy Special Counsel; and
- Karl Kammann, Chief Operating Officer.

Rhoan Jones,

Chief, Case Review Division.

[FR Doc. 2026–20554 Filed 10–6–26; 8:45 am]

BILLING CODE 7405–01–P

POSTAL SERVICE

International Product Change—Priority Mail Express International, Priority Mail International & First-Class Package International Service Agreement

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail International & First-Class Package International Service contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: Date of notice: October 6, 2026.

FOR FURTHER INFORMATION CONTACT:

Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 29, 2026, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 127 to Competitive Product List*.

Documents are available at www.prc.gov, Docket Nos. MC2026–400 and K2026–389.

Daria Schildkraut,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2026–20530 Filed 10–6–26; 8:45 am]

BILLING CODE 7710–12–P

⁵⁷ *Id.*

⁵⁸ *Id.* at 3.

⁵⁹ See, e.g., Block Bad Electronic Art and Recording Distributors Act of 2025, 119th Cong. (2025) (discussion draft), <https://perma.cc/MV3W-YW2V>; American Copyright Protection Act of 2026, H.R.10364, 119th Cong. (2026), <https://perma.cc/8EBM-66HQ>; Deterring Extraterritorial Foreign Exploitation of Networks Damaging Intellectual Property (DEFEND IP) Act, H.R.10575, 119th Cong. (2026), <https://perma.cc/8JNV-NUUS>.

⁶⁰ The U.S. Department of the Treasury’s (“Treasury”) Financial Crimes Enforcement Network (“FinCEN”) recently issued a Fact Sheet encouraging collaborative efforts between financial agencies including the sharing of suspicious activity reports. See generally, Section 314(b) Fact Sheet, FinCEN (June 12, 2026), <https://perma.cc/R49A-2UFD> (discussing Treasury’s steps to increase

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106571; File No. SR–MIAX–2026–39]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Rule 1328, Influencing or Rewarding Employees of Others

October 2, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act” or “Exchange Act”) ¹ and Rule 19b–4 thereunder, ² notice is hereby given that on September 28, 2026, Miami International Securities Exchange, LLC (“MIAX” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt a new rule within Chapter 13, Doing Business with the Public, to conform to the rules of the Financial Industry Regulatory Authority, Inc. (“FINRA”) for purposes of an agreement between the Exchange and FINRA pursuant to Rule 17d–2 under the Act.

The text of the proposed rule change is available on the Exchange’s website at <https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings> and at MIAX’s principal office.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt a new rule within Chapter 13, Doing Business with the Public, ³ to conform to FINRA Rule 3220 for purposes of an agreement between the Exchange and FINRA pursuant to Rule 17d–2 under the Act. The Exchange notes that this filing is based on a proposal recently submitted by FINRA, and approved by the Securities and Exchange Commission (the “Commission”), to amend FINRA Rule 3220 (Influencing or Rewarding Employees of Others). ⁴

The Exchange proposes to adopt Rule 1328 to require compliance with FINRA Rule 3220. The proposed rule is intended to provide a limitation on gifts and thereby govern influencing or rewarding the employees of others, and requires compliance with FINRA Rule 3220. ⁵ As proposed, Exchange Rule 1328 would state: “Members or persons associated with Members shall comply with FINRA Rule 3220, Influencing or Rewarding Employees of Others, and any amendments thereto as if such rule is part of the Rules.”

Pursuant to Rule 17d–2 under the Act, ⁶ the Exchange and FINRA entered into an agreement to allocate regulatory responsibility for common rules (the “17d–2 Agreement”). The 17d–2 Agreement covers common members of the Exchange and FINRA and allocates to FINRA regulatory responsibility, with respect to common members, for the following: (i) examination of common members of the Exchange and FINRA for compliance with certain federal securities laws, rules and regulations and rules of the Exchange that the Exchange has certified as identical or substantially similar to FINRA rules; (ii) investigation of common members of the Exchange and FINRA for violations of certain federal securities laws, rules or regulations, or Exchange rules that the Exchange has certified as identical

or substantially similar to a FINRA rule; and (iii) enforcement of compliance by common members with certain federal securities laws, rules and regulations, and the rules of the Exchange that the Exchange has certified as identical or substantially similar to FINRA rules. ⁷

The 17d–2 Agreement included a certification by the Exchange that states that the requirements contained in certain Exchange rules are identical to, or substantially similar to, certain FINRA rules that have been identified as comparable. To conform to comparable FINRA rules for purposes of the 17d–2 Agreement, the Exchange proposes to adopt text that requires compliance with FINRA Rule 3220 and to name the rule “Influencing or Rewarding Employees of Others” so that it may be incorporated into the 17d–2 Agreement in its entirety.

The Exchange believes that the proposed rule will help to avoid confusion among Members of the Exchange that are also members of FINRA by conforming Rule 1328 with FINRA Rule 3220. The proposed adoption of Rule 1328 is designed to enable the Exchange to incorporate Rule 1328 into the 17d–2 Agreement in its entirety, further reducing duplicative regulation of Members that are also members of FINRA. For the avoidance of doubt, Rule 1328 would equally apply to Exchange-only Members as the Exchange believes it appropriately protects against improprieties, such as conflicts of interest, that might arise when a Member or person associated with a Member gives items of value to an employee of another person, such as an institutional customer, vendor or counterparty with the hope of strengthening the relationship with the customer.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act, ⁸ in general, and furthers the objectives of Section 6(b)(5) of the Act, ⁹ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange believes that adopting a rule requiring Members and persons associated with a Member to conform to FINRA Rule 3220 will help avoid

³ The Exchange notes that all the rules of Chapter XIII of the Exchange are incorporated by reference into the rulebooks of MIAX Emerald, LLC, MIAX Pearl, LLC and MIAX Sapphire, LLC.

⁴ See Securities Exchange Act Release No. 104830 (February 12, 2026), 91 FR 7570 (February 18, 2026) (SR–FINRA–2025–003) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, To Amend FINRA Rule 3220 (Influencing or Rewarding Employees of Others)).

⁵ Currently, all Exchange Members are also FINRA members. The term “Member” means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed “members” under the Exchange Act. See Exchange Rule 100.

⁶ 17 CFR 240.17d–2.

⁷ See Securities and Exchange Release No. 100623 (July 31, 2024), 89 FR 64025 (August 6, 2024) (approving File No. 4–678).

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

confusion among Members of the Exchange who conduct business with the public that are also members of FINRA, resulting in greater uniformity, less burdensome and more efficient regulatory compliance, and will promote uniform standards across the securities industry. As such, the proposed rule would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system in accordance with Section 6(b)(5) of the Act.¹⁰ The proposed rule is designed to enable the Exchange to incorporate Rule 1328 into the 17d-2 Agreement in its entirety, further reducing duplicative regulation of Members that are also members of FINRA.¹¹ For the avoidance of doubt, Rule 1328 would equally apply to Exchange-only Members as the Exchange believes it appropriately protects against improprieties that might arise when substantial gifts or monetary payments are given to certain persons.

The Exchanges believes that the proposed rule change would promote efficiency without reducing protection for investors in the public interest. The proposed change to adopt Rule 1328 to conform to FINRA Rule 3220 improves transparency, awareness and understanding of the rule requirements. The Exchange believes these proposed changes would also help facilitate compliance with Rule 1328.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule is not designed to address any competitive issues but rather to provide greater harmonization among Exchange and FINRA rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance for Members and facilitating FINRA's performance of its regulatory functions under the 17d-2 Agreement. As such, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

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

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 after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹² and subparagraph (f)(6) of Rule 19b-4 thereunder.¹³

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)¹⁴ 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-MIAX-2026-39 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-MIAX-2026-39. 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-MIAX-2026-39 and should be submitted on or before October 27, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁵

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-20504 Filed 10-6-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106575; File No. SR-IEX-2026-34]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Listing Standards and Withdrawal Criteria for Options on Commodity-Based Trusts Holding a Single Crypto Asset or Multiple Crypto Assets and To Amend Rules Regarding Position and Exercise Limits for Options on iShares Bitcoin Trust ETF

October 2, 2026.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act")² and Rule 19b-4 thereunder,³ notice is hereby given that, on September 22, 2026, the Investors Exchange LLC ("IEX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

¹⁵ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

¹⁰ *Id.*

¹¹ See *supra* note 5.

¹² 15 U.S.C. 78s(b)(3)(A).

¹³ 17 CFR 240.19b-4(f)(6).

¹⁴ 15 U.S.C. 78s(B)(2)(B).

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 proposed rule change to update certain of its options listing standards and position and exercise limits rules in advance of the launch of IEX Options. The Exchange has designated this proposal as non-controversial and provided the Commission with the notice required by Rule 19b-4(f)(6)(iii) under the Act.⁶

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 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

On September 18, 2025, the Commission approved IEX's proposal to adopt rules governing the trading of options on the Exchange in a new facility called "IEX Options";⁷ IEX Options has announced its plan to commence trading options on October 2, 2026.⁸ In advance of the launch of IEX

Options, IEX proposes to update certain of its options listing standards and position and exercise limits rules. Specifically, as described herein, the Exchange proposes to amend Rule 20.120, Criteria for Underlying Securities, Rule 20.130, Withdrawal of Approval of Underlying Securities, Rule 19.160, Position Limits, and Rule 19.180, Exercise Limits, to amend certain listing standards, establish certain listing standards and withdrawal criteria, and amend position and exercise limits.

The Exchange proposes to amend Rule 20.120(i) and Rule 20.130(g) to establish listing criteria and withdrawal standards for options on Commodity-Based Trusts that hold a single crypto asset or multiple crypto assets. Specifically, the Exchange proposes to amend the criteria for listing options on Fund Shares⁹ at Rule 20.120(i) and withdrawal criteria at Rule 20.130(g). This aspect of the proposal is competitive and is substantively identical to proposals submitted by other options exchanges that have been approved by the Commission.¹⁰

The Exchange proposes to amend Rule 19.160, Position Limits, and Rule 19.180, Exercise Limits, to establish position and exercise limits for iShares Bitcoin Trust ETF ("IBIT"). This aspect of the proposal is competitive and is substantively identical to proposals submitted by other options exchanges that have been approved by the Commission or were immediately effective upon filing.¹¹

⁹ The term "Fund Shares" is defined in Rule 20.120(i).

¹⁰ See, e.g., Securities Exchange Act Release No. 105072 (March 24, 2026), 91 FR 14894 (March 27, 2026) (SR-ISE-2025-30) (establishing listing criteria and withdrawal standards for options on Commodity-Based Trusts that hold multiple crypto assets); Securities Exchange Act Release No. 105958 (July 21, 2026), 91 FR 46814 (July 24, 2026) (SR-MEMX-2026-13); Securities Exchange Act Release No. 105220 (April 13, 2026), 91 FR 20530 (April 16, 2026) (SR-MIAX-2026-13). The Exchange notes that at the time the Commission approved these rule changes, ISE, MEMX, and MIAX already had effective rules for listing criteria and withdrawal standards for options on Commodity-Based Trusts that hold a single crypto asset.

¹¹ See, e.g., Securities Exchange Act Release No. 105317 (April 27, 2026), 91 FR 23333 (April 30, 2026) (SR-ISE-2025-26) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 5, to Amend the Position and Exercise Limits for IBIT Options); Securities Exchange Act Release No. 105501 (May 18, 2026), 91 FR 30008 (May 21, 2026) (SR-Phlx-2026-29); Securities Exchange Act Release No. 105510 (May 18, 2026), 91 FR 29997 (May 21, 2026) (SR-MIAX-2026-20); Securities Exchange Act Release No. 105520 (May 19, 2026), 91 FR 30340 (May 22, 2026) (SR-BOX-2026-13); Securities Exchange Act Release No. 105652 (June 10, 2026), 91 FR 36031 (June 15, 2026) (SR-MEMX-2026-14); Securities Exchange Act Release No. 105919 (July 15, 2026), 91 FR 44909 (July 17, 2026) (SR-NYSEAMER-2026-60); Securities Exchange

(i) Proposed Amendments to Rule 20.120(i) To Add a Generic Listing Standard for Crypto-Asset Commodity-Based Trusts

The Exchange proposes to amend Rule 20.120, Criteria for Underlying Securities, and Rule 20.130, Withdrawal of Approval of Underlying Securities, to establish listing criteria and withdrawal standards for options on Commodity-Based Trusts that hold a single crypto asset or multiple crypto assets.

Specifically, the Exchange proposes to amend the criteria for listing options on Fund Shares at Rule 20.120(i)¹² to allow the Exchange to list and trade options on Fund Shares that represent interests in a Commodity-Based Trust that meets the generic criteria of the U.S. securities exchange that is the primary equities listing market for the Commodity-Based Trust, except that Commodity-Based Trust holds a single crypto asset or multiple crypto assets that meets the following requirements: (1) the total global supply of each underlying crypto asset(s) held by the Commodity-Based Trust has an average daily market value of at least \$700 million over the last 12 months; and (2) each crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group. For purposes of this section of the Rule, the term "crypto asset" means an asset that is generated, issued and/or transferred using a blockchain or similar distributive ledger technology network, including but not limited to, assets known as "tokens," "digital assets," "virtual currencies," and "coins," and that relies on cryptographic protocols. This aspect of the proposal is competitive and is substantively identical to proposals submitted by other options exchanges

Act Release No. 105920 (July 15, 2026), 91 FR 45294 (July 20, 2026) (SR-NYSEARCA-2026-76).

¹² In connection with this filing, the Exchange is proposing to renumber the list of securities deemed appropriate for listing and trading of options under Rule 20.120(i) using lowercase Roman numerals i-iv, as opposed to the numbers 1-4 currently used in the Rule in an effort to avoid confusion when referencing sections of this Rule and otherwise maintain consistency with the numbering throughout the Exchange's rulebook. The proposed fifth subparagraph of Rule 20.120(i) for Commodity-Based Trusts will conform to the renumbering and will be added as Rule 20.120(i)(v). In addition, the Exchange is proposing to reformat Rule 20.120(l)(1) by moving subparagraph (F) to the next line so that it is appropriately distinguished from Rule 20.120(l)(1)(E). The Exchange is not proposing any changes to the rule text of Rule 20.120(l)(1)(E) or Rule 20.120(l)(1)(F).

⁴ 15 U.S.C. 78s(b)(1).

⁵ 17 CFR 240.19b-4.

⁶ 17 CFR 240.19b-4(f)(6)(iii).

⁷ See Securities Exchange Act Release No. 103290 (June 18, 2025), 90 FR 26865, 26878 (June 24, 2025) (SR-IEX-2025-02) (Notice of Filing of Amendment No. 3 to a Proposed Rule Change To Adopt Rules To Govern the Trading of Options on the Exchange for a New Facility Called IEX Options) ("Options Rule Filing") and Securities Exchange Act Release No. 103998 (September 18, 2025), 90 FR 45861 (September 23, 2025) (SR-IEX-2025-02) (Commission order approving a Proposed Rule Change, as Modified by Amendment No. 3, to Adopt Rules To Govern the Trading of Options on the Exchange for a New Facility Called IEX Options) ("Approval Order").

⁸ See <https://www.iex.io/options/resources#important-dates>.

that have been approved or deemed approved by the Commission.¹³

On September 17, 2025, the Commission approved proposals by The Nasdaq Stock Market LLC, Cboe BZX Exchange, Inc., and NYSE Arca, Inc. to Adopt Generic Listing Standards for Commodity-Based Trusts.¹⁴ In the Generic Listing Standards for Commodity-Based Trust Shares Approval Order, the Commission noted that each of the exchanges proposed to adopt substantially identical “generic” listing standards for Commodity-Based Trusts. Those generic listing standards define the term shares of a “Commodity-Based Trust” as a security¹⁵ that:

(1) is issued by a trust, limited liability company, partnership, or other similar entity (“Trust”) that, if applicable, is operated by a registered commodity pool operator pursuant to the Commodity Exchange Act (“CEA”), and is not registered as an investment company pursuant to the Investment Company Act of 1940, or series or class thereof;

(2) is designed to reflect the performance of one or more reference assets or an index of reference assets;

(3) in order to reflect the performance, is issued by a Trust that holds (a) one or more commodities or commodity-based assets, and (b) in addition to such commodities or commodity-based assets, may hold securities, cash, and cash equivalents;

(4) is issued by such Trust in a specified aggregate minimum number in return for a deposit of (a) a specified quantity of the underlying commodities, commodity-based assets, securities, cash, and/or cash equivalents or (b) a cash amount with a value based on the next determined net asset value per Trust share; and

(5) when aggregated in the same specified minimum number, may be redeemed at a holder’s request by such Trust which will deliver to the redeeming holder (a) the specified quantity of the underlying commodities, commodity-based assets, securities, cash, and/or cash equivalents or (b) a cash amount with a value based on the next determined net asset value per Trust share.

As proposed, the Commodity-Based Trust must satisfy the following: (1) the total global supply of each underlying crypto asset held by the Commodity-Based Trust has an average daily market value of at least \$700 million over the last 12 months; and (2) each crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group (“ISG”).

The proposed rule change would require a Commodity-Based Trust to: (1) meet the generic criteria of a U.S. equities listing exchange¹⁶ and hold a single crypto asset or multiple crypto assets;¹⁷ (2) meet the criteria and

guidelines set forth in Rule 20.120(a)¹⁸ and (b),¹⁹ or Rule 20.120(i)(1)(B);²⁰ and (3) meet the requirements of proposed Rule 20.120(i)(v),²¹ which are as follows: (A) the total global supply of each underlying crypto asset held by the Commodity-Based Trust has an average daily market value of at least \$700 million over the last 12 months; and (B) each crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG.

The Exchange will calculate the market value of each underlying crypto asset by taking the total global supply of the particular crypto asset multiplied by the token price.²² Total supply of crypto assets includes all crypto assets currently issued and does not include unissued crypto assets.²³ Further, the Exchange has specified in proposed

blockchain or similar distributive ledger technology network, including but not limited to, assets known as “tokens,” “digital assets,” “virtual currencies,” and “coins,” and that relies on cryptographic protocols.

¹⁸ Pursuant to Rule 20.120(a), a security (which includes an ETF/Fund Share) on which options may be listed and traded on the Exchange must be duly registered with the Commission and be an NMS stock as defined in Rule 600 of Regulation NMS under the Act, as amended, and be characterized by a substantial number of outstanding shares that are widely held and actively traded.

¹⁹ Rule 20.120(b) provides criteria and guidelines when evaluating potential securities for the listing of options.

²⁰ Rule 20.120(i)(1)(B) provides that the Fund Shares are available for creation or redemption each business day in cash or in kind from the investment company, commodity pool or other entity at a price related to net asset value, and the investment company, commodity pool or other entity is obligated to provide that Fund Shares may be created even if some or all of the securities and/or cash required to be deposited have not been received by the Fund, the unit investment trust or the management investment company, provided the authorized creation participant has undertaken to deliver the securities and/or cash as soon as possible and such undertaking is secured by the delivery and maintenance of collateral consisting of cash or cash equivalents satisfactory to the Fund, all as described in the Fund’s or unit trust’s prospectus.

²¹ As described in more detail below, the Exchange proposes to renumber the subparagraphs of Rule 20.120(i) to provide clarity.

²² The market supply information can be obtained from publicly available sources such as <https://www.coingecko.com/> or <https://coinmarketcap.com/>.

²³ For example, if Bitcoin were the underlying crypto asset, the Exchange would consider the total supply of all Bitcoin currently issued instead of the maximum supply, which would be currently issued as well as unminted Bitcoin. As of September 21, 2026, Bitcoin’s total supply was 20,087,515 (the maximum supply is 21,000,000). See <https://www.coingecko.com/en/coins/bitcoin>. The Exchange would calculate market value by utilizing the total supply number multiplied by the Bitcoin price on that day.

¹³ SR-ISE-2025-08 Amendment No. 1 was deemed approved as of October 24, 2025. See Securities Exchange Act Release No. 104210 (November 18, 2025), 90 FR 52727 (November 21, 2025) (SR-ISE-2025-08) (Notice of Deemed Approval of Various Proposed Rule Changes—BOX Exchange, LLC, Cboe Exchange, Inc., Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGX Exchange, Inc., Miami International Securities Exchange, LLC, MIAx PEARL, LLC, MIAx Sapphire, LLC, Nasdaq ISE, LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE National, Inc., and NYSE Texas, Inc.); see also Securities Exchange Act Release No. 105072 (March 24, 2026), 91 FR 14894 (March 27, 2026) (SR-ISE-2025-30) (Order Approving a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, Regarding the Adoption of Listing Criteria for Options on Commodity-Based Trusts That Hold Multiple Crypto Assets); Securities Exchange Act Release No. 105958 (July 21, 2026), 91 FR 46814 (July 24, 2026) (SR-MEMX-2026-13); Securities Exchange Act Release No. 105578 (May 29, 2026), 91 FR 33272 (June 3, 2026) (SR-MIAx-2026-13).

¹⁴ See Securities Exchange Act Release No. 103995 (September 17, 2025), 90 FR 45414 (September 22, 2025) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To Adopt Generic Listing Standards for Commodity-Based Trust Shares) (SR-NASDAQ-2025-056; SR-CboeBZX-2025-104; SR-NYSEARCA-2025-54) (“Generic Listing Standards for Commodity-Based Trust Shares Approval Order”). The Exchange believes it is appropriate to rely on the generic listing standards outlined by the primary listing market due to the potential proliferation of new primary listing markets and the Commission’s acknowledgment that the definition of shares of a Commodity-Based Trust across those primary listing markets is substantially identical.

¹⁵ Shares of the applicable Commodity-Based Trust trade as equity securities. See Nasdaq Rule 5711(d)(ii); proposed BZX Rule 14.11(e)(4)(B); proposed NYSE Arca Rule 8.201-E(b) (Generic) (stating that Commodity-Based Trust Shares are included within the definition of a “security” as such term is used in the Exchanges’ rules and are subject to the Exchanges’ existing rules governing the trading of equity securities).

¹⁶ A Commodity-Based Trust is defined in Cboe BZX Exchange, Inc. Rule 14.11(e)(4), NYSE Arca, Inc. Rule 8.201(c)(1), and The Nasdaq Stock Market LLC Rule 5711(d)(iv) (the three current U.S. equities exchanges that serve as primary listing markets) as a security (a) that is issued by a trust (“Trust”) that holds (1) a specified commodity deposited with the Trust, or (2) a specified commodity and, in addition to such specified commodity, cash; (b) that is issued by such Trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity and/or cash; and (c) that, when aggregated in the same specified minimum number, may be redeemed at a holder’s request by such Trust which will deliver to the redeeming holder the quantity of the underlying commodity and/or cash (“Commodity-Based Trust Share”).

¹⁷ The proposed rule defines a “crypto asset” to mean, for purposes of Rule 20.120(i)(v), an asset that is generated, issued and/or transferred using a

Rule 20.120(i)(v) that each crypto asset held by the Commodity-Based Trust must underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG.²⁴ The Exchange will be required to ensure that this requirement is met prior to listing options on a Commodity-Based Trust pursuant to proposed Rule 20.120(i)(v).

As a result of this proposal, the proposed listing criteria would permit a Commodity-Based Trust that (a) is generically listed on a U.S. exchange that is the primary equities listing market for the Commodity-Based Trust and (b) holds a single crypto asset or multiple crypto assets to qualify for the listing of options on that ETF, provided proposed Rule 20.120(i)(v) has also been met, as well as the listing criteria in Rule 20.120(a) and (b), or Rule 20.120(i)(1)(B).

Accordingly, the Exchange proposes to add the following rule text as new subparagraph (v) to Rule 20.120(i):

(v) represent interests in a Commodity-Based Trust that meets the generic criteria of the U.S. securities exchange that is the primary equities listing market for the Commodity-Based Trust, except that the Commodity-Based Trust holds a single crypto asset or multiple crypto assets that meets the following requirements: (1) the total global supply of each underlying crypto asset held by the Commodity-Based Trust has an average daily market value of at least \$700 million over the last 12 months; and (2) each crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group. For purposes of subparagraph (v) in this Rule, the term “crypto asset” means an asset that is generated, issued and/or transferred using a blockchain or similar distributive ledger technology network, including but not limited to, assets known as “tokens,” “digital assets,” “virtual currencies,” and “coins” and that relies on cryptographic protocols.

(ii) Proposed Amendments to Rule 20.130(g) To Add Delisting Requirements for Options on Commodity-Based Trusts

Similar to options on any ETF, an option on a Commodity-Based Trust

that meets the requirements of proposed Rule 20.120(i)(v) would also be subject to the Exchange’s delisting requirements set forth in Rule 20.130(g) for Fund Shares approved for options trading pursuant to Rule 20.120(i). Rule 20.130(g) provides that Fund Shares approved for options trading pursuant to Rule 20.120 will not be deemed to meet the requirements for continued approval, and the Exchange shall not open for trading any additional series of option contracts of the class covering such Fund Shares if the security is delisted from trading as provided in Rule 20.130(b)(4) (*i.e.*, the underlying security ceases to be an “NMS stock” as defined in Rule 600 of Regulation NMS under the Act).²⁵ With respect to options on Commodity-Based Trusts that are approved subject to proposed Rule 20.120(i)(v), the Exchange proposes to amend Rule 20.130(g) to adopt a new subparagraph (3) which states: “In the case of options covering Fund Shares approved pursuant to Rule 20.120(i)(v), if the criteria in Rule 20.120(i)(v)(1) are no longer satisfied, as determined by the Exchange on a monthly basis, or if the criteria in Rule 20.120(i)(v)(2) are no longer satisfied.”²⁶

This proposed new criteria would require ETFs that are listed pursuant to Rule 20.120(i)(v) to continue to meet the requirements of Rules 20.120(i)(v)(1) and (2). Additionally, this proposed new criteria, which would also be added to Rule 20.130(g)(1), would require ETFs that are listed pursuant to 20.120(i)(1)(A) to continue to meet the requirements of subparagraphs (1), (2), (3), and (4), of Rule 20.130(g), as amended.

The Exchange is proposing that the criteria in Rule 20.120(i)(v)(1) be met on a monthly basis while the criteria in Rule 20.120(i)(v)(2) be met on a continuous basis. The Exchange believes that requiring the criteria in Rule 20.120(i)(v)(1) to be met on a monthly basis is reasonable given that the Exchange believes that it is unlikely that a crypto asset with an average daily market value of at least \$700 million over the previous twelve months would fail to meet that standard as a result of trading over a relatively short period of time. By way of example, if a crypto asset has a market capitalization of \$900 million and traded at that market capitalization for 15 days in a 20-day trading month, the crypto asset could lose a substantial amount of its value (up to 88%) and still meet the criteria.

²⁵ See Rule 20.130(g).

²⁶ The Exchange proposes to renumber the remaining paragraphs of Rule 20.130(g).

Similarly, a crypto asset with a market capitalization of \$500 million for 15 days in a 20-day trading month would have to achieve a market capitalization of \$1.3 billion (a 160% increase) in the last 5 days to meet the criteria. Given the unlikelihood that there would be a huge movement over a month’s period of time and considering the work that would be required to calculate the criteria on a daily basis as compared to each month, the Exchange believes that the proposed continued listing obligation for the average daily market value criteria is sufficient. Also, the Exchange proposes to add “crypto asset(s)” to the list of items covered by subparagraph (4).

Further, options on Commodity-Based Trusts that are approved subject to Rule 20.120(i)(v) would continue to be subject to Exchange Rule 20.130(g)(5), as renumbered, which states that the Exchange may consider suspending opening transactions in options on Fund Shares if, “such other event occurs or condition exists that in the opinion of the Exchange makes further dealing in such options on IEX Options inadvisable.” The Exchange may determine at any point to delist an option on a Commodity-Based Trust that may not have sufficient liquidity or market demand.

Consistent with current Rule 20.140, which governs the opening of options series on a specific underlying security (including ETFs), the Exchange will open at least one expiration month series of options on a Commodity-Based Trust Fund Share²⁷ at the commencement of trading on the Exchange and may also list series of options on a Commodity-Based Fund

²⁷ See Rule 20.140(b) and (e). The monthly expirations are subject to certain listing criteria for underlying securities described within Rule 20.120. Monthly listings expire the third Friday of the month. The term “expiration date” (unless separately defined elsewhere in the OCC By-Laws), when used in respect of an option contract (subject to certain exceptions), means the third Friday of the expiration month of such option contract, or if such Friday is a day on which the exchange on which such option is listed is not open for business, the preceding day on which such exchange is open for business. See OCC By-Laws Article I, Section 1. Pursuant to Rule 20.140(c), additional series of options of the same class may be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market, to meet customer demand or when the market price of the underlying stock moves more than five strike prices from the initial exercise price or prices. New series of options on an individual stock may be added until the beginning of the month in which the options contract will expire. Due to unusual market conditions, the Exchange, in its discretion, may add a new series of options on an individual stock until the close of trading on the business day prior to expiration.

²⁴ For a list of the current members of ISG, see https://isgportal.org/page/isg_members.

Share for trading on a weekly,²⁸ monthly,²⁹ or quarterly basis.³⁰ The Exchange may also list long-term options series that expire from 12 to 39 months from the time they are listed.³¹

Pursuant to Rule 20.140, Supplementary Material .01, which governs strike prices of series of options on Fund Shares, the interval of strike prices for series of options on Commodity-Based Fund Shares may be \$1 or greater where the strike price is \$200 or less or \$5 or greater where the strike price is over \$200.³² Additionally, the Exchange may list series of options pursuant to the \$1 Strike Price Interval Program,³³ the \$0.50 Strike Program,³⁴ the \$2.50 Strike Price Program,³⁵ and the \$5 Strike Program.³⁶ Pursuant to Rule 22.140, where the price of a series of a Commodity-Based Fund Share option is less than \$3.00, the minimum increment will be \$0.05, and where the price is \$3.00 or higher, the minimum increment will be \$0.10.³⁷ Any and all new series of Commodity-Based Fund Share options that the Exchange lists will be consistent and comply with the expirations, strike prices, and minimum increments set forth in Rules 20.140 and 22.140, as applicable.

Options on Commodity-Based Trusts that may be listed pursuant to proposed Rule 20.120(i)(v) will trade in the same manner as options on other ETFs on the Exchange. The Exchange Rules that currently apply to the listing and trading of all Fund Share options on the Exchange, including, for example, Rules that govern listing criteria, expirations, exercise prices, minimum increments, position and exercise limits, margin requirements, customer accounts, and trading halt procedures will apply to the listing and trading of options on Commodity-Based Trusts that are approved subject to Rule 20.120(i)(v) in the same manner.

Position and exercise limits for options, including options on Commodity-Based Trust Shares, are

determined pursuant to Rules 19.160 and 19.180, respectively. Position and exercise limits for options on ETFs vary according to the number of outstanding shares and the trading volumes of the underlying security over the past six months, where the largest in capitalization and the most frequently traded funds have an option position and exercise limit of 250,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market; and smaller capitalization funds have position and exercise limits of 200,000, 75,000, 50,000 or 25,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market.³⁸ Further, the Exchange notes that Rule 29.120, which governs margin requirements applicable to the trading of all options on the Exchange, including options on ETFs, will also apply to the trading of options on Commodity-Based Trusts listed pursuant to proposed Rule 20.120(i)(v).

The Exchange represents that, upon launch, it will have an adequate surveillance program in place for options and intends to apply those same program procedures to options on Commodity-Based Trusts that may be listed pursuant to proposed Rule 20.120(i)(v) that it will apply to the Exchange's other options products.³⁹ The Exchange believes that its planned surveillance procedures are designed to deter and detect possible manipulative behavior which might potentially arise from listing and trading the proposed options on Commodity-Based Trusts. Additionally, the Exchange is a member of the ISG under the Intermarket Surveillance Group Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets. In addition, the Exchange has a Regulatory Services Agreement ("RSA") with the Financial Industry Regulatory Authority ("FINRA") for certain market surveillance, investigation, and examinations functions, including for options-related regulation. Further, pursuant to a multi-party 17d-2 joint plan, all options exchanges allocate amongst themselves and FINRA responsibilities to conduct certain options-related market surveillance that are common to rules of all options exchanges.⁴⁰ Further, the Exchange will

implement any new surveillance procedures it deems necessary to effectively monitor the trading of options on Commodity-Based Trusts pursuant to proposed Rule 20.120(i)(v).

The Exchange has also analyzed its capacity and represents that it believes the Exchange and the Options Price Reporting Authority ("OPRA") have the necessary systems capacity to handle the additional traffic associated with the listing of new series of options on ETFs, including on Commodity-Based Trusts pursuant to proposed Rule 20.120(i)(v), up to the number of expirations currently permissible under the Rules. The Exchange believes any additional traffic generated from the trading of options on Commodity-Based Trusts listed pursuant to proposed Rule 20.120(i)(v) would be manageable. The Exchange represents that Exchange members will not have a capacity issue as a result of this proposed rule change.

Further, quotation and last sale information for Commodity-Based Trusts listed pursuant to proposed Rule 20.120(i)(v) is available via the Consolidated Tape Association ("CTA") high speed line and the Unlisted Trading Privileges Plan. Quotation and last sale information for such securities is also available from the exchange on which such securities are listed. Quotation and last sale information for options on Commodity-Based Trusts listed pursuant to proposed Rule 20.120(i)(v) will be available via OPRA,⁴¹ IEX's proprietary market data fees, and major market data vendors.

(iii) Proposed Amendments to Rules 19.160 and 19.180 To Add Position and Exercise Limits for IBIT

The Exchange proposes to amend Rules 19.160 (Position Limits) and 19.180 (Exercise Limits) to provide for

national securities association to comply with the Act, the rules and regulations thereunder, and the SRO's own rules, and, absent reasonable justification or excuse, enforce compliance by its members and persons associated with its members. See 15 U.S.C. 78q(d)(1) and 17 CFR 240.17d-2. Section 17(d)(1) of the Act allows the Commission to relieve an SRO of certain responsibilities with respect to members of the SRO who are also members of another SRO ("common members"). Specifically, Section 17(d)(1) allows the Commission to relieve an SRO of its responsibilities to: (i) receive regulatory reports from such members; (ii) examine such members for compliance with the Act and the rules and regulations thereunder, and the rules of the SRO; or (iii) carry out other specified regulatory responsibilities with respect to such members.

⁴¹ Last sale reports and quotations are the core of the information that OPRA disseminates. OPRA also disseminates certain other types of information with respect to the trading of options on the markets of the OPRA participants, such as the number of options contracts traded, open interest, and end of day summaries. OPRA also disseminates certain kinds of administrative messages.

²⁸ See Rule 20.140, Supplementary Material .05.

²⁹ See Rule 20.140, Supplementary Material .07.

³⁰ See Rule 20.140, Supplementary Material .04.

³¹ See Rule 20.160.

³² The Exchange notes that for options listed pursuant to the Short Term Options Series Program, Rule 20.140, Supplementary Material .05 sets forth intervals between strike prices on Short Term Option Series.

³³ See Rule 20.140, Supplementary Material .01 and .02.

³⁴ See Rule 20.140, Supplementary Material .06.

³⁵ See Rule 20.140, Supplementary Material .03.

³⁶ See Rule 20.140(d)(5).

³⁷ If options on a Commodity-Based Trust are eligible to participate in the Penny Interval Program, the minimum increment will be \$0.01 for series with a price below \$3.00 and \$0.05 for series with a price at or above \$3.00. See Rule 22.140(c).

³⁸ See Rules 19.160 and 19.180.

³⁹ The surveillance program includes surveillance patterns for price and volume movements as well as patterns for potential manipulation (e.g., spoofing and marking the close).

⁴⁰ Section 19(g)(1) of the Act, among other things, requires every self-regulatory organization ("SRO") registered as a national securities exchange or

position and exercise limits for options on IBIT that are identical to such limits provided for in other options exchanges' rules.⁴² IBIT is an ETF that holds bitcoin and is listed on The Nasdaq Stock Market LLC.⁴³ The Exchange plans to list options on IBIT as a Commodity-Based Trust listed pursuant to proposed Rule 20.120(i)(v).

Position and exercise limits are designed to limit the number of options contracts in an underlying security traded across all options exchanges that an investor, acting alone or in concert with others directly or indirectly, may control. These limits are intended to address potential manipulative schemes and adverse market impacts surrounding the use of options, such as disrupting the market in the security underlying the options. Position and exercise limits must balance concerns regarding mitigating potential manipulation and the cost of inhibiting potential hedging activity that could be used for legitimate economic purposes.

To achieve this balance, the Exchange proposes to specify the position limits and exercise limits for options on IBIT to 1,000,000 contracts by including the proposed position limit in Rule 19.160, Supplementary Material .01, Position Limits, and the proposed exercise limit in Rule 19.180, Supplementary Material .01, Exercise Limits. The Exchange notes that the proposed position limits and exercise limits for options on IBIT are consistent with existing position limits and exercise limits for options on iShares Russell 2000 ETF, iShares MSCI Emerging Markets ETF, iShares China Large-Cap ETF, and iShares MSCI EAFE ETF.

Composition and Growth Analysis for Underlying ETFs

As stated above, position (and exercise) limits are intended to prevent the establishment of options positions that can be used or might create incentives to manipulate the underlying market so as to benefit options positions. The Commission has recognized that these limits are designed to minimize the potential for mini-manipulations and for corners or squeezes of the underlying market, as well as serve to reduce the possibility

for disruption of the options market itself, especially in illiquid classes.⁴⁴

Per the Commission, "rules regarding position and exercise limits are intended to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market so as to benefit the options positions."⁴⁵ For this reason, the Commission requires that "position and exercise limits must be sufficient to prevent investors from disrupting the market for the underlying security by acquiring and exercising a number of options contracts disproportionate to the deliverable supply and average trading volume of the underlying security."⁴⁶

The Exchange believes that establishing the position limit (and exercise limit) for options on IBIT at 1,000,000 contracts would enable liquidity providers to provide liquidity to the Exchange, as well as other options exchanges on which they participate. As described in further detail below, the Exchange believes that the continuously increasing market capitalization of IBIT options, as well as the highly liquid markets for those securities, reduces the concerns for potential market manipulation and/or disruption in the underlying markets upon the proposed position limits, while the rising demand for trading options on IBIT for legitimate economic purposes compels the proposed position limits and corresponding exercise limits.

Absent this proposed change, the Exchange believes that options trading on IBIT would be subject to the 250,000-contract position limit pursuant to the criteria in Rule 19.160(d).⁴⁷ However, as described below, at the time that Nasdaq ISE, LLC ("ISE") proposed to increase the position and exercise limits for IBIT to 1,000,000 contracts, it provided a robust analysis on why the proposed increased limits were appropriate. The

following describes the information provided by ISE:

As of February 11, 2026, the market capitalization for IBIT was \$52,661,063,818⁴⁸ with an average daily volume ("ADV") for the preceding 6 months prior to February 11, 2026 of 61,803,035 shares. By comparison on the same day, the iShares MSCI Emerging Markets ("EEM") had an ADV of 29,459,889 shares and assets under management ("AUM") of \$27,761,941,292; the iShares China Large-Cap ETF ("FXI") had an ADV of 31,656,532 shares and an AUM of \$6,594,337,253, and the iShares MSCI EAFE ETF ("EFA") had an ADV of 17,215,037 shares and an AUM of \$76,788,457,200.⁴⁹ As of September 18, 2026, the market capitalization for IBIT was \$63,708,756,000⁵⁰ with ADV for the 6 months prior to September 18, 2026 of 46,401,565 shares. By comparison on the same day, EEM had an ADV of 27,258,887 shares and an AUM of \$31,274,777,620; FXI had an ADV of 25,059,273 shares and an AUM of \$4,097,373,502, and EFA had an ADV of 13,905,337 shares and an AUM of \$77,651,223,358.⁵¹

In addition to IBIT's Rule 19.160(d) eligibility for the 250,000 contract position limit, in proposing to establish the 1,000,000 contract position and exercise limits for IBIT, ISE performed additional analysis with respect to IBIT.⁵² First, ISE considered IBIT's market capitalization and ADV, and prospective position limit in relation to other securities. In measuring IBIT against other securities, ISE aggregated market capitalization and volume data for securities that have defined position limits utilizing data from The Options Clearing Corporation ("OCC").⁵³ This

⁴⁸ The market capitalization was determined by multiplying a Net Asset Value of \$38.29 by the number of shares outstanding: 1,337,920,000. This figure was acquired as of February 11, 2026. See <https://www.ishares.com/us/products/333011/ishares-bitcoin-trust-etf>; see also Securities Exchange Act Release No. 104884 (February 26, 2026), 91 FR 9904 (February 27, 2026) (SR-ISE-2024-03, Amendment No. 5) ("SR-ISE-2024-03, Amendment No. 5").

⁴⁹ These figures are from February 11, 2026. See SR-ISE-2024-03, Amendment No. 5, *supra* note 45.

⁵⁰ The market capitalization was determined by multiplying a Net Asset Value of \$45.95 by the number of shares outstanding: 1,386,480,000. This figure was acquired as of September 18, 2026. See <https://www.ishares.com/us/products/333011/ishares-bitcoin-trust-etf>.

⁵¹ These figures are from September 18, 2026 and are consistent with the analysis conducted by ISE set forth in SR-ISE-2024-03, Amendment No. 5, *supra*, note 45.

⁵² See SR-ISE-2024-03, Amendment No. 5, *supra*, note 45.

⁵³ The computations are based on OCC data from February 11, 2026. Data displaying zero values in market capitalization or ADV were removed.

⁴⁴ See Securities Exchange Act Release No. 67672 (August 15, 2012), 77 FR 50750 (August 22, 2012) (SR-NYSEAmex-2012-29).

⁴⁵ See Securities Exchange Act Release No. 101128 (September 20, 2024), 89 FR 78942 (September 26, 2024) (SR-ISE-2024-03) (Notice of Filing of Amendment Nos. 4 and 5 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1, 4, and 5, To Permit the Listing and Trading of Options on the iShares Bitcoin Trust) ("ISE IBIT Approval Order").

⁴⁶ See *id.*

⁴⁷ Rule 19.160(d) provides at subparagraph (5) that to be eligible for the 250,000-contract limit, either the most recent six (6) month trading volume of the underlying security must have totaled at least 100 million shares or the most recent six-month trading volume of the underlying security must have totaled at least seventy-five (75) million shares and the underlying security must have at least 300 million shares currently outstanding.

⁴² See *supra*, note 8.

⁴³ In 2024, Nasdaq received approval to list and trade Bitcoin-based Commodity-Based Trust Shares in IBIT pursuant to Nasdaq Rule 5711(d). See Securities Exchange Act Release No. 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (SR-NASDAQ-2023-016) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Bitcoin-Based Commodity-Based Trust Shares and Trust Units). IBIT started trading on January 11, 2024.

pool of data took into consideration 3,797 options on single stock securities, excluding broad based ETFs.⁵⁴ Next, the data was aggregated based on market capitalization and ADV and grouped by option symbol and position limit utilizing statistical thresholds for ADV, based on 180 days, and market capitalization that were one standard deviation⁵⁵ above the mean for each position limit category (*i.e.*, 25,000; 50,000 to 52,000; 75,000; 200,000; 250,000 to 375,000; 450,000 to 650,000; 750,000 to 1,250,000 and greater than or equal to 2,000,000).⁵⁶ This exercise was performed to demonstrate IBIT's position limit relative to other options symbols in terms of market capitalization and ADV. For reference, at the time of the ISE filing, the market capitalization for IBIT was \$52,661,063,818⁵⁷ with an ADV for the preceding 180 days prior to February 11, 2026 of 61,803,035 shares. As noted above, IBIT's market capitalization as of September 18, 2026 was \$63,708,756,000 and its ADV for the preceding 180 days prior to September 18, 2026 was 46,401,565 shares.

According to the ISE IBIT Approval Order,⁵⁸ if IBIT were compared to the 10 stocks that have position limits of 750,000 contracts to 1.25 million contracts, it would rank in the 45th percentile for market capitalization and the 89th percentile for ADV. ISE also analyzed the position limits for IBIT by regressing the median elements from each bucket of market capitalization and the 180-day ADV of all non-ETF equities, against their respective position limit figures. From this regression, ISE was able to determine the implied coefficients to create a formulaic method for determining an appropriate position limit.⁵⁹ ISE utilized a linear model approach which incorporated the median metric from each bucket given the data at both the

lower end of each position limit bucket and the higher end of each position limit bucket could be considered significant outliers, thereby skewing the results.

ISE utilized IBIT's market capitalization of \$52,661,063,818 to arrive at a modeled position limit of 1,707,654. Additionally, ISE utilized IBIT's ADV of 61,803,035 to arrive at a modeled position limit of 5,672,081. Based on the aforementioned analysis, the Exchange believes that the proposed 1,000,000 contracts position and exercise limit is appropriate.

Second, ISE reviewed IBIT's data relative to the market capitalization of the entire Bitcoin market in terms of exercise risk and availability of deliverables. Also, as of February 11, 2026, there were approximately 20.5 million Bitcoins in circulation.⁶⁰ At a price of \$66,938,⁶¹ that equates to a market capitalization of greater than \$1.374 trillion. If a position limit of 1,000,000 contracts were considered, the exercisable risk would represent 7.474%⁶² of the outstanding shares of IBIT. Since IBIT has a creation and redemption process managed through the issuer, the position limit can be compared to the total market capitalization of the entire Bitcoin market and in that case, the exercisable risk for options on IBIT would represent 0.278% of all Bitcoin outstanding.⁶³ Assuming a scenario where all options on IBIT shares were exercised given the proposed 1,000,000-contract position limit (and exercise limit), this would have a virtually unnoticed impact on the entire Bitcoin market. This analysis demonstrates that the proposed 1,000,000 per same side position and exercise limit is appropriate for options on IBIT given its liquidity.

Third, ISE reviewed the proposed position limit by comparing it to position limits for derivative products regulated by the Commodity Futures Trading Commission ("CFTC"). While the CFTC, through the relevant Designated Contract Markets, only regulates options positions based upon delta equivalents (creating a less stringent standard), ISE examined equivalent bitcoin futures position limits. In particular, ISE looked at the

Chicago Mercantile Exchange ("CME") bitcoin futures contract⁶⁴ that has a position limit of 2,000 futures.⁶⁵

On February 11, 2026, CME bitcoin futures settled at \$677,150,406.33.⁶⁶ On February 11, 2026, IBIT settled at \$38.29, which would equate to greater than 17,684,774 shares of IBIT if the CME notional position limit was utilized. Since substantial portions of any distributed options portfolio is likely to be out of the money on expiration, an options position limit equivalent to the CME position limit for bitcoin futures (considering that all options deltas are ≤ 1.00) should be a bit higher than the CME implied 176,848 limit. Of note, unlike options contracts, CME position limits are calculated on a net futures-equivalent basis by contract and include contracts that aggregate into one or more base contracts according to an aggregation ratio(s).⁶⁷ Therefore, if a portfolio includes positions in options on futures, CME would aggregate those positions into the underlying futures contracts in accordance with a table published by CME on a delta equivalent value for the relevant spot month, subsequent spot month, single month and all month position limits.⁶⁸ If a position exceeds position limits because of an option assignment, CME permits market participants to liquidate the excess position within one business day without being considered in violation of its rules. Additionally, if at the close of trading, a position that includes options exceeds position limits for futures contracts, when evaluated using the delta factors as of that day's close of trading, but does not exceed the limits when evaluated using the previous day's delta factors, then the position shall not constitute a position limit violation. Based on the aforementioned analysis, the Exchange believes that the proposed 1,000,000 contracts position and exercise limit is appropriate.

Fourth, ISE analyzed a position limit and exercise limit of 1,000,000 for IBIT options against other options on ETFs with an underlying commodity, namely SPDR Gold Shares ("GLD"), iShares Silver Trust ("SLV"), and ProShares

⁵⁴ IBIT has one asset and therefore is not comparable to a broad-based ETF where there are typically multiple components.

⁵⁵ The standard deviation added limited utility to the analysis given the heavily skewed distribution of market capitalizations in the single stock securities.

⁵⁶ These buckets are based on OCC's current position limits. See <https://www.theocc.com/market-data/market-data-reports/series-and-trading-data/position-limits>. Rule 19.160 sets out position limits for various contracts. For example, a 25,000 contract limit applies to those options having an underlying security that does not meet the requirements for a higher options contract limit. The Exchange notes that position limits may also be higher due to corporate actions in the underlying equities, such as a stock split.

⁵⁷ See *supra*, note 45.

⁵⁸ See *supra*, note 42.

⁵⁹ ISE utilized Excel's Data Analysis Package to model the position limit.

⁶⁰ See <https://www.coingecko.com/en/coins/bitcoin>.

⁶¹ This was the approximate price of Bitcoin on February 11, 2026.

⁶² This percentage is arrived at with this equation: (1,000,000 contract limit * 100 share per option / 1,337,920,000 shares outstanding).

⁶³ This number was arrived at with this calculation: (1,000,000 contract limit * 100 share per option * \$38.29 IBIT NAV) / (20,528,687 BTC outstanding * \$66,938 BTC price).

⁶⁴ CME bitcoin Futures are described in Chapter 350 of CME's Rulebook.

⁶⁵ See the Position Accountability and Reportability Level Table in the Interpretations & Special Notices Section of Chapter 5 of CME's Rulebook.

⁶⁶ 2,000 futures at a 5 bitcoin multiplier (per the contract specifications) equates to \$677,150,000 (2,000 contracts * 5 BTC per contract * \$67,715 price of February BTC future) of notional value.

⁶⁷ See SR-ISE-2024-03, Amendment No. 5, footnote 33, *supra* note 45.

⁶⁸ *Id.*

Bitcoin ETF (“BITO”).⁶⁹ GLD has a float of 377 million shares⁷⁰ and a position limit of 250,000 contracts. SLV has a float of 552 million shares,⁷¹ and a position limit of 250,000 contracts. Finally, BITO has 200.89 million shares outstanding⁷² and a position limit of 250,000 contracts.

As previously noted, position limits and exercise limits are designed to limit the number of options contracts traded on the Exchange in an underlying security that an investor, acting alone or in concert with others directly or indirectly, may control. A position limit exercise in GLD would represent 6.63% of the float of GLD; a position limit exercise in SLV would represent 4.53% of the float of SLV; a position limit exercise in BITO would represent 12.44% of the float of BITO.

In comparison, ISE determined that, as of February 11, 2026, a 1,000,000-contract position limit in IBIT options would represent 7.474% of the outstanding shares of IBIT. Consequently, the 1,000,000 proposed IBIT options position and exercise limit is generally aligned with the standard applied to GLD, SLV, and BITO, and appropriate.

Fifth, ISE notes that IBIT began trading in penny increments as of January 2, 2025 pursuant to the Penny Interval Program.⁷³ The Commission noted that evidence and analysis provided in connection with the Penny Pilot demonstrated that the Pilot benefited investors and other market participants in the form of narrower spreads.⁷⁴ The most actively traded options classes are included in the Penny Program based on certain objective criteria (trading volume thresholds and initial price tests). As noted in the Penny Approval Order, the Penny Program reflects a certain level of trading interest (either because the class is newly listed or a class experienced a significant growth in investor interest) to quote in finer trading increments, which in turn should benefit market

participants by reducing the cost of trading such options.⁷⁵

The IBIT options class is among a select group of products that have achieved a certain level of liquidity that have garnered it the ability to trade in finer increments. Failing to increase position and exercise limits for IBIT options, now that it is trading in finer increments, may artificially inhibit liquidity and create price inefficiency. The Exchange notes that options on iShares MSCI Emerging Markets, iShares China Large-Cap ETF, and iShares MSCI EAFE ETF also trade in penny increments based on their liquidity.

Based on ISE’s analysis, the Exchange believes the 1,000,000-contract position and exercise limits for options trading on IBIT continue to be appropriate. Specifically, the Exchange believes that IBIT options have more than sufficient liquidity to garner position and exercise limits of 1,000,000 contracts. The Exchange believes that any concerns related to manipulation and protection of investors are mollified by the significant liquidity provision in IBIT. The Exchange believes that, as a general principle, increases in active trading volume and deep liquidity of the underlying securities do not lead to manipulation and/or disruption.

The Exchange believes that the proposed position and exercise limits for IBIT options, which are identical to such limits in place at all other options exchanges as noted above, would continue to support a liquid and competitive market for IBIT options, which will benefit customers that trade these options. Further, the reporting requirement for such options (which would be identical to the requirements of all other options exchanges), would require that each Options Member⁷⁶ that maintains positions in impacted options on the same side of the market, for its own account or for the account of a customer, report certain information to the Exchange. This information includes, but would not be limited to, the options’ positions, whether such positions are hedged and, if so, a description of the hedge(s). Market Makers would continue to be exempt from this reporting requirement, however, the Exchange may access

Market Maker position information.⁷⁷ Moreover, the Exchange’s requirement that Options Members file reports with the Exchange for any customer who held aggregate large long or short positions on the same side of the market of 200 or more option contracts of any single class for the previous day will remain at this level and will continue to serve as an important part of the Exchange’s surveillance efforts.⁷⁸

The Exchange understands that continued options volume growth in IBIT would provide opportunities for investors to participate in the options markets. The Exchange agrees with the other options exchanges that the proposed position and exercise limits are appropriate and that if lower limits had been established (e.g., position (and exercise) limits for IBIT at 250,000 contracts pursuant to Rules 19.160(d)(5) and 19.180), trading in IBIT options would be restricted and the listed options markets would be prevented from being able to compete fairly and effectively with the over-the-counter (“OTC”) markets. OTC transactions occur through bilateral agreements, the terms of which are not publicly disclosed to the marketplace. As such, OTC transactions do not contribute to the price discovery process on a public exchange or other lit markets. The Exchange believes that without the proposed change to position and exercise limits for IBIT options, market participants will find the 250,000-contract position an impediment to their business and investment objectives as well as an impediment to efficient pricing. As such, market participants may find the less transparent OTC markets a more attractive alternative to achieve their investment and hedging objectives, leading to a retreat from the listed options markets, where trades are subject to reporting requirements and daily surveillance. Moreover, the Exchange notes that exchange position and exercise limits apply across all options exchanges and thus it would be disruptive to options exchange trading for IEX to not adopt conforming limits.

The Exchange believes that upon launch, its surveillance procedures and reporting requirements at the Exchange are capable of properly identifying disruptive and/or manipulative trading

⁶⁹ GLD, SLV, and BITO each hold one asset in trust similar to IBIT.

⁷⁰ See <https://www.ssga.com/us/en/intermediary/etfs/spdr-gold-shares-gld>.

⁷¹ See <https://www.ishares.com/us/products/239855/ishares-silver-trust-fund>.

⁷² See <https://www.marketwatch.com/investing/fund/bitc>.

⁷³ See Rule 22.140.

⁷⁴ See Securities Exchange Act Release No. 88532 (April 1, 2020), 85 FR 19545, 19548 (April 7, 2020) (File No. 4–443) (Joint Industry Plan; Order Approving Amendment No. 5 to the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options To Adopt a Penny Interval Program) (“Penny Approval Order”).

⁷⁵ *Id.* at 19548.

⁷⁶ The term “Options Member” means a firm, or organization that is registered with the Exchange pursuant to Chapter 18 of the IEX Rule Book 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.

⁷⁷ OCC through the Large Option Position Reporting (“LOPR”) system acts as a centralized service provider for Options Member compliance with position reporting requirements by collecting data from each Options Member, consolidating the information, and ultimately providing detailed listings of each Options Member’s report to the Exchange, as well as FINRA, acting as its agent pursuant to an RSA.

⁷⁸ See Rule 19.190.

activity. The Exchange also represents that it will have adequate surveillances in place to detect potential manipulation, as well as reviews in place to identify continued compliance with the Exchange's listing standards. These procedures monitor market activity via automated surveillance techniques to identify unusual activity in both options and the underlying securities, as applicable. The Exchange also notes that large stock holdings must be disclosed to the Commission by way of Schedules 13D or 13G,⁷⁹ which are used to report ownership of stock which exceeds 5% of a company's total stock issue and may assist in providing information in monitoring for any potential manipulative schemes. Further, the Exchange believes that the current financial requirements imposed by the Exchange and by the Commission adequately address concerns regarding potentially large, unhedged positions in equity options. Current margin and risk-based haircut methodologies serve to limit the size of positions maintained by any one account by increasing the margin and/or capital that a Participant must maintain for a large position held by itself or by its customer.⁸⁰ In addition, Rule 15c3-1⁸¹ imposes a capital charge on Participants to the extent of any margin deficiency resulting from the higher margin requirement.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁸² Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(5)⁸³ 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.

(i) Proposed Amendments to Rule 20.120(i) To Add a Generic Listing Standard for Crypto-Asset Commodity-Based Trusts

The Exchange believes its proposal to permit Commodity-Based Trust Shares that hold a single or multiple crypto assets to be listed and traded without the need for additional Commission approvals, is consistent with the Act and will remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors because it would allow the Exchange to immediately list and trade qualifying options on Commodity-Based Trusts, provided the initial listing criteria has been met, without any additional approvals from the Commission.

Specifically, the Exchange's proposal to adopt Rule 20.120(i)(v) to allow the listing and trading of options on units that represent interests in Commodity-Based Trusts that meet the generic listing standards for Commodity-Based Trust Shares of the applicable primary listing market,⁸⁴ and hold a single or multiple crypto assets, is consistent with the Act because it will permit the Exchange to offer options on Commodity-Based Trusts soon after the listing of the ETF on the primary listing market, provided that all the generic listing standards for that Commodity-Based Trust on that primary listing market have been met. Listing these options will avail market participants of the opportunity to hedge their positions in the Commodity-Based Trusts in a timely manner, thereby providing investors with the ability to hedge their exposure to the underlying Commodity-Based Trust. Options on Commodity-Based Trusts benefits investors, similar to the listing of any other option on an ETF, by providing investors with a relatively lower-cost risk management tool to manage their positions and associated risk in their portfolios more easily in connection with exposure to the price of a crypto asset. Additionally, listing options on Commodity-Based Trusts provides investors with the ability to transact in such options on a listed market as opposed to the OTC options market, which increases market transparency and enhances the process of price discovery to the benefit of all investors.

In addition, this proposal would permit options on Commodity-Based Trusts to be listed on the Exchange in the same manner as all other securities that are subject to the current listing criteria in Rule 20.120(i). The Exchange

notes that the majority of ETFs are able to list and trade options once the initial listing criteria have been met without the need for additional approvals. The proposed rule change would allow options on certain Commodity-Based Trusts to likewise list and trade options once the initial listing criteria on the primary listing market have been met without the need for additional approvals.

As proposed, the Exchange would list options in a Commodity-Based Trust that met the generic criteria of the applicable primary listing market, provided the Commodity-Based Trust held a single or multiple crypto assets. Further, each crypto asset held by the Commodity-Based Trust would also be required to satisfy the conditions in proposed Rule 20.120(i)(v), which requires that (1) the total global supply of each underlying crypto asset held by the Commodity-Based Trust has an average daily market value of at least \$700 million over the last 12 months; and (2) each crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG.

These requirements are consistent with the Act and the protection of investors as they should ensure that each crypto asset held by the underlying ETF has sufficient liquidity prior to listing options, which will serve to prevent disruption to the underlying market. The Exchange believes that market supply serves as a good measure of liquidity to permit options trading in options on Commodity-Based Trusts that hold a single or multiple crypto assets. Requiring each underlying crypto asset to have a requisite amount of deliverable supply, in addition to all the other criteria the ETF is required to have under the applicable primary listing market rules, should ensure adequate liquidity prior to listing.

In addition, ensuring each crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG, will provide the Exchange with information to adequately surveil options on qualifying Commodity-Based Trusts. Today, the Exchange has a comprehensive surveillance sharing agreement in place with both the CME and Coinbase Derivatives through their common membership in ISG. This facilitates the sharing of information that is available

⁷⁹ 17 CFR 240.13d-1.

⁸⁰ See Rule 29.120.

⁸¹ 17 CFR 240.15c3-1.

⁸² 15 U.S.C. 78f(b).

⁸³ 15 U.S.C. 78f(b)(5).

⁸⁴ See *supra*, note 11.

to the CME and Coinbase Derivatives through their surveillance of their respective markets, including their surveillance of their respective digital asset futures markets.

The Exchange also believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, because it is consistent with current IEX Rules, previously filed with the Commission. Options on qualifying Commodity-Based Trusts must satisfy the initial listing standards and continued listing standards currently in IEX Rules applicable to options on all ETFs. Options on qualifying Commodity-Based Trusts would trade in the same manner as any other ETF options—the same Exchange Rules that currently govern the listing and trading of all ETF options, including permissible strike prices and minimum increments, and applicable position and exercise limits and margin requirements, will govern the listing and trading of options on qualifying Commodity-Based Trusts.

Further, the proposal adopts new subparagraph (3) to Rule 20.130(g) which will require each crypto asset held by a Commodity-Based Trust to continue to meet the requirement of Rule 20.120(i)(v)(1) on a monthly basis and for the criteria in Rule 20.120(i)(v)(2) to be met on a continuous basis. Accordingly, each crypto asset held by a Commodity-Based Trust must continue to have a total global supply with an average daily market value of at least \$700 million over the last 12 months, and also must continue to underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG. The Exchange believes that this continued listing standard, in addition to the requirements of Rule 20.120(i), would protect investors and the public interest by ensuring that each crypto asset held by the Commodity-Based Trust continues to remain liquid.

The Exchange believes that requiring the criteria in proposed Rule 20.120(i)(v)(1) on a monthly basis is consistent with the Act and the protection of investors given that the Exchange believes it is unlikely that a crypto asset with an average daily market value of at least \$700 million over the previous twelve months would fail to meet that standard as a result of trading over a relatively short period of time. Given the unlikelihood that there would be a huge movement over a month's period of time and considering

the work that would be required to calculate the criteria on a daily basis as compared to each month, the Exchange believes that the proposed continued listing obligation for the average daily market value criteria is sufficient.

In addition, options on Commodity-Based Trusts that are approved subject to proposed Rule 20.120(i)(v) would continue to be subject to Rule 20.130(g)(5), as renumbered, which states that the Exchange may consider suspending open transactions in options on an ETF if, “such other event occurs or condition exists that in the opinion of the Exchange makes further dealing in such options on IEX Options inadvisable.” The Exchange may determine at any point to delist an option on a Commodity-Based Trust that may not have sufficient liquidity or market demand.

Options on qualifying Commodity-Based Trusts would trade in the same manner as any other ETF options—the same Exchange Rules that currently govern the listing and trading of all ETF options, including permissible expirations, strike prices and minimum increments, and applicable position and exercise limits and margin requirements, will govern the listing and trading of options on qualifying Commodity-Based Trusts.

The Exchange represents that it has the necessary systems capacity to support the listing and trading of options on qualifying Commodity-Based Trusts. The Exchange believes that its existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from listing and trading of these options on Commodity-Based Trusts, particularly in light of the additional requirement that each crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in ISG.

(ii) Proposed Amendments to Rules 19.160 and 19.180 To Add Position and Exercise Limits for IBIT

The Exchange believes that establishing position limits and exercise limits for options on IBIT at 1,000,000 contracts is consistent with the Act and the proposed position and exercise limits conform to such limits adopted by all other options exchanges for IBIT options. This proposal will remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors because it will

provide market participants with the ability to more effectively execute their trading and hedging activities. Also, the proposed position and exercise limits for IBIT options may allow Market Makers to maintain their liquidity in these options in amounts commensurate with the continued high consumer demand in IBIT options. The proposed position and exercise limits may also encourage other liquidity providers to continue to trade on the Exchange rather than shift their volume to OTC markets, which will enhance the process of price discovery conducted on the Exchange through increased order flow. Further, this proposal would allow institutional investors to utilize IBIT options for prudent risk management purposes.

In addition, the Exchange believes that the liquidity in IBIT will continue to mitigate concerns regarding potential manipulation of IBIT options and/or disruption of IBIT upon amending the table of position limits in Rule 19.160, Supplementary Material .01. ISE compared IBIT's data relative to the market capitalization of the entire Bitcoin market in terms of exercise risk and availability of deliverables, and concluded that if a position limit of 1,000,000 contracts were considered, the exercisable risk would represent 7.474% of the outstanding shares of IBIT.⁸⁵ Since IBIT has a creation and redemption process managed through the issuer (whereby Bitcoin is used to create IBIT shares), the position limit can be compared to the total market capitalization of the entire Bitcoin market and in that case, the exercisable risk for options on IBIT would represent less than 0.278% of all Bitcoin outstanding.⁸⁶ This analysis demonstrated that a 1,000,000 contracts position and exercise limits would be appropriate.

Comparing a position limit of 1,000,000 for IBIT options against other options on ETFs with an underlying commodity, namely GLD, SLV, and BITO, a position limit exercise in GLD represents 6.63% of the float of GLD; a position limit exercise in SLV represents 4.53% of the float of SLV; and a position limit exercise of BITO represents 12.44% of the float of BITO. In comparison, a 1,000,000-contract position limit in IBIT options would

⁸⁵ This percentage is arrived at with this equation: (1,000,000 contract limit * 100 share per option / 1,337,920,000 shares outstanding). This information was captured on February 11, 2026.

⁸⁶ This number was arrived at with this calculation: (1,000,000 limit * 100 shares per option * \$38.29 IBIT NAV) / (20,528,687 BTC outstanding * \$66,938 BTC price).

represent 7.474%⁸⁷ of the outstanding shares of IBIT. Consequently, a 1,000,000 IBIT options position limit is generally aligned with the standards applied to GLD, SLV, and BITO, and appropriate.

ISE notes that IBIT began trading in penny increments on January 2, 2025 pursuant to the Penny Interval Program.⁸⁸ The Commission noted that evidence and analysis provided in connection with the Penny Pilot demonstrated that the Pilot benefited investors and other market participants in the form of narrower spreads.⁸⁹ The most actively traded options classes are included in the Penny Program based on certain objective criteria (trading volume thresholds and initial price tests). As noted in the Penny Approval Order, the Penny Program reflects a certain level of trading interest (either because the class is newly listed or a class experienced a significant growth in investor interest) to quote in finer trading increments, which in turn should benefit market participants by reducing the cost of trading such options.⁹⁰

The IBIT options class is among a select group of products that have achieved a certain level of liquidity that have garnered it the ability to trade in finer increments pursuant to the Penny Interval Program. Failing to increase position and exercise limits for IBIT options may artificially inhibit liquidity and create price inefficiency.

Finally, as discussed above, the Exchange's planned surveillance and reporting safeguards for launch are designed to deter and detect possible manipulative behavior that might arise from increasing or eliminating position and exercise limits in certain classes. The Exchange believes that the current financial requirements imposed by the Exchange and by the Commission adequately address concerns regarding potentially large, unhedged positions in the options on the underlying securities, further promoting just and equitable principles of trading, the maintenance of a fair and orderly market, and the protection of investors.

B. Self-Regulatory Organization's Statement on Burden on Competition

As set forth in more detail below, 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. To the

contrary, as noted in the Purpose section, each aspect of the proposed rule change is designed to adopt conforming rule changes to address competitive concerns and/or provide for regulatory consistency across the options exchanges.

Generic Listing Standard for Crypto-Asset Commodity-Based Trusts

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change is substantially similar in all material respects to proposals submitted by other options exchanges.⁹¹ The Exchange does not believe that the proposal to add the proposed listing criteria at Rule 20.120(i)(v) with respect to ETFs, to adopt new criteria to permit the listing and trading of options on certain Commodity-Based Trusts that hold a single or multiple crypto assets and that were listed pursuant to the generic listing standards for Commodity-Based Trust Shares of the applicable primary listing market, without the need for additional approvals, will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Options on qualifying Commodity-Based Trusts would need to satisfy the initial listing standards set forth in the Exchange Rules in the same manner as any other ETF before the Exchange could list options on them. Additionally, options on qualifying Commodity-Based Trusts will be equally available to all market participants who wish to trade such options. The Exchange Rules currently applicable to the listing and trading of options on ETFs on the Exchange will apply in the same manner to the listing and trading of all options on qualifying Commodity-Based Trusts.

Additionally, the Exchange notes that listing and trading options on qualifying Commodity-Based Trusts on the Exchange will subject such options to transparent exchange-based rules as well as price discovery and liquidity, as opposed to alternatively trading such options in the OTC market. The Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition as it is designed to increase competition for order flow on the Exchange in a manner that is beneficial to investors by providing them with a lower-cost option to hedge their investment portfolios in a timely manner.

The Exchange does not believe that the proposal to adopt new listing criteria at Rule 20.120(i)(v) to permit the listing and trading of options on certain Commodity-Based Trusts that hold a single or multiple crypto assets and that were listed pursuant to the generic listing standards for Commodity-Based Trust Shares of the applicable primary listing market, without the need for additional approvals, will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. And as noted herein, the proposed rule change would conform IEX listing rules to those in effect at other options exchanges.

Position and Exercise Limits for IBIT

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change is substantially similar in all material respects to proposals submitted by other options exchanges.⁹²

The Exchange does not believe that the proposed rule change will impose any burden on intra-market competition because all market participants would be subject to the same position limits in Rule 19.160 and corresponding exercise limits in Rule 19.180. The proposed rule change will conform position and exercise limits for options on IBIT at IEX with limits already in effect at all other options exchanges.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition as the proposal is not competitive in nature. The Exchange notes that other options exchanges have already adopted substantively similar proposals. For these reasons, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

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

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant

⁸⁷ See *supra*, note 81.

⁸⁸ See Rule 22.140.

⁸⁹ See *supra*, note 71.

⁹⁰ See *id.*

⁹¹ See *supra*, note 7.

⁹² See *supra*, note 8.

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 Act⁹³ and subparagraph (f)(6) of Rule 19b-4 thereunder.⁹⁴

A proposed rule change filed under Rule 19b-4(f)(6)⁹⁵ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),⁹⁶ 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. Waiver of the 30-day operative delay would permit the proposed rule change to be effective on the date IEX Options launches. The Exchange proposes to amend its rules to establish listing criteria and withdrawal standards for options on Commodity-Based Trusts that hold a single crypto asset or multiple crypto assets. This aspect of the proposal would amend IEX's rules to be substantively identical to rules governing listing standards and withdrawal criteria for options on Commodity-Based Trusts that hold a single crypto asset or multiple crypto assets on other options exchanges, as discussed herein.⁹⁷ The Exchange also proposes to amend IBIT options position and exercise limits on the Exchange in a manner to conform to IBIT options position and exercise limits on other exchanges.⁹⁸ Therefore, this aspect of the proposal also raises no novel legal or regulatory issues. For these reasons, waiver of the 30-day 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 operative upon filing.⁹⁹

⁹³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁹⁴ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, 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.

⁹⁵ 17 CFR 240.19b-4(f)(6).

⁹⁶ 17 CFR 240.19b-4(f)(6)(iii).

⁹⁷ See *supra* Section II.A.1.(i)-(ii). See also note 10 and accompanying text.

⁹⁸ See *supra* Section II.A.1.(iii). See also note 11 and accompanying text.

⁹⁹ 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).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-IEX-2026-34 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-2026-34. 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-2026-34 and should be submitted on or before October 28, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁰⁰

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-20505 Filed 10-6-26; 8:45 am]

BILLING CODE 8011-01-P

¹⁰⁰ 17 CFR 200.30-3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106576; File No. SR-FINRA-2026-007]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving a Proposed Rule Change, as Modified by Partial Amendment No. 1, To Exempt Specified Collective Trust Funds From FINRA Rules 5130 (Restrictions on the Purchase and Sale of Initial Equity Public Offerings) and 5131(b) (New Issue Allocations and Distributions)

October 2, 2026.

I. Introduction

On March 30, 2026, the Financial Industry Regulatory Authority, Inc. ("FINRA") filed with the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to exempt specified collective trust funds ("CTFs") from FINRA Rule 5130 (Restrictions on the Purchase and Sale of Initial Equity Public Offerings) and from paragraph (b) (Spinning) of Rule 5131 (New Issue Allocations and Distributions). Specifically, the proposed rule change, as modified by Partial Amendment No. 1, would exempt CTFs provided that the fund was not formed or maintained for the specific purpose of permitting restricted persons to invest in new issues.³

The proposed rule change was published for comment in the **Federal Register** on April 10, 2026.⁴ The public comment period closed on May 1, 2026. The Commission received two comment letters related to this filing.⁵ On May 14, 2026, pursuant to Section 19(b)(2) of the Exchange Act,⁶ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to July 9, 2026.⁷

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Exchange Act Release No. 105163 (Apr. 7, 2026), 91 FR 18493 (Apr. 10, 2026) (File No. SR-FINRA-2026-007) ("Notice"); see also Exchange Act Release No. 105873 (July 9, 2026), 91 FR 43127 (July 14, 2026) (File No. SR-FINRA-2026-007) ("Notice of Partial Amendment No. 1").

⁴ See Notice.

⁵ The comment letters are available at: <https://www.sec.gov/rules-regulations/public-comments/sr-finra-2026-007>.

⁶ 15 U.S.C. 78a(b)(2).

⁷ See Securities Exchange Act Release No. 105487 (May 14, 2026), 91 FR 29201 (May 19, 2026). The

On July 8, 2026, FINRA responded to the comment letters received in response to the Notice and filed a partial amendment to the proposed rule change (“Partial Amendment No. 1”).⁸

On July 9, 2026, the Commission published a notice of filing of Partial Amendment No. 1 and an order instituting proceedings to determine whether to approve or disapprove the proposed rule change, as modified by Partial Amendment No. 1.⁹ This order approves the proposed rule change, as modified by Partial Amendment No. 1 (hereinafter, the “proposed rule change” unless otherwise specified).

II. Description of the Proposed Rule Change

As described in more detail in the Notice and in Partial Amendment No. 1, the proposed rule change would extend the general exemptions under FINRA Rule 5130(c)(1) and, by reference, FINRA Rule 5131(b)(2) to specified CTFs. Under the proposed rule change, specified CTFs would be treated similarly to investment companies registered under the Investment Company Act of 1940 and common trust funds, both of which are exempt under paragraph (c)(1) and paragraph (c)(2) of Rule 5130, respectively, and under Rule 5131(b) by reference.¹⁰ The proposed rule change would exempt CTFs provided that the fund was not formed or maintained for the specific purpose of permitting restricted persons to invest in new issues.

FINRA stated its belief that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Exchange Act¹¹ because the proposed rule change would apply only to CTFs as described in Section 3(a)(12)(A)(iv) of the Exchange Act. FINRA stated that the safeguards include the regulatory oversight inherent in these vehicles as well as the express requirement that the CTF was not formed or maintained for the specific purpose of permitting restricted persons to invest in new issues. FINRA stated that the proposed rule change

would maintain the integrity of the public offering process while facilitating vibrant capital markets by expanding access to initial public offerings (“IPOs”) through regulation pooled investment vehicles. FINRA also stated that this will benefit investors in CTFs by expanding the underlying investment options in their employer-sponsored retirement plans and promote capital formation by giving more investors access to IPOs through regulated entities that are not formed or maintained to circumvent the purposes of the new issue rules.

As originally proposed in the Notice, the exemption also would have included the condition that the fund have investments from 1,000 or more plan participants and beneficiaries of one of more employee retirement benefits plans. As discussed below, however, FINRA stated that such a condition would be difficult for CTFs to determine and is unnecessary in light of the regulatory oversight of CTFs and the express requirement that the CTF not be formed or maintained for the specific purpose of permitting restricted persons to invest in new issues. Accordingly, FINRA removed this originally proposed condition from the proposed rule change.

III. Discussion and Commission Findings

After careful review of the proposed rule change, the comment letters, and FINRA’s response to the comments, the Commission finds that the proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder that are applicable to a national securities association.¹² As discussed in more detail below, the Commission finds that the proposed rule change is consistent with Section 15A(b)(6) of the Exchange Act, which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.¹³

The proposed rule change is reasonably designed to apply only to CTFs as described in Section 3(a)(12)(A)(iv) of the Exchange Act. In particular, the safeguards include the regulatory oversight inherent in these vehicles as well as the express requirement that the CTF not be formed or maintained for the specific purpose

of permitting restricted persons to invest in new issues. The proposed rule change is thus designed to maintain the integrity of the public offering process while facilitating vibrant capital markets by expanding access to IPOs through regulated pooled investment vehicles.

The originally proposed exemption also would have included the condition that the fund have investments from 1,000 or more plan participants and beneficiaries of one of more employee retirement benefits plans.¹⁴ Both commenters on the Notice identified practical difficulties of implementing this condition.¹⁵ Coalition stated that “the number of participants and beneficiaries who have selected the CIT as an investment alternative changes every day.”¹⁶ ICI also stated that “[p]articipant counts can fluctuate for reasons unrelated to any abuse risk (e.g., workforce changes, plan mergers, or recordkeeping practices).”¹⁷ Both commenters stated that determining the number of plan participants and beneficiaries would be especially challenging where plan participants and beneficiaries invest in CTFs offered in their plans through omnibus arrangements.¹⁸

Both commenters on the originally proposed exemption discussed how CTFs operate under comprehensive regulatory and fiduciary frameworks that protect investors. Coalition identified the following applicable regulatory regimes: in the case of CITs with national bank trustees, the Office of the Comptroller of Currency (“OCC”) administers the OCC regulations; the Department of Labor administers the Employee Retirement Income Securities Act of 1974 (“ERISA”), which governs virtually all CIRs; and the state bank regulators oversee state-chartered CIT trustees.¹⁹ ICI stated that CTFs maintained by banks are subject to banking supervision and examination,²⁰ while Coalition stated that investment decisions regarding new offerings are made by professional investment fiduciaries who owe a duty of loyalty to

¹⁴ See Notice, 91 FR 18495.

¹⁵ See Letter from Clifford Kirsch, Partner, Everland Sutherland (US) LLP, on behalf of the Coalition of Collective Investment Trusts (May 1, 2026) (“Coalition”); Letter from Tara R. Buckley, Deputy General Counsel, Investment Company Institute (May 1, 2026) (“ICI”). Coalition refers to CTFs as collective investment trusts, or CITs. In Partial Amendment No. 1, FINRA stated that it uses the term CTF in the proposed rule change because the term aligns with terminology used in the Exchange Act.

¹⁶ ICI, at 3.

¹⁷ ICI, at 3.

¹⁸ ICI, at 3; Coalition, at 2.

¹⁹ Coalition, at 2.

²⁰ ICI, at 2.

Commission designated July 9, 2026, as the date which the Commission shall approve or disapprove or institute proceedings to determine whether to approve or disapprove, the proposed rule change.

⁸ See Letter from Demetri Lambros, Associate General Counsel, Office of the General Counsel, FINRA (July 8, 2026), <https://www.sec.gov/comments/SR-FINRA-2026-007/srfinra2026007-953499-2942307.pdf>; see also Partial Amendment No. 1 on FINRA’s website at <https://www.finra.org/rules-guidance/rule-filings/sr-finra-2026-007>.

⁹ See Securities Exchange Release No. 105873 (July 9, 2026), 91 FR 43127 (July 14, 2026) (File No. SR-FINRA-2026-007).

¹⁰ See Rule 5131(b)(2).

¹¹ 15 U.S.C. 78o-3(b)(6).

¹² In approving this rule change, the Commission has considered the rule changes’ impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹³ 15 U.S.C. 78o-3(b)(6).

their investors and are prohibited from using the assets they manage to influence a broker-dealer's allocation of new offerings.²¹

In response, FINRA stated that it generally agrees with the commenters that eliminating this condition would not impact the integrity of the public offering process because CTFs are subject to regulatory frameworks that impose fiduciary obligations on their trustees or managers.²² FINRA further stated that the Exchange Act's "exempted security" definition includes "any interest or participation in a single trust fund, or a collective trust fund maintained by a bank, or any security arising out of a contract issued by an insurance company, which interest, participation, or security is issued in connection with a qualified plan," as defined in Section 3(a)(12)(C). Thus, by definition, CTFs can accept investments only from retirement plans meeting certain criteria,²³ which FINRA stated further mitigates potential risks.²⁴

The proposed rule change is reasonably designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. As discussed above, the exemption's conditions are based on safeguards that include the regulatory oversight inherent in these vehicles as well as the express requirement that the CTF not be formed or maintained for the specific purpose of permitting restricted persons to invest in new issues. The proposed rule change is thus designed to maintain the integrity of the public offering process while facilitating vibrant capital markets by expanding access to IPOs through regulated pooled investment vehicles. This will benefit investors in CTFs by expanding the underlying investment options in their employer-sponsored retirement plans and promote capital formation by giving more investors access to IPOs through regulated entities that are not formed or maintained to circumvent the purposes of the new issue rules.

IV. Conclusion

For the reasons set forth above, the Commission finds that the proposed rule change is consistent with Section 15A(b)(6) of the Exchange Act, which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable

principles of trade, and, in general, protect investors and the public interest.²⁵

It is therefore ordered pursuant to Section 19(b)(2) of the Exchange Act²⁶ that the proposed rule change (SR-FINRA-2026-007) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁷

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-20506 Filed 10-6-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106577; File No. SR-CboeBZX-2026-065]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Order Granting Approval of a Proposed Rule Change To List and Trade Shares of the 3x Gold ETF, 3x Silver ETF, 3x Bitcoin ETF, 3x Ether ETF, 3x Crude Oil ETF, and 3x Natural Gas ETF, Each a Series of the VS Trust, Under BZX Rule 14.11(e)(4) (Commodity-Based Trust Shares)

October 2, 2026.

I. Introduction

On August 10, 2026, Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares ("Shares") of the 3x Gold ETF, 3x Silver ETF, 3x Bitcoin ETF, 3x Ether ETF, 3x Crude Oil ETF, and 3x Natural Gas ETF (each, a "Fund" and collectively the "Funds"), each a series of the VS Trust ("Trust"), under BZX Rule 14.11(e)(4) (Commodity-Based Trust Shares).³ The proposed rule change ("Proposal") was published for comment in the **Federal Register** on August 19, 2026.⁴ This order approves the Proposal.⁵

²⁵ 15 U.S.C. 78o-3(b)(6).

²⁶ 15 U.S.C. 78s(b)(2).

²⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Capitalized terms not defined herein are defined in the Exchange's rules.

⁴ See Securities Exchange Act Release No. 106137 (Aug. 14, 2026), 91 FR 53686 ("Notice"). The Commission has received no comments on the Proposal.

⁵ As used in this order, the term exchange-traded funds ("ETFs") refers to open-end funds that

II. Description of the Proposal

As described in more detail in the Notice,⁶ the Exchange proposes to list and trade the Shares of each of the Funds under BZX Rule 14.11(e)(4), which governs the listing and trading of Commodity-Based Trust Shares on the Exchange. According to the Exchange, each Fund seeks daily investment results, before fees and expenses, that correspond to three times (3x) the daily performance of each of the following: gold, silver, bitcoin, ether, light sweet crude oil, and natural gas (for each Fund, the "Reference Commodity"), as measured by the daily changes in the price of a specified portfolio of first- and second-month futures contracts on the Reference Commodity (for each Fund, a "Benchmark").⁷ Each Fund will pursue its investment objectives by investing in futures contracts that comprise its Benchmark ("Benchmark Futures Contracts"),⁸ together with cash and cash equivalents that will serve as collateral or margin for a Fund's investments.⁹ To the extent that Benchmark Futures Contracts become unavailable for investment (for example, due to price limits, accountability levels, increased margin levels, exchange position limits, margin requirements, futures commission merchant ("FCM")-imposed position limits, or FCM risk mitigation requirements), each Fund may invest in: (i) futures contracts on its Reference Commodity that settle beyond the

register the offer and sale of their shares under the Securities Act of 1933 ("Securities Act") and are regulated as investment companies under the Investment Company Act of 1940 ("1940 Act"). The term "ETPs" refers to exchange traded products that register the offer and sale of their shares under the Securities Act but are not regulated under the 1940 Act, such as Commodity-Based Trust Shares and exchange-traded notes ("ETNs"). ETNs are unsecured debt obligations issued by financial institutions that pay a return based on the performance of a reference asset or benchmark but do not own an underlying portfolio of assets. See <https://www.investor.gov/introduction-investing/general-resources/news-alerts/alerts-bulletins/investor-bulletins-50>. Although each Fund has "ETF" in its name, the Funds are Commodity-Based Trust Shares and therefore ETPs.

⁶ See Notice, *supra* note 4.

⁷ See *id.* at 53686-8. Each Fund will operate as a series of the Trust. The sponsor of the Trust is Volatility Shares LLC ("Sponsor"). The Sponsor manages the Trust and will manage the Funds. Wilmington Trust, National Association, is the sole trustee of the Trust. U.S. Bank National Association serves as custodian for the Trust. See *id.* at 53687; 53687 n.7, 9.

⁸ The futures contracts in which each Fund will invest trade on an exchange that is a Designated Contract Market ("DCM") registered with the Commodity Futures Trading Commission and is an Intermarket Surveillance Group ("ISG") member. See *id.* at 53691.

⁹ See *id.* at 53686. For a further description of the Benchmark and Benchmark Futures Contracts for each Fund, see *id.* at 53687-89.

²¹ Coalition, at 3.

²² Partial Amendment No. 1, 91 FR 43128.

²³ See 15 U.S.C. 78c(a)(12)(A)(iv).

²⁴ See Partial Amendment No. 1, 91 FR 43128.

second month; (ii) ETFs (“Benchmark-Linked ETFs”) that provide exposure to its Reference Commodity; (iii) ETPs (“Benchmark-Linked ETPs”) that provide exposure to its Reference Commodity; and (iv) exchange-listed options on its Benchmark-Linked ETFs, Benchmark-Linked ETPs, or Benchmark Futures Contracts.¹⁰

The Exchange states that it is submitting the Proposal because each Fund will seek daily results, before fees and expenses, equal to three times (3x) the daily performance of its Benchmark; however, the Funds and the Shares will meet all of the other requirements under the generic listing standards for Commodity-Based Trust Shares set forth in BZX Rule 14.11(e)(4).¹¹

III. Discussion and Commission Findings

After careful review, the Commission finds that the Proposal is consistent with the Act and rules and regulations thereunder applicable to a national securities exchange.¹² In particular, the Commission finds that the Proposal is consistent with Section 6(b)(5) of the Act,¹³ which requires, among other things, that the Exchange’s rules be designed to “prevent fraudulent and manipulative acts and practices” and, “in general, to protect investors and the public interest;” and with Section 11A(a)(1)(C)(iii) of the Act,¹⁴ which sets forth Congress’ finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities.

A. Exchange Act Section 6(b)(5)

The Commission finds that the Proposal is consistent with the Section 6(b)(5) requirement that the Exchange’s rules be designed to prevent fraudulent and manipulative acts and practices.

The Exchange represents that the Funds will meet all the requirements set forth in BZX Rule 14.11(e)(4) except that each Fund will seek to provide daily investment returns that correspond to three times (3x) the daily performance of its Benchmark.¹⁵ The Commission has previously found that the requirements set forth in BZX Rule 14.11(e)(4) for the generic listing of Commodity-Based Trust Shares are consistent with the Act.¹⁶ Here, the Reference Commodities that underlie the Funds’ holdings meet the eligibility criteria set forth in BZX Rule 14.11(e)(4)(D).¹⁷ Furthermore, ETPs that are not Commodity-Based Trust Shares that provide leveraged exposure to each of the Reference Commodities currently list and trade on national securities exchanges.¹⁸ As the Commission stated

¹⁵ See *supra* note 13 and accompanying text. BZX Rule 14.11(e)(4)(F) provides that Commodity-Based Trust Shares eligible to list and trade pursuant to Rule 19b–4(e) (*i.e.*, without a rule filing pursuant to Section 19(b) of the Act) “may not seek, directly or indirectly, to provide investment returns that correspond to the performance of an index, benchmark, or reference value by a specified multiple, or to provide investment returns that have an inverse or multiple inverse relationship to the performance of an index, benchmark, or reference value, over a predetermined period of time.” Thus, BZX Rule 14.11(e)(4) precludes Commodity-Based Trust Shares that seek leveraged or inverse exposure from being eligible for generic listing under the rule.

¹⁶ See Generics Approval Order; Generics Amendment Approval Order. Among other things, the Commission found that the portfolio holding eligibility requirements help to ensure the availability of information necessary to aid in the detection and deterrence of potential manipulations and other trading abuses, thereby making the Commodity-Based Trust Shares less readily susceptible to fraud and manipulation. See Generics Approval Order at 45418 and 45418 n.72 and Generics Amendment Approval Order at 48958. In addition, the Commission found that the website disclosure requirements will facilitate transparency with respect to the Commodity-Based Trust Shares and diminish the risk of manipulation or unfair informational advantage, consistent with the maintenance of fair and orderly markets and investor protection. See Generics Approval Order at 45420.

¹⁷ Each of gold, silver, bitcoin, ether, crude oil, and natural gas underlies a futures contract that has been made available to trade on a DCM for at least six months, and the Exchange has a comprehensive surveillance-sharing agreement, directly or through common ISG membership, with such DCM. See Notice at 53690–91. See also BZX Rule 14.11(e)(4)(D)(i)(b).

¹⁸ See, e.g., ProShares Ultra Gold (UGL), seeks daily investment results that correspond to two times (2x) the daily performance of gold (<https://www.sec.gov/Archives/edgar/data/1415311/000119312526126553/d86378d424b3.htm>); MicroSectors Gold 3x Leveraged ETN (SHNY), seeks daily investment results that correspond to three times (3x) the daily performance of gold (<https://www.sec.gov/Archives/edgar/data/927971/000121465923002804/r215231424b2.htm>); ProShares Ultra Silver (ACQ), seeks daily investment results that correspond to two times (2x) the daily performance of the silver (<https://www.sec.gov/Archives/edgar/data/1415311/000119312526126553/d86378d424b3.htm>);

in the Generics Approval Order, consistently applying listing standards across products with economic exposures to the same underlying commodities levels the playing field between issuers, which should promote competition and would more readily afford investors greater investment options.¹⁹

The Commission also finds that the Proposal is consistent with the Section 6(b)(5) requirement that the Exchange’s rules be designed to protect investors and the public interest because existing rules and standards of conduct would apply to recommending and advising investments in the Shares. When broker-dealers recommend ETPs to retail customers, Regulation Best Interest (“Reg BI”) would apply.²⁰ Reg BI requires broker-dealers to, among other things, exercise reasonable diligence, care, and skill when making a recommendation to a retail customer to: (1) understand potential risks, rewards, and costs associated with the recommendation and have a reasonable basis to believe that the recommendation could be in the best interest of at least some retail customers; and (2) have a reasonable basis to believe the recommendation is in the best interest of a particular retail customer based on that retail customer’s investment profile.²¹ In addition,

Volatility Shares 2x Bitcoin ETF (BITX), seeks daily investment results that correspond to two times (2x) the daily performance of bitcoin (https://www.sec.gov/ix?doc=/Archives/edgar/data/0001884021/000121390026072183/ea0295205-01_485bpos.htm); Volatility Shares 2x Ether ETF (ETHU), seeks daily investment results that correspond to two times (2x) the daily performance of ether (https://www.sec.gov/ix?doc=/Archives/edgar/data/0001884021/000121390026072183/ea0295205-01_485bpos.htm); ProShares Ultra Bloomberg Crude Oil (UCO), seeks daily investment results that correspond to two times (2x) the daily performance of crude oil (<https://www.sec.gov/Archives/edgar/data/1415311/000119312526126553/d86378d424b3.htm>); and ProShares Ultra Bloomberg Natural Gas (BOIL), which seeks daily investment results that correspond to two times (2x) the daily performance of natural gas (<https://www.sec.gov/Archives/edgar/data/1415311/000119312525065644/d841231d424b3.htm>). See also the following that were previously, but are no longer, listed and traded: VelocityShares 3x Long Silver ETN (USLV), designed to correspond to three times (3x) the daily performance of silver (https://www.sec.gov/Archives/edgar/data/1053092/000095010320012009/dp130575_424b2-vlsetn2a28.htm); ProShares UltraPro 3x Crude Oil ETF (OILU), designed to correspond to three times (3x) the daily performance of the crude oil (<https://www.sec.gov/Archives/edgar/data/1415311/000119312517093506/d309732d424b3.htm>); VelocityShares 3x Long Natural Gas ETN (UGAZ), designed to correspond to three times (3x) the daily performance of natural gas (https://www.sec.gov/Archives/edgar/data/1053092/000095010320012010/dp130569_424b2-vlsetn3a5a.htm).

¹⁹ See Generics Approval Order at 45419.

²⁰ 17 CFR 240.151–1(a).

²¹ 17 CFR 240.151–1(a)(2)(ii)(A) and (B). Separately, under Reg BI’s Conflict of Interest

¹⁰ See *id.* at 53686.

¹¹ See *id.* at 53687. See also Securities Exchange Act Release Nos. 103995 (Sept. 17, 2025), 90 FR 45414 (Sept. 22, 2025) (SR–NASDAQ–2025–056; SR–CboeBZX–2025–104; SR–NYSEARCA–2025–54) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, to Adopt Generic Listing Standards for Commodity-Based Trust Shares) (“Generics Approval Order”); 106011 (July 29, 2026), 91 FR 48957 (Aug. 3, 2026) (SR–CboeBZX–2026–061) (Notice of Filing, and Order Granting Accelerated Approval of, a Proposed Rule Change to Amend Rule 14.11(e)(4) (Commodity-Based Trust Shares)) (“Generics Amendment Approval Order”).

¹² In approving the Proposal, the Commission has considered the Proposal’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ 15 U.S.C. 78k–1(a)(1)(C)(iii).

investment advisers have a fiduciary duty under the Investment Advisers Act of 1940 comprised of a duty of care and a duty of loyalty. These obligations require the adviser to act in the best interest of its client and not subordinate its client's interest to its own.²² Moreover, FINRA requires increased sales practice and customer margin requirements for FINRA members applicable to inverse, leveraged, and inverse leveraged securities.²³ Exchange members that carry customer accounts are required to follow the FINRA guidance set forth in these notices.²⁴

B. Exchange Act Section 11A(a)(1)(C)(iii)

The Proposal sets forth aspects of the Funds, including the availability of pricing information, transparency of portfolio holdings, and types of surveillance procedures, that are consistent with other ETPs that the Commission has approved.²⁵ This

Obligation, broker-dealers must establish, maintain, and enforce written policies and procedures reasonably designed to, among other things, identify and disclose or eliminate all conflicts of interest associated with a recommendation and mitigate conflicts of interest at the associated person level. See 17 CFR 240.15-1(a)(2)(iii)(A) and (B). To the extent that broker-dealers recommend ETPs to customers who are not retail customers covered by Reg BI, Financial Industry Regulatory Authority ("FINRA") Rule 2111 requires, in part, that a member broker-dealer or associated person "have a reasonable basis to believe that a recommended transaction or investment strategy involving a security or securities is suitable for the customer, based on the information obtained through the reasonable diligence of the [broker-dealer] or associated person to ascertain the customer's investment profile."

²² See Commission Interpretation Regarding Standard of Conduct for Investment Advisers, Investment Advisers Act Release No. IA-5248 (June 5, 2019), 84 FR 33669 (July 12, 2019), at 33671; Investment Company Act Release No. IC-34084 (Nov. 2, 2020), 85 FR 83162 (Dec. 21, 2020), at 83217 (discussing the best interest standard of conduct for broker-dealers and the fiduciary obligations of investment advisers in the context of all ETPs).

²³ See e.g., FINRA Regulatory Notices 09-31 (June 2009), 09-53 (Aug. 2009), 12-03 (Jan. 2012), 17-32 (Oct. 2017), 22-08 (Mar. 2022).

²⁴ See *id.* The Exchange also has rules relating to suitability. In particular, BZX Rule 3.7 imposes suitability obligations on Exchange members with respect to recommending transactions in the Shares to customers and Interpretation and Policy .01 of BZX Rule 3.7 imposes a duty of due diligence on Exchange members to learn the essential facts relating to every customer prior to trading the Shares, and specifically provides that "[n]o Member shall recommend to a customer a transaction in any such product unless the Member has a reasonable basis for believing at the time of making the recommendation that the customer has such knowledge and experience in financial matters that he may reasonably be expected to be capable of evaluating the risks of the recommended transaction and is financially able to bear the risks of the recommended position."

²⁵ See, e.g., Securities Exchange Act Release No. 105582 (May 29, 2026), 91 FR 33252 (June 3, 2026) (SR-NASDAQ-2025-085) (Order Granting

includes commitments regarding: for example, the availability on the Trust's website of certain information related to the Funds, including each Fund's net asset value per Share; the dissemination of information relating to the underlying Reference Commodities, indices, or the intraday indicative value, made widely available on at least a 15-second delayed basis; the Exchange's surveillance procedures and ability to obtain information regarding trading in the Shares; the conditions under which the Exchange would implement trading halts and suspensions; and the requirements of registered market makers in the Shares.²⁶

Apart from each Fund seeking daily results, before fees and expenses, equal to three times (3x) the daily performance of its Benchmark, the Shares must meet all the requirements for initial and continued listing under BZX Rule 14.11(e)(4). The Shares will be subject to the rules and procedures of the Exchange that currently govern the trading of equity securities on the Exchange.²⁷ All statements and representations contained in the Proposal regarding, among others things, the description of the Benchmarks and the Funds' holdings, limitations on the Benchmarks and the Funds' holdings, and the applicability of the Exchange's listing rules specified in the Proposal, will constitute continued listing requirements.²⁸ Moreover, the Trust must notify the Exchange of any failure by a Fund to comply with the continued listing requirements.²⁹ Pursuant to obligations under Section 19(g)(1) of the Act,³⁰ the Exchange will surveil for compliance with the continued listing requirements; and if a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures.³¹

The Commission therefore finds that the Proposal is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately, to prevent trading when a reasonable degree of transparency cannot be assured, to safeguard material non-public information relating to each Fund's

Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, to List and Trade Shares of the iShares Bitcoin Premium Income ETF under Nasdaq Rule 5711(d) (Commodity-Based Trust Shares)).

²⁶ See BZX Rule 14.11(e)(4)(E), (I), (J), (L).

²⁷ See BZX Rule 14.11(e)(4)(B).

²⁸ See BZX Rule 14.11(e)(4)(A).

²⁹ *Id.*

³⁰ 15 U.S.C. 78s(g)(1).

³¹ See BZX Rule 14.11(e)(4)(I).

portfolio, and to ensure fair and orderly markets for the Shares.

IV. Conclusion

This approval order is based on all of the Exchange's representations and descriptions in the Proposal, which the Commission has evaluated as discussed above.³² For the reasons set forth above, the Commission finds, pursuant to Section 19(b)(2) of the Act,³³ that the Proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, with Section 6(b)(5) and Section 11A(a)(1)(C)(iii) of the Act.³⁴

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,³⁵ that the proposed rule change (SR-CboeBZX-2026-065) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-20507 Filed 10-6-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 36354; 812-16059]

Manning & Napier Fund, Inc., et al.

October 2, 2026.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from section 15(a) of the Act, as well as from certain disclosure requirements in rule 20a-1 under the Act, Item 19(a)(3) of Form N-1A, Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A under the Securities Exchange Act of 1934, and sections 6-07(2)(a), (b), and (c) of Regulation S-X ("Disclosure Requirements").

SUMMARY OF APPLICATION: The requested exemption would permit Applicants to enter into and materially amend

³² In addition, the Shares must comply with the requirements of BZX Rule 14.11(e)(4) to be listed and traded on the Exchange on an initial and a continuing basis, except that each Fund will seek daily results, before fees and expenses, equal to three times (3x) the daily performance of its Benchmark.

³³ 15 U.S.C. 78s(b)(2).

³⁴ 15 U.S.C. 78f(b)(5); 15 U.S.C. 78k-1(a)(1)(C)(iii).

³⁵ 15 U.S.C. 78s(b)(2).

³⁶ 17 CFR 200.30-3(a)(12).

subadvisory agreements with subadvisers without shareholder approval and grant relief from the Disclosure Requirements as they relate to fees paid to the subadvisers.

APPLICANTS: Manning & Napier Fund, Inc., Manning & Napier Funds Trust and Manning & Napier Advisors, LLC.

FILING DATES: The application was filed on July 23, 2026 and amended on August 21, 2026.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC’s Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. The email should include the file number referenced above. Hearing requests should be received by the Commission by 5:30 p.m. Eastern time on October 27, 2026, and should be accompanied by proof of service on the Applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer’s interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission’s Secretary.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov*. Applicants: Paul J. Battaglia, c/o Manning & Napier Fund, Inc., 290 Woodcliff Drive, Fairport, NY 14450 with a copy to Sean Graber, Esq. and Timothy W. Levin, Esq. *sean.graber@morganlewis.com* and *timothy.levin@morganlewis.com*, respectively.

FOR FURTHER INFORMATION CONTACT: Rachel Loko, Senior Special Counsel, at (202) 6720 or *IMOCC@sec.gov* (Division of Investment Management, Chief Counsel’s Office).

SUPPLEMENTARY INFORMATION: For Applicants’ representations, legal analysis, and conditions, please refer to Applicants’ amended and restated application, dated August 21, 2026, which may be obtained via the Commission’s website by searching for the file number at the top of this document, or for an Applicant using the Company name search field on the SEC’s EDGAR system. The SEC’s EDGAR system may be searched at <https://www.sec.gov/search-filings>. You

may also call the SEC’s Office of Investor Education and Assistance at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,
Assistant Secretary.
[FR Doc. 2026–20502 Filed 10–6–26; 8:45 am]
BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21934 and #21935; OHIO Disaster Number OH–20017]

Presidential Declaration of a Major Disaster for the State of Ohio

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for the State of Ohio (FEMA–4945–DR), dated October 2, 2026.
Incident: Severe Storms, Straight-line Winds, Tornadoes, Flooding, and Landslides.

DATES: Issued on October 2, 2026.
Incident Period: August 10, 2026 through August 22, 2026.
Physical Loan Application Deadline Date: December 1, 2026.
Economic Injury (EIDL) Loan Application Deadline Date: July 2, 2027.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President’s major disaster declaration on October 2, 2026, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:
Primary Counties (Physical Damage and Economic Injury Loans): Clermont,

Franklin, Hamilton, Licking, Morgan, Muskingum, Perry.
Contiguous Counties (Economic Injury Loans Only):
Ohio: Athens, Brown, Butler, Clinton, Coshocton, Delaware, Fairfield, Guernsey, Hocking, Knox, Madison, Noble, Pickaway, Union, Warren, Washington.
Indiana: Dearborn, Franklin.
Kentucky: Boone, Bracken, Campbell, Kenton, Pendleton.
The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	6.000
Homeowners without Credit Available Elsewhere	3.000
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
<i>For Economic Injury:</i>	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 219346 and for economic injury is 219350.
(Catalog of Federal Domestic Assistance Number 59008)
(Authority: 13 CFR 123.3(b).)

James Stallings,
Associate Administrator, Office of Disaster Recovery.
[FR Doc. 2026–20544 Filed 10–6–26; 8:45 am]
BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21932 and #21933; MISSOURI Disaster Number MO–20035]

Administrative Disaster Declaration of a Rural Area for the State of Missouri

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of an Administrative disaster declaration of a rural area for the state of Missouri dated October 05,2026.
Incident: Severe Storms, Straight-line Winds, and Flooding.
DATES: Issued on October 05, 2026.

Incident Period: July 09, 2026 through July 11, 2026.

Physical Loan Application Deadline Date: December 01, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: July 06, 2027.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Milton Murphy, Office of Disaster Recovery, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the Administrator's disaster declaration of a rural area applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or in person at locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1-800-659-2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Crawford, Reynolds.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	5.750
Homeowners without Credit Available Elsewhere	2.875
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
<i>For Economic Injury:</i>	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 219326 and for economic injury is 219330.

The states which received an SBA Administrative rural declaration are Missouri.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026-20548 Filed 10-6-26; 8:45 am]

BILLING CODE 8026-09-P

DEPARTMENT OF STATE

[Public Notice: 13139]

Title: Determinations Pursuant to Section 2(b)(2) of the Migration and Refugee Assistance Act of 1962

ACTION: Notice.

The Department of State hereby provides notice that Deputy Secretary of State Christopher Landau has signed nine determinations pursuant to section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, on the nine dates listed below, each addressing one of the following nine countries: Equatorial Guinea, Palau, Liberia, Sierra Leone, Burundi, Saint Kitts and Nevis, Dominican Republic, Honduras, and Guatemala. Each determination stated: "pursuant to section 2(b)(2) of the Migration and Refugee Assistance Act of 1962 (the Act) (22 U.S.C. 2601(b)(2)), Presidential Determination Number 99-6 of November 30, 1998, and Department of State Delegation 513, I hereby designate [vulnerable] * migrants in [name of country] as eligible for assistance under section 2(b)(2) of the Act, and determine that such assistance will contribute to the foreign policy interests of the United States. This determination shall be transmitted to the President and published in the **Federal Register**."

* The word "vulnerable" is included in the determinations regarding Equatorial Guinea, Palau, and Liberia, only.

Determination dates: Equatorial Guinea, October 3, 2025; Palau, December 23, 2025; Liberia, January 6, 2026; Sierra Leone, April 7, 2026; Burundi, April 8, 2026; Saint Kitts and Nevis, April 15, 2026; Dominican Republic May 27, 2026; Honduras, September 14, 2026; Guatemala, September 21, 2026.

Adam Zerbinopoulos,

Senior Bureau Official Population, Refugees and Migration, U.S. Department of State.

[FR Doc. 2026-20550 Filed 10-6-26; 8:45 am]

BILLING CODE 4710-05-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Conforming Amendment to Product Exclusion: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice.

SUMMARY: Effective July 1, 2026, the U.S. International Trade Commission (USITC) implemented certain changes to statistical reporting categories in the Harmonized Tariff Schedule of the United States (HTSUS). As a result of these changes, USTR is making a conforming amendment to an additional product exclusion associated with the Section 301 investigation of China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation.

DATES: The conforming amendment announced in the Annex to this notice is effective as of July 1, 2026. Customs and Border Protection (CBP) will issue instructions on entry guidance and implementation.

FOR FURTHER INFORMATION CONTACT: For general questions about this notice, contact Philip Butler, Deputy Assistant U.S. Trade Representative for Monitoring & Enforcement, or Rachel Hasandras, Assistant General Counsel, at (202) 395-5725. For specific questions on customs classification or implementation of the product exclusion identified in the Annex to this notice, contact traderemedy@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

A. Background

Effective July 1, 2026, the USITC implemented certain changes to ten-digit statistical reporting categories of the HTSUS in accordance with its responsibility under section 484(f) of the Tariff Act of 1930, 19 U.S.C. 1484(f). Five of the product exclusions associated with the Section 301 investigation of China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation, as set out in the Annexes at 89 FR 46948 (May 30, 2024), 90 FR 23987 (June 5, 2025), 90 FR 42500 (September 2, 2025), and 90 FR 55232 (December 1, 2025), were affected by the amended statistical reporting categories. On September 2, 2026, USTR issued a **Federal Register** notice with conforming amendments to four of the affected product exclusions. 91 FR 56538 (September 2, 2026).

B. Conforming Amendment to Additional Product Exclusion

To maintain the pre-existing product coverage of the China 301 actions, a conforming amendment is required. The Annex to this notice makes a conforming amendment to U.S. note 20(vvv)(i)(20) to subchapter III of chapter 99 of the HTSUS, as set out in the Annexes at 89 FR 46948, 90 FR 23987, 90 FR 42500, and 90 FR 55232.

Annex

Effective with respect to goods entered for consumption, or withdrawn from the warehouse for consumption, on or after 12:01 a.m. eastern standard time on July 1, 2026, note 20(vvv)(i)(20) to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting “through June 30, 2026; described in statistical reporting number 8479.90.9591 effective July 1, 2026” after “January 27, 2022.”

Jennifer Thornton,

General Counsel, Office of the United States Trade Representative.

[FR Doc. 2026–20511 Filed 10–6–26; 8:45 am]

BILLING CODE 3390–F4–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Continuation of Actions: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: In a notice published on May 6, 2026, the Office of the United States Trade Representative (USTR) announced the first step in the second, statutory four-year review process of the two actions taken as a result of the investigation of China’s acts, policies, and practices related to technology transfer, intellectual property, and innovation. The notice informed representatives of domestic industries that benefit from the actions, as modified, of the possible termination of the actions and of the opportunity for the representatives to request continuation of the actions. USTR received requests for continuation of both actions from representatives of domestic industries that benefit from the actions. Accordingly, the actions have not terminated and will remain in effect, subject to possible further modifications, including any modifications resulting from the statutory four-year review.

DATES: The July 6, 2018 action, as modified, did not terminate on July 6,

2026, and will remain in effect, subject to possible further modifications.

The August 23, 2018 action, as modified, did not terminate on August 23, 2026, and will remain in effect, subject to possible modifications.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, contact Philip Butler, Deputy Assistant U.S. Trade Representative for Monitoring & Enforcement at (202) 395–5725.

SUPPLEMENTARY INFORMATION:

A. Background

For background on the actions, modifications, and four-year review process taken under Section 301 of the Trade Act of 1974, as amended (Trade Act) (19 U.S.C. 2411), in the investigation of China’s acts, policies, and practices related to technology transfer, intellectual property, and innovation, please see 91 FR 24636 (May 6, 2026) (May 6 notice).

As stated in the May 6 notice, under Section 307(c)(1)(B) of the Trade Act (19 U.S.C. 2417(c)(1)(B)), the July 6, 2018 Section 301 action, as modified, and the August 23, 2018 Section 301 action, as modified, were subject to possible termination on their respective four-year anniversary dates (*i.e.*, July 6, 2026, and August 23, 2026, respectively) unless a representative of a domestic industry that benefits from the action submitted in the sixty-day period prior to the four-year anniversary of the action a request that the action continue.

Pursuant to Section 307(c)(2) of the Trade Act (19 U.S.C. 2417(c)(2)), USTR notified representatives of domestic industries that may benefit from either the July 6, 2018, or August 23, 2018 actions, as modified, of the possible termination of the actions, and of the opportunity for these representatives to request continuation of the actions. *See* May 6 notice. As provided in the May 6 notice, representatives of domestic industries that benefit from the July 6, 2018 action, as modified, were afforded the opportunity to submit between May 7, 2026, and July 5, 2026, a request to continue the action, and representatives of domestic industries that benefit from the August 23, 2018 action, as modified, were afforded the opportunity to submit such requests between June 24, 2026, and August 22, 2026.

B. Continuation of Actions

USTR received numerous requests to continue the July 6, 2018 and August 23, 2018 actions, as modified, from a range of domestic industries. For the July 6, 2018 action, USTR received 68 requests from domestic producers and 18 requests from trade associations. For

the August 23, 2018 action, USTR received 57 requests from domestic producers and 19 requests from trade associations. Representatives of domestic industries reported that China’s unfair policies and practices have persisted and that domestic industries continue to benefit from the trade actions in a number of ways. For example, they reported that the actions continue to provide an incentive for the Chinese government to stop the unreasonable and discriminatory policies and practices that are the basis for the tariff actions. Furthermore, the actions have helped to address some of the unfair competition resulting from China’s technology transfer policies and practices and encourage better policies and practices. Additionally, representatives stated that the actions have allowed them to compete against Chinese imports and have encouraged domestic investment in new technologies, the expansion of domestic production, and the reshoring of vital industries.

Based on the written requests for continuation of each action received in the sixty-day period prior to the four-year anniversary of the action from representatives of a domestic industry that benefit from each action, and in accordance with Section 307(c)(1)(B) of the Trade Act (19 U.S.C. 2417(c)(1)(B)), the July 6, 2018 action, as modified, and the August 23, 2018 action, as modified, did not terminate on their four-year anniversary dates, July 6, 2026, and August 23, 2026, and accordingly will remain in effect.

C. Further Steps in Statutory Four-Year Review

In light of the continuation of the actions, and in accordance with Section 307(c)(3) of the Trade Act (19 U.S.C. 2417(c)(3)), the U.S. Trade Representative will conduct a review of the July 6, 2018 and August 23, 2018 actions, as modified. USTR will publish a separate notice or notices describing the review process. The process will include inviting interested persons to submit comments on the effectiveness of the actions in achieving the objectives of the investigation, other actions that could be taken, and the effects of such actions on the United States economy, including consumers. *See* 19 U.S.C. 2417(c)(3)).

Jennifer Thornton,

General Counsel, Office of the United States Trade Representative.

[FR Doc. 2026–20510 Filed 10–6–26; 8:45 am]

BILLING CODE 3390–F2–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration**

[Docket No.: FAA–2026–11257; Summary Notice No. 2026–28]

Petition for Exemption; Summary of Petition Received; POWRACHUTE, LLC

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before October 26, 2026.

ADDRESSES: Send comments identified by docket number FAA–2026–11257 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time.

Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Nondie Hemphill, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, at 202–267–9677.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan A. Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2026–11257.

Petitioner: POWRACHUTE, LLC.

Section(s) of 14 CFR Affected:

§§ 21.181(a)(3)(i), 21.190(d)(5), 21.191(k), 21.193(h)(4), 22.100(a)(7).

Description of Relief Sought: The petitioner, POWRACHUTE, LLC, requests a time-limited exemption to permit newly manufactured POWRACHUTE aircraft to receive and retain special airworthiness certificates in the light-sport category, and to allow qualifying kit-built powered parachutes to obtain experimental airworthiness certificates under § 21.191(k). The requested relief would apply during the interim period preceding the FAA's acceptance of the corrected American Society for Testing and Materials (ASTM) powered parachute integration standard.

[FR Doc. 2026–20528 Filed 10–6–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Notice of Intent To Rule on a Land Release Request for Disposal of Surplus Airport Property at the Santa Maria Public Airport, Santa Maria, CA**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comment.

SUMMARY: The FAA is considering a request from the Santa Maria Public Airport District to waive the requirement that 35 (+/–) acres of surplus airport property located at the Santa Maria Public Airport in Santa Maria, California, from the requirement that it be used for aeronautical purposes. The release, if approved, would allow the property to be sold at

Fair Market Value (FMV) for compatible non-aeronautical use.

DATES: Comments must be received on or before November 6, 2026.

ADDRESSES: Documents are available for review at the Santa Maria Public Airport District, 3217 Terminal Dr., Santa Maria, CA 93455 and the FAA Los Angeles Airports District Office, 777 S Aviation Blvd., Ste. 150, El Segundo, CA 90245. Written comments on the Sponsor's request must be emailed to cathryn.g.cason@faa.gov or delivered to: Los Angeles Airports District Office, Attn: Cathryn Cason, Manager, 777 S Aviation Blvd., Ste. 150, El Segundo, CA 90245.

FOR FURTHER INFORMATION CONTACT: Matt DeCubellis, Compliance Specialist, Western-Pacific Regional Office, 777 S Aviation Blvd., Ste. 150, El Segundo, CA 90245, matthew.p.decubellis@faa.gov, 813–928–3406.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule on this request to waive the terms and conditions of federally conveyed property and invites public comment on the request to release property for disposal at the Santa Maria Airport (SMX), 3217 Terminal Dr., Santa Maria, CA 93455, under the provisions of 49 U.S.C. 47153(c). The FAA determined that the request to release property at the Santa Maria Public Airport (SMX) meets the procedural requirements of the Federal Aviation Administration and the release of this property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this notice.

The request consists of the following:

The Santa Maria Public Airport District has requested the release and disposal (sale) of approximately 35 (+/–) acres of surplus airport property. The subject property is part of a larger 580.59-acre tract conveyed to the County of Santa Barbara by Quitclaim Deed dated November 30, 1949, from the United States of America, acting through the Federal Farm Mortgage Corporation, pursuant to the Federal Property and Administrative Services Act of 1949 and the Surplus Property Act of 1944. The purpose of the requested release and disposal is to sell the property for Fair Market Value (FMV) for airport purposes including aeronautical improvements and maintenance while relieving the airport sponsor of financial obligations tied to the subject property.

Authority for the Policy: This notice and intent to release the subject property is published under the

authority described in 49 U.S.C. 47153(a), (c).

Issued in Los Angeles, CA.

Cathryn Cason,

Manager, Los Angeles Airports District Office.

[FR Doc. 2026–20492 Filed 10–6–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2026–2080]

Agency Information Collection Activities; New Information Collection: Hours of Service of Drivers; Pilot Program To Allow Commercial Drivers To Split Sleeper Berth Time

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Federal Motor Carrier Safety Administration (FMCSA) announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval and invites public comment. This notice invites comments on a proposed information collection titled *Hours of Service of Drivers: Pilot Program to Allow Commercial Drivers to Split Sleeper Berth Time*. This research study will collect data on commercial motor vehicle (CMV) drivers to examine whether more-flexible sleeper berth (FSB) options improve the working conditions and quality of life of America's truck drivers and result in an equivalent or greater level of safety relative to operations under the current regulations. Approximately 256 CMV drivers will provide data in the study. The study will provide FMCSA with data to examine driver fatigue and driving performance while operating under current hours of service (HOS) regulations and while operating under FSB exemptions.

DATES: Comments on this notice must be received on or before December 7, 2026.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2026–2080 using any of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Mail:** Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001.

- **Hand Delivery or Courier:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- **Fax:** (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Samuel White, Research Division, DOT, FMCSA, 1200 New Jersey Avenue SE, West Building, 6th Floor, Washington, DC 20590–0001; 202–366–3068; Samuel.White@dot.gov.

SUPPLEMENTARY INFORMATION:

Instructions

All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Public Participation and Request for Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2026–2080), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2026-2080/document>, click on this notice, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov as described in the system of records notice DOT/ALL 14 (Federal Docket Management System (FDMS)), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notice>. The comments are posted without edits and are searchable by the name of the submitter.

Background

HOS is a high-priority topic for FMCSA. Addressing driver fatigue, which is a serious safety concern for our nation's truck drivers and those who share the road with them, is at the heart of HOS regulations. Previous research has shown that driver fatigue is associated with an increased risk of being involved in a safety-critical event and may be involved in over 30 percent of fatal CMV crashes. As a result, the HOS regulations are designed to limit the number of driving hours within a 24-hour period and across a 7- or 8-day window. Additionally, the HOS regulations include some flexibility for drivers using a sleeper berth.

As described in Title 49 of the Code of Federal Regulations (CFR) 395.1(g)(1), a driver who operates a property-carrying CMV who uses the sleeper berth to obtain the off-duty time required by § 395.3(a)(1) must accumulate at least 10 hours of off-duty time before starting a work shift. The 10 hours may either be accumulated consecutively, or alternatively, split into one consecutive period of at least 7 hours in the sleeper berth and a second period of at least 2 consecutive hours of time in the sleeper berth, off-duty time, or any combination thereof, provided that the total of the periods is at least 10 hours. In practice, this allows drivers to choose between a “7/3” split or an “8/2” split of sleeper berth time, or any gradation in between.

While regulations that provide a prescriptive scope on a truck driver's workday are essential, they may be viewed as onerous in some circumstances. HOS provisions that allow CMV drivers to split sleeper berth time in more flexible ways may be a viable option to improve or sustain driver alertness while giving drivers greater operational flexibility. In fact,

the American Trucking Associations and the Minnesota Trucking Association submitted a joint proposal for a “flexible sleeper-berth pilot program” to FMCSA for consideration in 2013.

In 2010, the Agency held three listening sessions intended to solicit comments and information on potential HOS regulations (see 75 FR 285, Jan. 5, 2010; 75 FR 2467, Jan. 15, 2010; and 75 FR 9376, Mar. 10, 2010). Many drivers said they would like some regulatory flexibility (*i.e.*, an exemption from consolidated sleeper berth time) to be able to sleep when they get tired or as a countermeasure to traffic congestion. Although the Agency’s 2011 HOS final rule (76 FR 81134, Dec. 27, 2011) did not include a provision allowing sleeper berth time to be taken non-consecutively (“split”), FMCSA determined that the issue should be explored in greater depth to determine whether additional flexibility would achieve an equivalent or improved level of safety relative to compliance with the current regulations.

Additionally, FMCSA has conducted several studies to explore the topic of split sleep. Past research on how split sleep periods may affect driver performance, fatigue, and quality and quantity of sleep suggests that sleep split into multiple segments is restorative, does not negatively affect daytime “neurobehavioral performance” when compared to a consolidated sleep period of the same total duration, and does not negatively impact performance when implemented strategically. More recent studies provide evidence that the circadian rhythm affects fatigue more than splitting sleep does, and that splitting sleep may be more beneficial than sleeping in a single rest period during daylight hours.

In response to Executive Order (E.O.) 14286, “Enforcing Commonsense Rules of the Road for America’s Truck Drivers,”¹ the U.S. Secretary of Transportation announced a new pilot program designed to improve drivers’ working conditions and quality of life by providing more flexibility in how drivers may split sleeper berth time. The FSB Pilot Program will provide participating drivers with an exemption that reduces the longer period in the sleeper berth to a minimum of 5 consecutive hours. This will allow participating drivers to utilize a “5/5” split, “6/4” split, or any split in between

to obtain the equivalent of 10 consecutive hours off-duty.

As such, this study will assess the safety and performance impacts of additional flexibility for CMV drivers to use split sleeper berth periods. Specifically, the study will collect multiple sources of data to examine driver fatigue and driving performance while operating under current HOS regulations and while operating under FSB exemptions.

The study includes data collection via pre- and post-study surveys, psychomotor vigilance tests (PVTs), subjective sleepiness ratings, a wrist actigraphy device, drivers’ record of duty status (RODS), and a non-intrusive telematics device. These data will provide information on drivers’ schedules, the use of FSB exemptions, fatigue, and driving performance. This information will allow FMCSA to assess whether additional flexibility in how sleeper berth time may be split achieves a level of safety equivalent to that which would be achieved absent the regulatory relief. After agreeing to participate in the study, drivers will participate in the study for 16 weeks.

Eligibility to participate will be based on carrier and driver safety records. A motor carrier’s participation in the pilot program shall be contingent upon the carrier meeting the following eligibility criteria:

1. Must have applicable interstate operating authority and registration;
2. Must have the minimum levels of financial responsibility under 49 CFR part 387, if applicable;
3. Must not be a high or moderate risk carrier, as defined in the Agency’s **Federal Register** notice titled “Notification of Changes to the Definition of a High-Risk Motor Carrier and Associated Investigation Procedures” (81 FR 11875, Mar. 7, 2016);
4. Must not have an “Unsatisfactory” safety rating;
5. Must not have any FMCSA enforcement actions within the past 3 years;
6. Must not have a driver out of service (OOS) rate above the National average; and
7. Must not have a vehicle OOS rate above the National average.

In addition, unpaid civil penalties may be grounds for exclusion from participating in the pilot program.

Further, motor carriers participating in the pilot program would be required to:

- Grant permission for drivers to participate in the pilot program;
- Agree to comply with all pilot program procedures;

- Grant permission for the Virginia Tech Transportation Institute to gather RODS information for each participating driver throughout the study duration; and

- Grant permission for drivers participating in the study to operate under the applicable exemption.

A driver would not be eligible for participation in the pilot program if the driver is identified in FMCSA’s Drug and Alcohol Clearinghouse, regardless of whether the driver has completed the return-to-duty process, or during the 2-year period immediately preceding the date of participation, the driver had his or her license suspended, revoked, cancelled, or has been disqualified for a conviction of one of the disqualifying offenses listed in § 383.51. In addition, drivers would be required to:

- For the purposes of the study, operate the same CMV (equipped with a sleeper berth) as operated for their main source of employment and regularly use the sleeper berth;
- Possess a valid commercial driver’s license;
- Maintain a valid medical certificate from a healthcare professional on the Agency’s National Registry of Certified Medical Examiners while participating in the pilot program;
- Be employed by a motor carrier who has been approved for participation in the pilot program and/or certify as an owner-operator;
- Agree to the release of specific information to FMCSA for purposes of the pilot; and
- Agree to comply with all study procedures, including the use of actigraphs and RODS.

FMCSA would also reserve the right to exclude from participation any driver whom the Agency believes has a safety history incompatible with the interests of the pilot programs.

The study will use a convenience sampling approach, where participating carriers and drivers volunteer to participate. This is expected to attract drivers who are likely to use the exemption, which is key to obtaining sufficient data during the exemption period and maximizing statistical power for analyses. However, the sample of drivers will be drawn from carriers who are representative of the overall distribution of carrier sizes in the population of interstate motor carriers utilizing drivers beyond a 100-mile radius. A total of 256 CMV drivers will participate in this study.

The “method of comparison” for the “safety analysis plan” will vary depending on the data, but may include *t*-tests, χ^2 tests, other inferential/descriptive statistics, and/or qualitative

¹ The E.O. is available at <https://www.whitehouse.gov/presidential-actions/2025/04/enforcing-commonsense-rules-of-the-road-for-america-truck-drivers/>.

analyses to include case narratives (e.g., for crash events). To make effective comparisons between drivers operating in compliance with the current regulations and drivers operating under the conditions of the exemption, the study has been structured as a within-subjects research design, which will compare data for the same drivers operating under both conditions.

Title: Hours of Service of Drivers: Pilot Program to Allow Commercial Drivers to Split Sleeper Berth Time.

OMB Control Number: 2126–00XX.

Type of Request: New ICR.

Respondents: CMV drivers.

Estimated Number of Respondents: 256 CMV drivers.

Estimated Time per Response: Varies depending on the task, 16.68 total hours per respondent over 16 weeks.

Expiration Date: This is a new ICR.

Frequency of Response: Daily.

Estimated Total Annual Burden: 4,270.92 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in the request for OMB's clearance of this ICR.

Issued under the authority of 49 CFR 1.87.

Nicole S. Michel,

Acting Associate Administrator, Office of Research and Registration.

[FR Doc. 2026–20524 Filed 10–6–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2026–0298]

Agency Information Collection Activity Under OMB Review: 49 U.S.C. 5307 Urbanized Area Formula Program

AGENCY: Federal Transit Administration, Department of Transportation.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve a request for an extension without change to an

existing information collection: 49 U.S.C. 5307 Urbanized Area Formula Program.

DATES: Comments must be submitted before December 7, 2026.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Website:* <https://www.regulations.gov>.

Follow the instructions for submitting comments on the U.S. Government electronic docket site. All electronic submissions must be made to the U.S. Government electronic docket site at <https://www.regulations.gov>. Commenters should follow the directions below for mailed and hand-delivered comments.

2. *Fax:* 202–366–7951.

3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to internet users, without change, to <https://www.regulations.gov>. You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit <https://www.regulations.gov>.

Docket: For access to the docket to read background documents and comments received, go to <https://www.regulations.gov> at any time.

Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Craig McKaige at craig.mckaige@dot.gov.

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments

regarding any aspect of this information collection, including: (1) the necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: 49 U.S.C. 5307 Urbanized Area Formula Program.

OMB Number: 2132–0502.

Background: The Urbanized Area Formula Funding program (49 U.S.C. 5307) makes federal financial assistance available to designated recipients; including state, local government, and public transit authorities for transit capital and operating assistance, as well as transportation-related planning. Eligible activities under the program include planning, engineering, design, and technical studies; capital investments in bus, rail fixed-guideway systems, and passenger facilities; preventive maintenance; complementary paratransit service; and mobility management programs. To fulfill statutory mandates, confirm applicant eligibility, and ensure proper oversight and prudent management of federal funds, FTA collects key program information from grant applicants and recipients across two main stages. During the application stage applicants submit project descriptions, detailed budgets, programs of projects, milestone schedules, environmental classifications, labor protective arrangement documentation, and required annual certifications and assurances. FTA uses this information to evaluate project eligibility and confirm compliance with federal transit laws and administrative regulations. During the project management stage, recipients submit periodic Milestone Progress Reports (MPRs) and Federal Financial Reports (FFRs). FTA uses these updates to monitor grantee implementation progress, evaluate project activity, and ensure the timely, appropriate expenditure of grant funds.

Respondents: State or local governmental entities that operate a public transportation service.

Estimated Annual Number of Respondents: 5,864.

Estimated Total Annual Burden: 114,008.

Frequency: Annually.

Kusum Dhyani,

Director, Office of Management Planning.

[FR Doc. 2026–20514 Filed 10–6–26; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2026–0299]

Agency Information Collection Activity Under OMB Review: 49 U.S.C. 5317 New Freedom Program

AGENCY: Federal Transit Administration, Department of Transportation.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve a request for an extension without change to an existing information collection: 49 U.S.C. 5317 New Freedom Program.

DATES: Comments must be submitted before December 7, 2026.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Website:* <https://www.regulations.gov>. Follow the instructions for submitting comments on the U.S. Government electronic docket site. All electronic submissions must be made to the U.S. Government electronic docket site at <https://www.regulations.gov>. Commenters should follow the directions below for mailed and hand-delivered comments.

2. *Fax:* 202–366–7951.

3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any

personal information, will be posted and will be available to internet users, without change, to <https://www.regulations.gov>. You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit <https://www.regulations.gov>.

Docket: For access to the docket to read background documents and comments received, go to <https://www.regulations.gov> at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Destiny Buchanan at destiny.buchanan@dot.gov.

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) the necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: 49 U.S.C. 5317 New Freedom Program.

OMB Number: 2132–0565.

Background: The purpose of the New Freedom program was to make grants available to assist states and designated recipients to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the Americans with Disabilities Act (ADA) of 1990. The New Freedom program was repealed in 2012 with the enactment of the Moving Ahead for Progress in the 21st Century Act (MAP–21). However, funds previously authorized for programs repealed by MAP–21 remain available for their originally authorized purposes until the period of availability expires, the funds are fully expended, the funds are rescinded by Congress, or the funds are otherwise reallocated.

According to data from the Transit Award Management System (TrAMS), open grants have decreased to 13. This represents a 60% reduction in the

respondent universe from the previous PRA renewal cycle as FTA collaborates with grantees to close out legacy grants. As older grants are fully expended, project management report submissions continue to decline. This downward trend will persist until all remaining grants are closed.

To meet ongoing oversight responsibilities, FTA must continue to collect information while funds remain active. Grant recipients are required to make information available to the public and publish a program of projects identifying the subrecipients and projects receiving financial assistance. FTA uses this information to monitor grantee progress in implementing and completing project activities.

Respondents: State or local government, private non-profit organizations and public transportation authorities.

Estimated Annual Number of Respondents: 13.

Estimated Total Annual Burden: 156.

Frequency: Annually.

Kusum Dhyani,

Director, Office of Management Planning.

[FR Doc. 2026–20515 Filed 10–6–26; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2026–2212]

Agency Information Collection Activities; Notice and Request for Comment; Consumer Complaint Information

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

ACTION: Notice and request for comments on approval of the reinstatement of a previously approved information collection.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) invites public comment on our intent to request approval from the Office of Management and Budget (OMB) to reinstate a previously approved information collection. Before a Federal agency can collect certain information from the public, it must receive approval from OMB. Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved information

collections. This document describes a collection of information for which NHTSA intends to seek OMB approval on information gathered through consumer complaints.

DATES: Written comments should be submitted by December 7, 2026.

ADDRESSES: You may submit comments identified by Docket No. NHTSA-2022-0016 through one of the following methods:

- **Electronic Submissions:** Go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Fax:** (202) 493-2251.

- **Mail or Hand Delivery:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366-9322 before coming.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <https://www.transportation.gov/privacy>.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets via the internet.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Randy Reid, Office of Defects Investigation (NEF-100), 202-366-4383, National Highway Traffic Safety Administration, W48-311, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, email: randy.reid@dot.gov. Please identify the relevant information collection by referring to its OMB Control Number (2127-0008).

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (44

U.S.C. 3501 *et seq.*) (PRA), before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (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) how to enhance the quality, utility, and clarity of the information to be collected; and (d) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses. In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information for which the agency is seeking approval from OMB.

Title: Consumer Complaint Information.

OMB Control Number: 2127-0008.

Type of Request: Approval for reinstatement of a previously approved information collection.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: 3 years from the approval date.

Summary of the Collection of Information: Chapter 301 of Title 49 of the United States Code authorizes the Secretary of Transportation (NHTSA by delegation) to require manufacturers of motor vehicles and motor vehicle equipment to conduct owner notification and remedy, i.e., a recall campaign, when it has been determined that a safety defect exists in the performance, construction, components, or materials in motor vehicles and motor vehicle equipment. Pursuant to Title 49 of the United States Code of Federal Regulations (CFR) Parts 573 and 577, manufacturers are required to notify NHTSA, as well as motor vehicle and motor vehicle equipment owners, dealers, and distributors, that a determination has been made to remedy a defect through the issuance of a safety

recall. Manufacturers often initiate safety recalls voluntarily, while other recalls are influenced by NHTSA investigations or ordered by NHTSA via a court ruling. A manufacturer of each such motor vehicle or item of replacement equipment presented for remedy pursuant to such notification is required to remedy the safety defect at no charge to the owner. The manufacturer shall cause the vehicle to be remedied by any of the following means: (1) by repairing such vehicle or equipment; (2) by replacing such motor vehicle or equipment with an identical or similar product; or (3) by refunding the purchase price less depreciation.

In order to help NHTSA identify safety-related defects, the agency solicits information from vehicle owners. This information is used to identify and evaluate potential safety-related defects and to provide the necessary evidence of their existence. NHTSA also uses information to monitor the adequacy of a manufacturer's recall efforts.

Consumers of motor vehicles or motor vehicle equipment voluntarily submit complaints through NHTSA's Vehicle Safety Hotline, NHTSA's website (www.nhtsa.gov), or through correspondence.

Description of the Need for the Information and Proposed Use of the Information

NHTSA uses consumer input to help identify potential safety-related defects that could lead to a safety recall or recall inadequacies. The complaints disclose consumers' allegations of a safety defect that they experienced with their vehicle or vehicle equipment, including defects that resulted in injuries, crashes, property damage, or death. All complaints are converted to a Vehicle Owner Questionnaire (VOQ) format and reviewed by NHTSA investigation/engineer staff. An NHTSA investigator may respond to a consumer who submits a complaint if more information is required. NHTSA staff review complaints/VOQs and determine whether further agency action is warranted. The agency has used this information to develop technical evidence to prove to manufacturers and courts that safety-related defects exist and require remedy. The information collection provides valuable insights that help NHTSA identify unreasonable safety risks in specific make, models, and model years of vehicles and equipment and determine when to open an investigation or initiate a recall. In this way, information collection helps reduce crashes, fires, injuries, and fatalities on our Nation's highways.

Affected Public: Consumers of motor vehicles and motor vehicle equipment.
Estimated Number of Respondents: 63,998.

There are an average of 67,366 complaints submitted per year (average of 184 complaints submitted each day). Some individuals submit multiple complaints to NHTSA. To estimate the total number of unique respondents per year, NHTSA estimates that the number of unique respondents is 95 percent of the number of unique complaints. Therefore, NHTSA estimates that there will be approximately 63,998 respondents each year ($67,366 \times .95$).

Frequency: On occasion.

The submission of complaints is triggered by the occurrence of a problem with a consumer's vehicle.

Number of Responses: 67,366.

Estimated Total Annual Burden Hours: 11,227 hours.

Respondents have averaged 67,366 consumer complaints per year to NHTSA between January 2022 and December 2025. NHTSA anticipates that a respondent can complete a VOQ in approximately 10 minutes. The consumer is asked to provide his/her name, complete mailing address, product information, failed component information, and incident information, copies of supporting documentation,

and his/her signature. NHTSA estimates the total annual burden on respondents to be 11,227 hours (67,366 respondents $\times$ 10 minutes per VOQ = 11,227 annual hourly burden). To calculate the opportunity cost to respondents associated with the collection, NHTSA used the national average hourly earnings of all employees on private nonfarm payrolls, which the Bureau of Labor Statistics lists at \$36.12.¹ Therefore, the opportunity cost for the annual burden hours associated with respondents submitting complaints is estimated to be \$405,519 (11,227 hours $\times$ \$36.12 per hour = \$405,519 annual opportunity cost burden).

TABLE 1—ANNUAL HOUR BURDEN ESTIMATES

Annual number of respondents/responses	Estimated time per response (minutes)	Average hourly opportunity cost	Opportunity cost per submission	Total annual burden hours	Total annual opportunity costs
67,366	10	\$36.12	\$6.02	11,227	\$405,519

Estimated Total Annual Burden Cost: \$0.

Participation in this collection is voluntary, and there are no costs to respondents beyond the time spent submitting a complaint.

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 the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.49; and DOT Order 1351.29.

Eileen Sullivan,

Associate Administrator for Enforcement.

[FR Doc. 2026–20495 Filed 10–6–26; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2026–1816]

Receipt of Petitions for Renewal of Temporary Exemptions From Shoulder Belt Requirement for Side-Facing Seats on Motorcoaches

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

ACTION: Notice of receipt of petitions for renewal of temporary exemptions; request for comment.

SUMMARY: NHTSA has received identical petitions from 13 final-stage manufacturers of “entertainer-type motorcoaches,” seeking renewal of temporary exemptions from a shoulder belt requirement of Federal Motor Vehicle Safety Standard (FMVSS) No. 208, “Occupant crash protection,” for side-facing seats on motorcoaches. The petitioners seek to renew their exemptions that allow them to install Type 1 seat belts (lap belt only) at side-facing seating positions, instead of Type 2 seat belts (lap and shoulder belts) required by FMVSS No. 208. Each petitioner states that, absent the requested exemption, it will otherwise be unable to sell a vehicle whose overall level of safety or impact protection is at least equal to that of a nonexempted vehicle. NHTSA is publishing this document to notify the public of the

receipt of the petitions and to request comment on them, in accordance with statutory and administrative provisions.

DATES: If you would like to comment, you should submit your comment not later than November 6, 2026.

FOR FURTHER INFORMATION CONTACT: *For technical issues:* Ms. Carla Rush, Office of Crashworthiness Standards, Telephone: (202) 366–1810; Email: carla.rush@dot.gov.

For legal issues: Ms. Callie Roach, Office of Chief Counsel, Email: callie.roach@dot.gov. The address of these officials is: the National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

ADDRESSES: You may submit your comment, identified by the docket number in the heading of this document, by any of the following methods:

- *Electronic submissions:* Go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* (202) 493–2251.

- *Mail or Hand Delivery:* Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Suite W58–213, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366–9826 or (202) 366–9317 before coming.

¹ See Table B–3. Average hourly and weekly earnings of all employees on private nonfarm

payrolls, April 2025 available at <https://www.bls.gov/news.release/empsit.t19.htm> (accessed May 21, 2026).

www.bls.gov/news.release/empsit.t19.htm (accessed May 21, 2026).

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit <https://www.transportation.gov/privacy>.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets via internet.

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you must submit your request directly to NHTSA's Office of the Chief Counsel. Requests for confidentiality are governed by part 512. NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the agency under part 512. If you would like to submit a request for confidential treatment, you may email your submission to Dan Rabinovitz in the Office of the Chief Counsel at Daniel.Rabinovitz@dot.gov or you may contact Mr. Rabinovitz for a secure file transfer link. At this time, you should not send a duplicate hardcopy of your electronic CBI submissions to DOT headquarters. If you claim that any of the information or documents provided to the agency constitute confidential business information within the meaning of 5 U.S.C. 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. 1905, you must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with part 512, to the Office of the Chief Counsel. Your request must include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR 512.8) and a certificate, pursuant to § 512.4(b) and part 512, appendix A. In addition, you should submit a copy, from which you have deleted the claimed confidential business information, to the Docket at the address given above.

SUPPLEMENTARY INFORMATION:

I. Background

a. Statutory Authority for Temporary Exemptions

The National Traffic and Motor Vehicle Safety Act (Safety Act), codified as 49 U.S.C. Chapter 301, provides the Secretary of Transportation authority to exempt, on a temporary basis, under specified circumstances, and on terms the Secretary considers appropriate, motor vehicles from a motor vehicle safety standard or bumper standard. This authority and circumstances are set forth in 49 U.S.C. 30113. The Secretary has delegated the authority for implementing this section to NHTSA.

NHTSA established 49 CFR part 555, *Temporary Exemption from Motor Vehicle Safety and Bumper Standards*, to implement the statutory provisions concerning temporary exemptions, including renewals of temporary exemptions. Under Part 555 subpart A, a vehicle manufacturer seeking an exemption or renewal of an exemption must submit a petition for exemption containing specified information. Among other things, the petition must set forth (a) the reasons why granting the exemption would be in the public interest and consistent with the objectives of the Safety Act, and (b) required information showing that the manufacturer satisfies one of four bases for an exemption.¹ Each petitioner is applying on the basis that compliance with the standard would prevent the manufacturer from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempted vehicles (*see* 49 CFR 555.6(d)). A manufacturer is eligible for an exemption under this basis only if NHTSA determines the exemption is for not more than 2,500 vehicles to be sold in the U.S. in any 12-month period. An exemption under this basis may be granted for not more than two years, but may be renewed upon reapplication.²

Under 49 CFR 555.8(e), “[i]f an application for renewal of temporary exemption that meets the requirements of § 555.5 has been filed not later than 60 days before the termination date of an exemption, the exemption does not terminate until the Administrator grants or denies the application for renewal.” NHTSA notes that the 13 petitions for renewal were submitted by the deadline specified in 49 CFR 555.8(e). Therefore, the petitioners’ current exemptions continue in effect until NHTSA makes

¹ 49 CFR 555.5(b)(5) and 555.5(b)(7).

² 555.8(b) and 555.8(e).

a decision to grant or deny their pending exemption requests.

b. FMVSS No. 208

On November 25, 2013, NHTSA published a final rule amending FMVSS No. 208 to require seat belts for each passenger seating position in all new over-the-road buses (OTRBs) (regardless of gross vehicle weight rating (GVWR)), and all other buses with GVWRs greater than 11,793 kilograms (kg) (26,000 pounds (lb)) (with certain exclusions).³

In the notice of proposed rulemaking (NPRM) preceding the final rule (75 FR 50958, August 18, 2010), NHTSA proposed to permit manufacturers the option of installing either a Type 1 (lap belt) or a Type 2 (lap and shoulder belt) on side-facing seats.⁴ The proposed option was consistent with a provision in FMVSS No. 208 that allows lap belts for side-facing seats on buses with a GVWR of 4,536 kg (10,000 lb) or less. NHTSA proposed the option because the agency was unaware of any demonstrable increase in associated risks using lap belts when compared to using lap and shoulder belts on side-facing seats. In the NPRM, NHTSA noted that ⁵ “a study commissioned by the European Commission regarding side-facing seats on minibuses and motorcoaches found that due to different seat belt designs, crash modes and a lack of real-world data, it cannot be determined whether a lap belt or a lap/shoulder belt would be the most effective.”⁶

However, after the NPRM was published, the Motorcoach Enhanced Safety Act of 2012 was enacted as part of the Moving Ahead for Progress in the 21st Century Act ((MAP–21), Public Law 112–141 (July 6, 2012)). Section 32703(a) of MAP–21 directed the Secretary of Transportation (authority delegated to NHTSA) to “prescribe regulations requiring safety belts to be installed in motorcoaches at each designated seating position.”⁷ As MAP–

³ 78 FR 70415 (November 25, 2013); response to petitions for reconsideration, 81 FR 19902 (April 6, 2016). The final rule became effective November 28, 2016 for buses manufactured in a single stage, and a year later for buses manufactured in more than one stage.

⁴ 75 FR at 50971.

⁵ 75 FR at 50971–50972.

⁶ http://ec.europa.eu/enterprise/automotive/projects/safety_considerations_long_stg.pdf.

⁷ MAP–21 states at § 32702(6) that “the term ‘motorcoach’ has the meaning given the term ‘over-the-road bus’ in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note), but does not include a bus used in public transportation provided by, or on behalf of, a public transportation agency; or a school bus, including a multifunction school activity bus.” Section 3038(a)(3) (49 U.S.C. 5310 note) states: “The term ‘over-the-road bus’ means a bus

21 defined “safety belt” to mean an integrated lap and shoulder belt, the final rule amended FMVSS No. 208 to require lap and shoulder belts at all designated seating positions, including side-facing seats, on OTRBs.⁸

Even as it did so, however, the agency reiterated its view that “the addition of a shoulder belt at [side-facing seats on light vehicles] is of limited value, given the paucity of data related to side-facing seats.”⁹ The agency also noted that Australian Design Rule ADR 5/04, “Anchorages for Seatbelts” specifically prohibits shoulder belts for side-facing seats.¹⁰

Given that background, and believing there would be few side-facing seats on OTRBs, NHTSA stated in the November 2013 final rule that manufacturers may petition NHTSA for a temporary exemption under 49 CFR part 555 to install lap belts instead of lap and shoulder belts at side-facing seats.¹¹ NHTSA further explained that a manufacturer could seek such an exemption on the basis that the applicant is otherwise unable to sell a vehicle whose overall level of safety is at least equal to that of a nonexempted vehicle, stating that the agency would be receptive to an argument that, for side-facing seats, lap belts provide an equivalent level of safety to lap and shoulder belts.¹²

Since issuing the November 2013 final rule, NHTSA has granted temporary exemptions to 16 final-stage manufacturers of entertainer buses for the same shoulder belt requirement in FMVSS No. 208 for side-facing seats on entertainer buses, including the 13 manufacturers discussed in this notice who are seeking renewals of their exemptions.¹³

characterized by an elevated passenger deck located over a baggage compartment.”

⁸ For side-facing seats on buses other than OTRBs, in the final rule NHTSA permitted either lap or lap/shoulder belts at the manufacturer’s option.

⁹ 78 FR at 70448, quoting from the agency’s Anton’s Law final rule which required lap/shoulder belts in forward-facing rear seating positions of light vehicles, 59 FR 70907.

¹⁰ 78 FR 70416, 70448.

¹¹ *Id.*

¹² *Id.*

¹³ The first petition was submitted by Hemphill Brothers Leasing Company, LLC (Hemphill). (Notice of receipt of petition, 84 FR 11735 (March 28, 2019); notice of grant of petition, 84 FR 69966 (November 14, 2019)). In its original petition, Hemphill stated that 39 “other petitioners” were covered by it. Later, NHTSA granted the 13 petitions submitted by All Access Coach Leasing LLC, Amadas Coach, Creative Mobile Interiors, D&S Classic Coach Inc., Farber Specialty Vehicles, Florida Coach, Inc., Geomarc, Inc., Integrity Interiors LLC, Nitetrain Coach Company, Inc., Pioneer Coach Interiors LLC, Roberts Brothers Coach Company, Russell Coachworks LLC, and Ultra Coach Inc. (Notice of receipt of the petitions, 85 FR 51550 (August 20,

In a recent decision notice granting one of these exemptions,¹⁴ NHTSA’s rationale for granting the exemption cited the uncertainties about shoulder belts on side-facing seats, the few side-facing seats on buses subject to the November 2013 final rule, and that FMVSS No. 208 does not require shoulder belts on side-facing seats on any other vehicle type. NHTSA stated that it believes the potential safety risk at issue is theoretical, as explained in the November 2013 final rule, and that the agency could not affirmatively conclude, based on available information, that shoulder belts on side-facing seats are associated with a demonstrated risk of serious neck injuries in front crashes. NHTSA also stated that it believes a shoulder belt is of limited value on side-facing seats for the reasons explained in the final rule and further explained that it believed granting the exemption is consistent with the public interest and the Safety Act.

II. Receipt of Petitions

In accordance with 49 U.S.C. 30113 and the procedures in 49 CFR part 555, 13 final-stage manufacturers of entertainer motorcoaches have submitted individual, mostly identical petitions asking NHTSA for renewals of their temporary exemptions from the shoulder belt requirement of FMVSS No. 208 for side-facing seats on their vehicles. The petitioners seek renewal of their exemptions to allow them to continue installing Type 1 seat belts (lap belt only) at side-facing seating positions, instead of Type 2 seat belts (lap and shoulder belts) as required by FMVSS No. 208. NHTSA granted the 13 exemptions in a **Federal Register** notice published on June 1, 2022 (87 FR 33299) and a renewal of the exemptions was granted in a notice on July 18, 2025 (90 FR 34076), which was set to expire on June 1, 2026.¹⁵ The basis for each of the petitions, like their original petitions, is that compliance would prevent the petitioner from selling a motor vehicle with an overall safety level at least equal to the overall safety level of

2022); notice of grant of petitions, 87 FR 33299 (June 1, 2022)). Most recently, NHTSA granted an exemption to Beat the Street Interiors, Inc. (BTS). (Notice of receipt of petition, 88 FR 25445 (April 26, 2024); notice of grant of petition, 88 FR 78093 (November 14, 2023)) and Legacy Limousines and Luxury Coaches (Notice of receipt, 89 FR 87722 (Nov. 4, 2024), notice of grant of petition, 90 FR 7234 (Jan. 1, 2025)).

¹⁴ 90 FR 34076.

¹⁵ As noted above, because the petitioners submitted their renewal requests at least 60 days before the expiration date, their current exemptions continue in effect until NHTSA issues decisions on their pending renewal requests.

nonexempted vehicles (49 CFR 555.6(d)).

For the convenience of readers, and to facilitate administrative processing of the petitions, NHTSA is issuing this single document to notify the public of and request comment on the petitions rather than publishing separate notices for each petition. NHTSA has placed copies of each petition in the docket listed in the heading of this notice. To view the petitions, go to <http://www.regulations.gov> and enter the docket number in the heading.

The petitioners are listed alphabetically as follows: All Access Coach Leasing LLC, Amadas Coach, Creative Mobile Interiors, D&S Classic Coach Inc., Encore Luxury Coach Leasing, Inc. (formerly known as Nitetrain Coach Company, Inc.), Farber Specialty Vehicles, Florida Coach, Inc., Geomarc, Inc., Integrity Interiors LLC, Pioneer Coach Interiors LLC, Roberts Brothers Coach Company, Russell Coachworks LLC, and Ultra Coach Inc.

a. Brief Overview of the Petitions

Each petitioner states that it is a final-stage manufacturer of entertainer-type motorcoaches and is responsible for ensuring the completed vehicle meets the FMVSS. Each petitioner also states that it typically receives a bus shell¹⁶ and customizes it to meet the needs of its entertainer clients and other specialized customers. Each petitioner states that it “builds out the complete interior” of the bus shell, including: roof escape hatch; fire suppression systems (interior living space, rear tires, electrical panels, bay storage compartments, and generator); ceiling, side walls, and flooring; seating; electrical system, generator, inverter, and house batteries; interior lighting; interior entertainment equipment; heating, ventilation, and cooling system; galley with potable water, cooking equipment, refrigerators, and storage cabinets; bathroom and showers; and sleeping positions.

Pursuant to 49 CFR 555.6(d), an application must provide “[a] detailed analysis of how the vehicle provides the overall level of safety or impact protection at least equal to that of nonexempted vehicles.”

Each petitioner reiterates, as part of their justification that the vehicles

¹⁶ Each petition describes the bus shell as generally containing the following components: exterior frame; driver’s seat; dash cluster, speedometer, emissions light and emissions diagnosis connector; exterior lighting, headlights, marker lights, turn signals lights, and brake lights; exterior glass, windshield and side lights with emergency exits; windshield wiper system; braking system; tires, tire pressure monitoring system and suspension; and engine and transmission.

provide an overall level of safety equivalent to that of a nonexempted vehicle, statements made in NHTSA's 2013 final rule as well as excerpts from the agency's discussion in the June 2022 **Federal Register** notice granting temporary exemptions to the 13 petitioners. Specifically, each petitioner cites NHTSA's statement that it "believes a shoulder belt is of limited value on side-facing seats for the reasons explained in the [November 2013] final rule." Each petitioner also cites NHTSA's conclusion that "[g]iven the uncertainties about shoulder belts on side-facing seats, the few side-facing seats there are on buses subject to the November 2013 final rule, and that FMVSS No. 208 does not require shoulder belts on side-facing seats on any other vehicle type, NHTSA is granting the petitions for temporary exemption." Each petitioner states that the considerations and conclusions from the 2022 grant and 2025 renewal are still pertinent. Additional details are provided in the petitions, which may be located in the docket identified at the top of this document.

Pursuant to 49 CFR 555.5(b)(7), petitioners must state why granting an exemption allowing it to install Type 1 instead of Type 2 seat belts in side-facing seats would be in the public interest and consistent with the objectives of the Safety Act. Each petitioner states that granting an exemption would allow the petitioner the option to continue providing seat belts at side-facing seating positions that are equivalent to or exceed the safety performance of Type 2 belts under the requirements in FMVSS No. 208 (S4.4.5.1.2(c)). Each petitioner also cites NHTSA's statements from the 2022 grant notice in which NHTSA stated that it believes that granting the petitioners' exemption requests is consistent with the public interest and that granting the exemptions would provide relief to small businesses by providing "an objective standard that is easy for manufacturers to understand and meet."

In support of the petitions, each petitioner also states that only a small number of entertainer-type motorcoaches with side-facing seats are manufactured in the U.S. market each year and that the number of vehicles it would produce within any 12-month period would be well below the 2,500 limit in part 555.

Each petitioner also indicates that it expects to seek to renew this exemption, if granted, at the end of the exemption period.

III. Effective Date for Renewals, if Granted

As noted above, under 49 CFR 555.8(e), "[i]f an application for renewal of temporary exemption that meets the requirements of § 555.5 has been filed not later than 60 days before the termination date of an exemption, the exemption does not terminate until the Administrator grants or denies the application for renewal." As the previously granted temporary exemptions for the 13 manufacturers was set to end on June 1, 2026, and NHTSA received the petitions on April 1, 2026, the petitions were submitted by the deadline specified in 49 CFR 555.8(e). Accordingly, the exemptions will not terminate until the Administrator grants or denies the application for renewal. Since the original two-year exemptions would have expired on June 1, 2026, if granted, the new exemption period would run from June 1, 2026 to June 1, 2028.

In addition, because each petitioner cited the low number of entertainer-type motorcoaches produced each year in support of its assertion that granting the renewals would be in the public interest, NHTSA is requesting that each of the petitioners submit, during the comment period, the total number of vehicles it produced during its initial exemption period from June 1, 2024 to June 1, 2026.

IV. Comment Period

The agency seeks comment from the public on the merits of the petitions requesting renewals of temporary exemptions from FMVSS No. 208's shoulder belt requirement for side-facing seats. NHTSA would like to make clear that the petitioners seek to install lap belts at the side-facing seats; they do not seek to be completely exempted from a belt requirement. Further, the petitioners' requests do not pertain to forward-facing designated seating positions on their vehicles. Under FMVSS No. 208, forward-facing seating positions on motorcoaches must have Type 2 lap and shoulder belts, and the petitioners are not raising issues about that requirement for forward-facing seats. After considering public comments and other available information, NHTSA will publish a notice of final action on the petitions in the **Federal Register**.

Authority: 49 U.S.C. 30113 and 30166; delegation of authority at 49 CFR 1.95.

Jonathan Morrison,
Administrator.

[FR Doc. 2026-20496 Filed 10-6-26; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2026-1618]

NHTSA Safety Research Portfolio Public Meeting: Fall 2026, and Automated Driving Systems Workshop

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

ACTION: Notice of a public meeting.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) will hold a public meeting on December 1–2, 2026, to provide updates and insights into ongoing activities across NHTSA's safety research programs. The meeting will be held in-person and will feature panel presentations and research posters by representatives from the Offices of Vehicle Safety Research and Behavioral Safety Research. Each research panel will conclude with an opportunity for the audience to ask technical questions related to the presented materials. Visual slides used in presentations and posters will be made available in the public docket following the public meeting. The event will not be live streamed; however, panel presentations will be recorded and made available on the NHTSA website after the event. On the afternoon of the first day, Tuesday, December 1, the Agency will also convene an Automated Driving Systems (ADS) Workshop organized by the Office of Automation Safety. The ADS Workshop will not be recorded.

DATES: NHTSA will hold the Safety Research Portfolio public meeting on December 1–2, 2026. The ADS workshop will be held on the afternoon of December 1, 2026. Registration for the public meeting must be completed no later than November 24, 2026. The public docket for the Safety Research Public Meeting and ADS Workshop will remain open for comments for 90 days following the Public Meeting, until March 2, 2027.

ADDRESSES: The Research Public meeting and the ADS Workshop will both be held in person in the West Atrium of the DOT Headquarters: 1200 New Jersey Avenue SE, Washington, DC 20590.

Registration: Attendees must register at <https://www.nhtsa.gov/events/nhtsa-safety-research-portfolio-public-meeting-fall-2026>. Please follow the registration instructions presented at the registration site.

Comments: You may submit comments about either the public

meeting or the workshop by any of the following methods:

- **Electronic submissions:** Go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Fax:** (202) 493–2251.

- **Mail or Hand Delivery:** Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Suite W58–213, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366–9826 or (202) 366–9317 before coming.

Instructions: All submissions must include the Agency name and docket number for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act below.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or the street address listed above. Follow the online instructions for accessing the dockets via internet.

Privacy Act: Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit <http://www.regulations.gov/privacy.html>.

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you must submit your request directly to NHTSA's Office of the Chief Counsel. Requests for confidentiality are governed by 49 CFR part 512. NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the agency under part 512. If you would like to submit a request for confidential treatment, you may email your submission to Dan Rabinovitz in the Office of the Chief Counsel at Daniel.Rabinovitz@dot.gov or you may contact him for a secure file transfer link. At this time, you should not send a duplicate hardcopy of your electronic CBI submissions to DOT headquarters. If you claim that any of the information or documents provided to the agency constitute confidential business information within the meaning of 5 U.S.C. 552(b)(4) or are

protected from disclosure pursuant to 18 U.S.C. 1905, you must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with part 512, to the Office of the Chief Counsel. Your request must include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR 512.8) and a certificate, pursuant to § 512.4(b) and part 512, appendix A. In addition, you should submit a copy, from which you have deleted the claimed confidential business information, to the Docket at the address given above.

FOR FURTHER INFORMATION CONTACT: If you have questions about the research portion of the public meeting, please contact Jennifer Oxenham at jennifer.oxenham@dot.gov. If you have questions about the ADS Workshop, please contact Debbie Sweet at debbie.sweet@dot.gov.

SUPPLEMENTARY INFORMATION: Each year, NHTSA executes a broad array of research programs in support of Administration, DOT, and agency priorities. The Agency's research portfolio covers a diverse range of program areas pertaining to vehicle safety, including automotive technologies that aid drivers to avoid crashes, research on ADS, vehicle cybersecurity, crashworthiness including occupant protection and advanced crash test dummies, and behavioral safety, which includes safety countermeasures that pertain to the behavior and actions of drivers, occupants, and other road users.

This meeting is intended to inform the public and NHTSA stakeholders about the Agency's ongoing research activities in both vehicle and behavioral safety. NHTSA's technical research staff will present recently concluded projects, ongoing work, and may also highlight early-stage research activities. As time permits, there will be an opportunity for session attendees to participate in Q&A sessions following each panel. Presentations utilized during the Research Public meeting will be posted to the docket ([regulations.gov](http://www.regulations.gov)) after the meeting. Instructions for accessing the docket are found under the **ADDRESSES** heading. Updates to this event will be available at <https://www.nhtsa.gov/events/nhtsa-safety-research-portfolio-public-meeting-fall-2026> and NHTSA recommends checking back periodically for updates or potential schedule changes.

The Agency invites comments on the information presented, as well as input on the Agency's research priorities, research goals, and additional research

gaps and needs the public may believe NHTSA should address.

The Agency will also host an ADS Workshop in the afternoon of December 1, following the conclusion of that day's research panels and presentations. The ADS workshop will include presentations and an update covering activities in the Agency's Office of Automation Safety—including the status of guidance documents and FMVSS modernization efforts. Following this presentation, stakeholders will have the opportunity to provide technical input and feedback through an interactive, round-robin format. Details on specific topic areas for both presentations and workshop topics will be available at <https://www.nhtsa.gov/events/nhtsa-safety-research-portfolio-public-meeting-fall-2026>.

Registration is required for anyone planning to attend either or both the public meeting and the ADS workshop. Instructions for registration are found under the **ADDRESSES** heading and participants will be able to register for one or both days.

A sign language interpreter will be provided, and closed captioning services will be available. During registration, please indicate whether you may need any other type of special accommodation.

Should it be necessary to cancel or reschedule the meeting or workshop due to an unforeseen circumstance, NHTSA will take all available measures to notify registered participants as soon as possible. The Safety Research Portfolio public meeting will not be live streamed but will be recorded, and a recording will be made available after the event. The ADS workshop will not be recorded.

Issued under authority delegated in 49 CFR 1.95 and 501.5.

Cem Hatipoglu,

Associate Administrator, Vehicle Safety Research.

[FR Doc. 2026–20516 Filed 10–6–26; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been

placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on October 2, 2026. See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Licensing, 202–622–2480; Assistant Director for Sanctions Compliance, 202–622–2490 or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions

programs are available on OFAC's website: <https://ofac.treasury.gov>.

Notice of OFAC Actions

On October 2, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. AL-ZAQ, Saleem Abdallah Saleem (Arabic: سليم عبد الله سليم لـزق) (a.k.a. ALZAQ, Saleem A.S.; a.k.a. ZAK, Salim), Mailbox 5151, Baghdad Street, Shujaiyyah, Gaza; Mailbox 119, Baghdad Street, Shujaiyyah, Gaza; DOB 12 May 1981; nationality Palestinian; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 5428093 (Palestinian) expires 09 Mar 2027; National ID No. 909097131 (Palestinian) (individual) [SDGT] (Linked To: HAMAS).

Designated pursuant to section 1(a)(iii)(A) of Executive Order (E.O.) 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism," as amended by Executive Order 13886 of September 9, 2019, "Modernizing Sanctions To Combat Terrorism" (E.O. 13224, as amended), for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Hamas, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. BARIKA, Faouzi, 227 Chemin de Bois Milon, St. Andrew de Cubzac 33240, France; 6 Impasse Marie Louise Gachet, St. Andrew de Cubzac 33240, France; DOB 13 Feb 1991; POB Tebessa, Algeria; nationality France; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 14CV66604 (France); Driver's License No. 140968401047 (France) (individual) [SDGT] (Linked To: HAMAS).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Hamas, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

3. OUALID, Amel (a.k.a. BOUCHEKIF, Amel), 58 rue Parmentier, Saint Etienne 42100, France; 52 BD Antonia Vivaldi,

Saint Etienne 42000, France; 37 rue de Molina, Saint Etienne, France; DOB 03 Jul 1987; POB Oran, Algeria; nationality Algeria; Gender Female; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Driver's License No. 180642351327 (France) (individual) [SDGT] (Linked To: AL-ZAQ, Saleem Abdallah Saleem).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Saleem Abdallah Saleem Al-Zaq, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

4. ASSOCIATION BARAKA, 6 Impasse Marie Louise Gachet, St. Andrew de Cubzac 33240, France; website associationbaraka.fr; Email Address contact@associationbaraka.fr; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 13 Oct 2023; Target Type Charity or Nonprofit Organization; Registered Charity No. W331005557 (France) [SDGT] (Linked To: BARIKA, Faouzi).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Faouzi Barika, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

5. ENSEMBLE C MIEUX (a.k.a. "TOGETHER IT'S BETTER"), 58 rue Parmentier, Saint Etienne 42100, France; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 01 Jul 2024; Target Type Charity or Nonprofit Organization; Registered Charity No. W423015492 (France) [SDGT] (Linked To: OUALID, Amel).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Amel Qualid, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended. (Authority: E.O. 13224, as amended)

Lisa M. Palluconi,

Deputy Director, Office of Foreign Assets Control.

[FR Doc. 2026–20525 Filed 10–6–26; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons whose property and interests in property have been

unblocked and who have been removed from the Specially Designated Nationals and Blocked Persons List (SDN List). OFAC is also publishing the names of blocked property and persons whose property and interests in property remain blocked and on the SDN List or subject to the prohibitions of the Non-SDN Palestinian Legislative Council (NS-PLC) List, or the Sectoral Sanctions Identifications (SSI) List, but whose duplicate entries have been removed from OFAC sanctions lists. OFAC is also publishing updates to the identifying information of one or more persons or property currently included on the SDN List, NS-PLC List, or SSI List whose property and interests in property remain blocked or subject to the prohibitions of those lists, as applicable.

DATES: See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Licensing, 202–622–2480; Assistant Director for Sanctions Compliance, 202–622–2490 or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

Notice of OFAC Actions

A. On July 27, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are unblocked and they have been removed from the SDN List.

Individuals

ABD AL–RAHMAN, Atiyah (a.k.a. AL–LIBI, 'Atiyah 'Abd al-Rahman; a.k.a. AL–SHATIWI, Jamal; a.k.a. AL–SHITAYWI, Jamal Ibrahim Muhammad; a.k.a. AL–SHITIWI, Jamal; a.k.a. AL–SHTIWI, Jamal; a.k.a. “AL–LIBI, Shaykh Mahmud”); DOB 1969; alt. DOB 1965; alt. DOB 1966; alt. DOB 1967; alt. DOB 1957; alt. DOB 1958; alt. DOB 1959; alt. DOB 1960; POB Misrata, Libya; nationality Libya; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT]. ARECHIGA GAMBOA, Jose Rodrigo (a.k.a. “CHINO ANTRAX”), Calle Clavel 1487, Colonia Margarita, Culiacan, Sinaloa, Mexico; DOB 15 Jun 1980; POB Culiacan, Sinaloa, Mexico; Passport 040061677 (Mexico); Driver's License No. ARGARD80061 (Mexico); C.U.R.P. AEGR800615HSLRMD01 (Mexico)

(individual) [SDNTK]. ARELLANO FELIX, Ramon Eduardo (a.k.a. COMACHO RODRIGUES, Gilberto; a.k.a. TORRES MENDEZ, Ramon); DOB 31 Aug 1964; POB Mexico (individual) [SDNTK]. CHANG, Chi Fu (a.k.a. CHAN, Changtrakul; a.k.a. CHANG, Shi-Fu; a.k.a. CHANG, Xifu; a.k.a. CHANGTRAKUL, Chan; a.k.a. KHUN SA); DOB 17 Feb 1933; alt. DOB 07 Jan 1932; alt. DOB 12 Feb 1932; POB Burma (individual) [SDNTK]. COLORADO CESSA, Francisco Antonio, C Rio Tonalá #3, Colonia Jardines, Tuxpan, Veracruz 92890, Mexico; Rio Palma 10, Jardines, Tuxpan, Veracruz 92890, Mexico; La Flor De Maria, Carretera Mexico-Tuxpan, Tuxpan, Veracruz, Mexico; DOB 10 Oct 1960; POB Tuxpan, Veracruz, Mexico; nationality Mexico; citizen Mexico; Passport 04060004616 (Mexico); C.U.R.P. COCF601010HVZLSR05 (Mexico) (individual) [SDNTK] (Linked To: ADT PETROSERVICIOS, S.A. DE C.V.). FAIZ, Mohammed Karim Yusop (a.k.a. FAIZ, Mohammad Yusuf Karim; a.k.a. FAIZ, Mohammed Yusop Karin; a.k.a. FAIZ, Mohd Karim Yusop; a.k.a. SAIFUDDIN, Muhmmad; a.k.a. “AL–INDONESI, Abu Walid”; a.k.a. “AL–INDUNISI, Abu-Walid”), Syria; DOB 11 Oct 1978; POB Indonesia; nationality Indonesia; citizen Indonesia; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT). FLORES BORREGO, Samuel (a.k.a. “SAMUEL FLORES FLORES”), Miguel Aleman, Tamaulipas, Mexico; Reynosa, Tamaulipas, Mexico; Michoacan, Mexico; DOB 06 Aug 1972; alt. DOB 22 Aug 1977; POB Tamaulipas, Mexico; alt. POB Distrito Federal, Mexico; nationality Mexico; citizen Mexico; C.U.R.P. FOBS720806HTSLRM05 (Mexico); C.U.I.P. FOFS770822H09576414 (Mexico) (individual) [SDNTK]. GARCIA ARBOLEDA, Edward (a.k.a. “ORION”); DOB 04 Jun 1975; POB Urrao, Antioquia, Colombia; citizen Colombia; Cedula No. 98624193 (Colombia) (individual) [SDNTK] (Linked To: LA TIENDA DE MINGO; Linked To: INVERSIONES C.P.C.L. Y CIA. S. EN C.S.). GONZALEZ PIZANA JR., Rogelio (a.k.a. GONZALEZ GARZA, Rolando; a.k.a. GONZALEZ PIZANA, Rogelio Kak, Jr.; a.k.a. PIZANA GONZALEZ, Rogelio), Matamoros, Tamaulipas, Mexico; Carretera A La Playa El Huizachal, Valle Hermoso, Tamaulipas, Mexico; Fraccionamiento Valle De Aguayo, 9th Street and Quintana Roo No. 3150, Ciudad Victoria, Tamaulipas,

Mexico; DOB 28 Feb 1974; alt. DOB 01 Mar 1974; nationality Mexico; citizen Mexico (individual) [SDNTK]. HEATH, Noel Timothy (a.k.a. ZAMBA, Noel Heath; a.k.a. ZAMBO, Noel Heath), Cardin Avenue, Saint Kitts and Nevis; DOB 16 Dec 1949; POB St Kitts and Nevis; Passport 03574 (United Kingdom) (individual) [SDNTK]. HERNANDEZ BARRON, Raul, Calle Congregacion Troncones y Potrerillos, Colonia Congregaciones Troncones y Potrerillos, Coatzintla, Veracruz C.P. 93160, Mexico; DOB 04 Feb 1977; alt. DOB 16 Oct 1980; POB Poza Rica de Hidalgo, Veracruz; alt. POB Coatzintla, Veracruz; alt. POB Veracruz, Mexico; nationality Mexico; citizen Mexico; C.U.R.P. HEBR770204HVZRR02 (Mexico); Electoral Registry No. HRBRRL77020430H900 (Mexico); Cartilla de Servicio Militar Nacional C–528381 (Mexico); C.U.I.P. HEBR770204H30271467 (Mexico) (individual) [SDNTK]. ISSA, Issa Osman (a.k.a. ATTO, Abdullah; a.k.a. BUR, Abdullah; a.k.a. “AFADEY”; a.k.a. “MUSSE”; a.k.a. “SUDANI, Abdala”); DOB 1973; POB Malindi, Kenya; nationality Kenya; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT]. JEDI, Muhammad Wanndy Bin Mohamed (a.k.a. JEDI, Muhammad Wanndy bin Muhamad; a.k.a. JEDI, Muhamad Wanndy Mohamad; a.k.a. JEDI, Muhamad Wanndy Muhammad; a.k.a. WANNDY, Muhamad; a.k.a. “AL–FATEH, Abu Hamzah”; a.k.a. “AL–MALIZI, Abu Sayyaf”), Syria; DOB 16 Nov 1990; alt. DOB 1989 to 1991; POB Durian Tunggal, Malacca, Malaysia; nationality Malaysia; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport A33373751 (Malaysia); National ID No. 90116–04–5293 (individual) [SDGT] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT). KIYOTA, Jiro (a.k.a. SIN, Byon-Gyu); DOB 1940; POB Japan (individual) [TCO]. MELLADO CRUZ, Galdino (a.k.a. GALINDO MELLADO, Cruz; a.k.a. MELLADO CRUZ, Galindo; a.k.a. “EL MELLADO”), Calle Llano Grande, Tampico Alto, Veracruz C.P. 92040, Mexico; DOB 18 Apr 1973; POB Tampico, Veracruz; nationality Mexico; citizen Mexico; R.F.C. MECC730418 (Mexico); C.U.R.P. MECC730418HVZLRL05 (Mexico) (individual) [SDNTK]. MESA PAEZ, Aristides Manuel (a.k.a. “EL INDIO”); DOB 25 Apr 1970; POB San Pedro de Uraba, Antioquia, Colombia; citizen Colombia; Cedula No. 71978727 (Colombia) (individual) [SDNTK].

MORENO GONZALEZ, Nazario (a.k.a. CASTREJON PENA, Victor Nazario; a.k.a. MORENO MADRIGAL, Nazario; a.k.a. MORENO, Chayo; a.k.a. MORENO, Jose; a.k.a. "CHAYO"; a.k.a. "EL CHAYO"; a.k.a. "EL DULCE"; a.k.a. "EL MAS LOCO"; a.k.a. "LA COMADRE"; a.k.a. "LOCO"; a.k.a. "TINO"), Apatzingan, Michoacan, Mexico; 625 Virgilio Garza Chepevera, Monterrey, Nuevo Leon 64030, Mexico; Calle Isidro Murivera, Matamoros 51370, Mexico; 7 Calle Fray Servando Teresa de Mier, Aptazingan, Michoacan, Mexico; 336 Calle Priv Carlos S de Gortari, Monterrey, Nuevo Laredo, Mexico; 36 Calle Nayarit, Caborca, Sonora 83610, Mexico; DOB 08 Mar 1970; alt. DOB 06 Mar 1970; alt. DOB 12 Jun 1967; alt. DOB 12 Jun 1979; alt. DOB 02 Feb 1982; POB Ario de Rosales, Michoacan, Mexico; alt. POB Guanajuatillo, Michoacan, Mexico; citizen Mexico; SSN 601-62-3570 (United States); R.F.C. MOGN670612TN0 (Mexico); alt. R.F.C. MOGN700308TN2 (Mexico); alt. R.F.C. MOGN790612TN8 (Mexico); C.U.R.P. MOGN700308HMNRNZ07 (Mexico); Identification Number 092520304 (Mexico) (individual) [SDNTK]. MUZZAMIL, Mohammad Daoud (a.k.a. DAWOUD, Muhammad), Afghanistan; DOB 1983; POB Nahr-e Saraj District, Helmand Province, Afghanistan; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] (Linked To: TALIBAN). NUR, Mohammed (a.k.a. NUR, Mammam; a.k.a. NUR, Mohammad; a.k.a. NURA, Mohammed; a.k.a. NURU, Mallam Ahmed; a.k.a. "MUHAMMAD, Muhammad"); DOB 01 Jan 1972; POB Maiduguri, Nigeria; nationality Nigeria; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] (Linked To: BOKO HARAM) PADIerna PENA, Luis Orlando (a.k.a. "INGLATERRA"); DOB 26 Jan 1979; POB Carepa, Antioquia, Colombia; citizen Colombia; Cedula No. 15441176 (Colombia) (individual) [SDNTK]. PAEZ SOTO, Ramon Ignacio (a.k.a. "EL MORENO"; a.k.a. "PAEZ Nachillo"; a.k.a. "PAEZ, Nacho"); DOB 31 Jul 1973; POB Culiacan, Sinaloa, Mexico; citizen Mexico (individual) [SDNTK]. PLANCARTE SOLIS, Enrique (a.k.a. "KIKE"; a.k.a. "LA CHIVA"), Michoacan, Mexico; c/o Colonia Centro, Ave Lazaro Cardenas Sur 134, Nueva Italia, Michoacan, Mexico; DOB 14 Sep 1970; POB Michoacan, Mexico; nationality Mexico; C.U.R.P. PASE700914HMNLLN09 (Mexico) (individual) [SDNTK]. RENDON

RAMIREZ, Jose Aldemar (a.k.a. "MECHAS"), Carrera 9 No. 10-07, Cartago, Valle, Colombia; Carrera 26 No. 80-40, MZ 1, Casa 13, Pereira, Risaralda, Colombia; Carrera 13 No. 18-50, Cartago, Valle, Colombia; DOB 24 Jul 1950; POB Pereira, Risaralda, Colombia; Cedula No. 16202349 (Colombia); Passport AF956905 (Colombia); alt. Passport AE182792 (Colombia) (individual) [SDNT]. RIVAS REYES, Roberto Jose, Managua, Nicaragua; DOB 06 Jul 1954; POB Matagalpa, Nicaragua; nationality Nicaragua; Gender Male; Passport A00000604 (Nicaragua) issued 19 Jun 2013 expires 19 Jun 2023; alt. Passport 04091979435 (Nicaragua) issued 19 Jun 2013 expires 19 Jun 2023; National ID No. 4410607540007S (Nicaragua) (individual) [GLOMAG]. SALI JR., Jainal Antel (a.k.a. "ABU SOLAIMAN"; a.k.a. "ABU SOLAYMAN"; a.k.a. "APONG SOLAIMAN"; a.k.a. "APUNG"); DOB 01 Jun 1965; POB Barangay Lanote, Bliss, Isabele, Basilan, the Philippines; nationality Philippines; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT]. SHANT, Adam Yacub (a.k.a. SHARIF, Adam Yacub; a.k.a. YACOUN, Adam); DOB circa 1976; Commander for the Sudan Liberation Army (SLA) (individual) [DARFUR]. TAHA, Khalil Ibrahim Mohamed Achar Foudail (a.k.a. IBRAHIM, Khalil; a.k.a. MOHAMED, Khalil Ibrahim); DOB 15 Jun 1958; POB El Fasher, Sudan; alt. POB Al Fashir, Sudan; nationality Sudan; Registration ID 0179427 (France); National Foreign ID Number 4203016171 (France) issued 20 Feb 2004; Chairman, Justice and Equality Movement; Co-founder, National Redemption Front (individual) [DARFUR]. TUFAIL, Mohammed (a.k.a. TUFAIL, S.M.; a.k.a. TUFAIL, Sheik Mohammed); DOB 05 May 1930; nationality Pakistan; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT]. VALENZUELA VERDUGO, Jorge Mario (a.k.a. "CHOCLOS"), Antonio Rosales 280, Centro Culiacan, Culiacan, Sinaloa 80000, Mexico; De Las Toronjas 1999, Culiacan, Sinaloa 80060, Mexico; Boulevard Constitucion 257 PTE, Colonia Jorge Almada, Culiacan, Sinaloa 80200, Mexico; Angel Flores 624, Colonia Centro, Culiacan, Sinaloa, Mexico; DOB 23 Oct 1982; POB Distrito Federal, Mexico; citizen Mexico; Gender Male; Cedula No. 09084650 (Mexico); R.F.C. VAVJ821023EL8 (Mexico); National ID No. 23038267151 (Mexico); C.U.R.P. VAVJ821023HDFLRR02 (Mexico) (individual) [SDNTK].

ZERFAOUI, Ahmad (a.k.a. "ABDALLA"; a.k.a. "ABDULLAH"; a.k.a. "ABU CHOLDER"; a.k.a. "ABU KHAOUA"; a.k.a. "NUHR"; a.k.a. "SMAIL"); DOB 15 Jul 1963; POB Chrea, Algeria; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT]. ZEVALLOS GONZALES, Winston Ricardo (a.k.a. ZEVALLOS GONZALES, Ricardo), c/o AERO CONTINENTE S.A., Lima, Peru; c/o AVIANDINA S.A.C., Lima, Peru; c/o CORPORACION DE INVERSIONES EMPRESARIALES S.A., Lima, Peru; c/o TALLER DE REPARACIONES DE AERODINOS SUS PARTES Y SERVICIOS AEREOS S.A., Tarapoto, San Martin, Peru; c/o TRANSPORTES AEREOS UNIDOS SELVA AMAZONICA S.A., Lima, Peru; Avenida Rio Grande 367, Lima, Peru; DOB 11 May 1959; SSN 592-29-5509; LE Number 07942932 (Peru) (individual) [SDNTK]. ZLITNI, Abdulhafid (a.k.a. AL-ZULAYTINI, Abd-Al-Hafid Mahmud; a.k.a. ZLEITNI, Abdel-Hafez; a.k.a. ZLITNI, Abdelhafidh; a.k.a. ZLITNI, Abdul Hafid; a.k.a. ZLITNI, Abdul Hafiz; a.k.a. ZLITNI, Abdulhafid Mahmoud); DOB 1938; alt. POB Tripoli, Libya; Secretary of the General People's Committee for Finance and Planning; Secretary of the General People's Committee for Planning and Finance; Finance Minister; Director and Deputy Chairman of the Libyan Investment Authority (individual) [LIBYA2]. GONZALEZ BENITEZ, Olga Patricia, Hacienda Coque, Cartago, Colombia; Carrera 4 No. 16-04 apt. 303, Cartago, Colombia; c/o AGRICOLA GANADERA HENAO GONZALEZ Y CIA. S.C.S., Cartago, Colombia; c/o DESARROLLOS COMERCIALES E INDUSTRIALES HENAO GONZALEZ Y CIA. S.C.S., Cartago, Colombia; Avenida 4 Oeste No. 5-97 Apt. 1001, Cali, Colombia; c/o COMPANIA AGROINVERSORA HENAGRO LTDA., Cartago, Colombia; DOB 04 Aug 1965; POB Cartago, Valle Colombia; Cedula No. 29503761 (Colombia); Passport AH567983 (Colombia); alt. Passport 29503761 (Colombia) (individual) [SDNT]. AFGHAN, Sher (a.k.a. AFGHAN, Shear; a.k.a. AFGHAN, Shir; a.k.a. AZIZ, Mohammad; a.k.a. KHAN, Abdullah); DOB 1962; alt. DOB 1959; POB Pakistan (individual) [SDNTK]. CHANG, Ping Yun (a.k.a. KHUN, Saeng); DOB 07 Jan 1940; POB Burma (individual) [SDNTK]. GILBOA, Joseph (a.k.a. GIL, Josef; a.k.a. GILBERT, Joseph; a.k.a. GILBOA, Joseph Papzian; a.k.a. GILBOA, Yosef); DOB 08 Apr 1943; POB Israel (individual) [SDNTK]. HAMIEH, Jamiel (a.k.a.

HAMEIAH, Jamil; a.k.a. HAMEIAH, Jamil; a.k.a. HAMEIAH, Mamil; a.k.a. HAMEIEH, Jamil; a.k.a. HAMEIH, Jamil; a.k.a. HAMER, Jamil; a.k.a. HAMIAEH, Jamil; a.k.a. HAMIAH, Jamiel; a.k.a. HAMIE, Jamil; a.k.a. HAMIE, Jamil Abdulkarim; a.k.a. HAMIE, Jamile; a.k.a. HAMIEAH, Jamiel; a.k.a. HAMIEAH, Jamil; a.k.a. HAMIEH, Jamal; a.k.a. HAMIEH, Jamil; a.k.a. HAMIEH, Mamil; a.k.a. HAMIEL, Jamil; a.k.a. HAMIEYE, Jamil; a.k.a. HAMIEYYEH, Jamil; a.k.a. HAMIL, Jamil; a.k.a. HAMIYA, Abdul Jamil; a.k.a. HAMIYE, Jamil; a.k.a. HAMIYYAH, Jamil; a.k.a. HAMIYYEH, Jamil; a.k.a. HAMYH, Jamil; a.k.a. KARIM, Jamil Abdul; a.k.a. NAZIM, Abou; a.k.a. NEZAM, Abu; a.k.a. NIZAM, Abou; DOB Sep 1938 (individual) [SDNTK]. HIGUERA GUERRERO, Ismael; DOB 17 Mar 1961; POB Mexico (individual) [SDNTK]. KHAN, Nasir Ali (a.k.a. KHAN, Ali; a.k.a. KHAN, Nafir Ali; a.k.a. KHAN, Nazir Ali; a.k.a. KHAN, Nisan Ali; a.k.a. KHAN, Nisar Ali; a.k.a. NASIR, Ali Khan; a.k.a. NASIR, Khan Ali); DOB 01 Oct 1955; POB Pakistan (individual) [SDNTK]. OGUNGBUYI, Abeni O. (a.k.a. BABESTAN, Abeni O.; a.k.a. SHOFESO, Olatutu Temitope); DOB 30 Jun 1952; POB Nigeria (individual) [SDNTK]. OGUNGBUYI, Oluwole A. (a.k.a. ADEMULERO, Babestan Oluwole; a.k.a. BABESTAN, Wole A.; a.k.a. OGUNGBUYI, Wally; a.k.a. OGUNGBUYI, Wole A.; a.k.a. SHOFESO, Olatude I.; a.k.a. SHOFESO, Olatunde Irewole); DOB 04 Mar 1953; POB Nigeria (individual) [SDNTK]. RODRIGUEZ OREJUELA, Gilberto Jose (a.k.a. "LUCAS"; a.k.a. "THE CHESS PLAYER"), Cali, Colombia; DOB 31 Jan 1939; Cedula No. 6068015 (Colombia); alt. Cedula No. 6067015 (Colombia); Passport T321642 (Colombia); alt. Passport 6067015 (Comoros); alt. Passport 77588 (Argentina); alt. Passport 10545599 (Venezuela) (individual) [SDNT].

Entities

ADT PETROSERVICIOS, S.A. DE C.V., Carretera Federal Mexico—Tuxpan Km. 255 S/N, Santiago de la Pena, Tuxpan, Veracruz 92770, Mexico; Calle Panama #509, Colonia 27 De Septiembre, Poza Rica, Veracruz 93220, Mexico; Calle Rafael Nieto #187, Colonia El Cuatro, Cero Azul, Veracruz 82510, Mexico; Calle Francita #202, Colonia Guadalupe, Tampico, Tamaulipas 89120, Mexico; Veracruz, Veracruz, Mexico; Villahermosa, Tabasco, Mexico; R.F.C. APE010515F17 (Mexico) [SDNTK]. INVERSIONES C.P.C.L. Y CIA. S. EN C.S., Carrera 48 No. 25 B Sur 12, Envigado, Antioquia,

Colombia; NIT # 900315175–8 (Colombia) [SDNTK]. LA TIENDA DE MINGO, Calle 5 D No. 6 125, Medellin, Colombia; Matricula Mercantil No 16218702 (Medellin) [SDNTK]. AGRICOLA GANADERA HENAO GONZALEZ Y CIA. S.C.S., Carrera 4A No. 16–04 apt. 303, Cartago, Colombia; Km. 5 Via Aeropuerto, Cartago, Colombia; Carrera 1 No. 13–08, Cartago, Colombia; NIT # 800021615–1 (Colombia) [SDNT]. ARIZONA S.A., Carrera 8N No. 17A–12, Cartago, Colombia; NIT # 836000489–0 (Colombia) [SDNT]. COMPANIA AGROINVERSORA HENAGRO LTDA., Carrera 1 No. 13–08, Cartago, Colombia; Hacienda Coque, Cartago, Colombia; Km. 5 Via Aeropuerto, Cartago, Colombia; NIT # 800084326–8 (Colombia) [SDNT]. DESARROLLOS COMERCIALES E INDUSTRIALES HENAO GONZALEZ Y CIA. S.C.S., Carrera 4A No. 16–04 apt. 303, Cartago, Colombia; NIT # 800160475–2 (Colombia) [SDNT]. MAQUINARIA TECNICA Y TIERRAS LTDA. (a.k.a. M.T.T. LTDA.), Carrera 4A No. 16–04, Cartago, Colombia; Carrera 42 No. 5B–81, Cali, Colombia; NIT # 800084233–1 (Colombia) [SDNT]. ORGANIZACION EMPRESARIAL A DE J HENAO M E HIJOS Y CIA. S.C.S., Carrera 4A No. 16–04 apt. 303, Cartago, Colombia; Km. 5 Via Aeropuerto, Hacienda Coque, Cartago, Colombia; NIT # 800157331–1 (Colombia) [SDNT]. A.T.E. INTERNATIONAL LTD. (a.k.a. RWR INTERNATIONAL COMMODITIES), 3 Mandeville Place, London, United Kingdom [IRAQ2]. A.W.A. ENGINEERING LIMITED, 3 Mandeville Place, London, United Kingdom [IRAQ2]. ADMINCHECK LIMITED, 1 Old Burlington Street, London, United Kingdom [IRAQ2]. ADVANCED ELECTRONICS DEVELOPMENT, LTD, 3 Mandeville Place, London, United Kingdom [IRAQ2]. ARAB PETROLEUM ENGINEERING COMPANY LTD, Amman, Jordan [IRAQ2]. ARCHI CENTRE I.C.E. LIMITED, 3 Mandeville Place, London, United Kingdom [IRAQ2]. ARCHICONSULT LIMITED, 128 Buckingham Place, London 5, United Kingdom [IRAQ2]. ASSOCIATED ENGINEERS, United Kingdom [IRAQ2]. ATLAS AIR CONDITIONING COMPANY LIMITED, 55 Roebuck House, Palace Street, London, United Kingdom [IRAQ2]. ATLAS EQUIPMENT COMPANY LIMITED, 55 Roebuck House, Palace Street, London, United Kingdom [IRAQ2]. BAROON SHIPPING COMPANY LIMITED, Haven Court, 5 Library Ramp, Gibraltar, United Kingdom [IRAQ2]. ENDShIRE EXPORT

MARKETING, United Kingdom [IRAQ2]. FALCON SYSTEMS, United Kingdom [IRAQ2]. H & H METALFORM GMBH (a.k.a. H AND H METALFORM GMBH), Postfach 1160, Strontianitstrasse 5, Drensteinfurt 4406, Germany [IRAQ2]. I.P.C. INTERNATIONAL LIMITED, United Kingdom [IRAQ2]. I.P.C. MARKETING LIMITED, United Kingdom [IRAQ2]. INVESTACAST PRECISION CASTINGS, LTD., 112 City Road, London, United Kingdom [IRAQ2]. IRAQI ALLIED SERVICES LIMITED, United Kingdom [IRAQ2]. IRAQI FREIGHT SERVICES LIMITED, United Kingdom [IRAQ2]. IRAQI TRADE CENTER, Dubai, United Arab Emirates [IRAQ2]. JARACO S.A. (a.k.a. SOKTAR; a.k.a. TRADACO S.A.), 45 Route de Frontenex, Geneva CH–1207, Switzerland [IRAQ2]. KEENCLOUD LIMITED, 11 Catherine Place, Westminster, London, United Kingdom [IRAQ2]. MEED INTERNATIONAL LIMITED, 3 Mandeville Place, London, United Kingdom [IRAQ2]. ORIENT SHIPPING LIMITED, Lot 18, Bay Street, Kingstowne, Saint Vincent and the Grenadines [IRAQ2]. PANDORA SHIPPING CO. S.A., Honduras [IRAQ2]. PETRA NAVIGATION & INTERNATIONAL TRADING CO. LTD. (a.k.a. AL PETRA COMPANY FOR GOODS TRANSPORT LTD; a.k.a. PETRA NAVIGATION AND INTERNATIONAL TRADING CO. LTD.), Hai Al Wahda Mahalat 906, 906 Zulak 50, House 14, Baghdad, Iraq [IRAQ2]. RAJBROOK LIMITED, United Kingdom [IRAQ2]. REYNOLDS AND WILSON, LTD., 21 Victoria Road, Surbiton, Surrey KT6 4LK, United Kingdom [IRAQ2]. T N K FABRICS LIMITED, United Kingdom [IRAQ2]. T.E.G. LIMITED, 3 Mandeville Place, London, United Kingdom [IRAQ2]. TRADING & MARITIME INVESTMENTS (a.k.a. TRADING AND MARITIME INVESTMENTS), San Lorenzo, Honduras [IRAQ2]. U.I. INTERNATIONAL, United Kingdom [IRAQ2]. WHALE SHIPPING LTD., c/o Government of Iraq, State Organization of Ports, Maqal, Basrah, Iraq [IRAQ2].

B. On July 27, 2026, in order to resolve duplicate entries on OFAC's sanctions lists, OFAC removed 18 duplicate entries from the SDN List, the NS–PLC List, or the SSI List. The blocked property and the property and interest in property of these persons remain blocked because these persons or property also appear on the SDN List; these persons or property also remain subject to the prohibitions of the NS–PLC List or the SSI List, as applicable. Updates to any related list entries are

detailed below in Section C. The following duplicate entries have been removed from OFAC sanctions lists:

Individuals

AL-TURKI, Hassan Abdullah Hersi (a.k.a. AL-TURKI, Hassan); DOB circa 1944; POB Ogaden Region, Ethiopia; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT]. AWEYS, Hassan Dahir (a.k.a. ALI, Sheikh Hassan Dahir Aweys; a.k.a. AWES, Hassan Dahir; a.k.a. AWES, Shaykh Hassan Dahir; a.k.a. AWEYES, Hassen Dahir; a.k.a. AWEYS, Ahmed

Dahir; a.k.a. AWEYS, Sheikh; a.k.a. AWEYS, Sheikh Hassan Dahir; a.k.a. DAHIR, Aweys Hassan; a.k.a. IBRAHIM, Mohammed Hassan; a.k.a. OAIS, Hassan Tahir; a.k.a. UWAYS, Hassan Tahir; a.k.a. "HASSAN, Sheikh"), Somalia; Eritrea; DOB 1935; nationality Somalia; citizen Somalia (individual) [SOMALIA]. AW-MOHAMED, Ahmed Abdi (a.k.a. ABU ZUBEYR, Muktar Abdirahman; a.k.a. ABUZUBAIR, Muktar Abdulrahim; a.k.a. AW MOHAMMED, Ahmed Abdi; a.k.a. AW-MOHAMUD, Ahmed Abdi; a.k.a. "GODANE"; a.k.a. "GODANI"; a.k.a.

"MUKHTAR, Shaykh"; a.k.a. "ZUBEYR, Abu"); DOB 10 Jul 1977; POB Hargeysa, Somalia; nationality Somalia (individual) [SOMALIA]. HANIYA, Ismail Abdul Salah (a.k.a. HANIYA, Ismail; a.k.a. HANIYYA, Ismaeel); DOB 1962; POB Shati (individual) [NS-PLC]. ATIA, Hachim K., Lane 15, Area 902, Hai Al-Wahda, Baghdad, Iraq (individual) [IRAQ2]. ATIA, Hachim K., Hay Al-Adil Mahala-645, Zukak-8, No.-39, Baghdad, Iraq (individual) [IRAQ2].

Entities

BILLING CODE 4810-AL-P

JOINT STOCK COMPANY ARZAMASSKY PRIBOROSTROITEL'NY ZAVOD IMENI PLANDINA (a.k.a. JOINT STOCK COMPANY ARZAMASSKY PRIBOROSTROITEL'NY FACTORY NAMED AFTER P. I. PLANDINA; a.k.a. JSC ARZAMASSKY PRIBOROSTROITEL'NY ZAVOD NAMED AFTER PLANDIN), 50 Years of the Komsomola St., 8A, Arzamas, Nizhny Novgorod Region 607220, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 06 Sep 1993; Tax ID No. 5243001742 (Russia); Registration Number 1025201334850 (Russia) [RUSSIA-EO14024]. CSOFT DEVELOPMENT, Ul. Boitsovaya D. 17, K. 3, Pomesch. 12 Komnatad 3B, Moscow 107150, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Tax ID No. 7722570620 (Russia); Registration Number 1067746335711 (Russia) [RUSSIA-EO14024]. JOINT STOCK COMPANY POLEMA (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО ПОЛЕМА), Building 3, Przhivalskovo Street, Tula 300016, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Tax ID No. 7105008070 (Russia); Registration Number 1027100684050 (Russia) [RUSSIA-EO14024]. SPECIAL SYSTEMS PHOTONICS LLC, D. 64, lit. e, pomesch 2-n, pr-kt Bolshoi Sampsonievskii, office 706, Saint Petersburg 194044, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Tax ID No. 7802570752 (Russia); Registration Number 1167847155068 (Russia) [RUSSIA-EO14024]. JOINT STOCK COMPANY SHIPREPAIRING CENTER ZVYOZDOCHKA (a.k.a. JOINT-STOCK COMPANY SHIP REPAIR CENTER ZVEZDOCHKA; a.k.a. JOINT-STOCK COMPANY TSS ZVEZDOCHKA; a.k.a. JSC CENTER SUDOREMONTA ZVEZDOCHKA (Cyrillic: АО ЦЕНТР СУДОРЕМОНТА ЗВЕЗДОЧКА); a.k.a. SC ZVYOZDOCHKA; a.k.a. SHIPREPAIRING CENTER ZVYOZDOCHKA), 12 Mashinostroiteley Passage, Severodvinsk, Arkhangelsk Region 164500, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 12 Nov 2008; Tax ID No. 2902060361 (Russia) [RUSSIA-EO14024] (Linked To: JOINT STOCK COMPANY UNITED SHIPBUILDING CORPORATION). USTINOV, Vladimir Vasilyevich (Cyrillic: УСТИНОВ, Владимир Васильевич), Russia; DOB 25 Feb 1953; POB Nikolayevsk-on-Amur, Russia; nationality Russia; Gender Male; Secondary sanctions risk: See Section 11 of Executive Order 14024. (individual) [RUSSIA-EO14024]. SECOND ACADEMY OF NATURAL SCIENCES FOREIGN AFFAIRS BUREAU (a.k.a. KOREA KURYONGGANG TRADING CORPORATION; a.k.a. KOREA KUWOLSAN TRADING CORPORATION; a.k.a. KOREA RYENHAP 2 TRADING CORPORATION; a.k.a. KOREA TANGUN TRADING CORPORATION; a.k.a. RYUNG SENG TRADING CORPORATION; a.k.a. RYUNGSENG TRADING CORPORATION; a.k.a. RYUNGSONG TRADING CORPORATION), Pyongyang, Korea, North; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Target Type Government Entity [NPWMD]. KORUS CONSULTING CIS LIMITED LIABILITY COMPANY (a.k.a. KORUS KONSALTING SNG, OOO; a.k.a. LLL KORUS CONSULTING CIS; a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU KORUS KONSALTING SNG), 68 Sampsonievsky Avenue, letter N, Room 1N, Saint Petersburg 194100, Russia; Executive Order 13662 Directive Determination - Subject to Directive 1; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Registration ID

1057812752502 (Russia); For more information on directives, please visit the following link: <http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives> [UKRAINE-EO13662] (Linked To: PUBLIC JOINT STOCK COMPANY SBERBANK OF RUSSIA). LLC SOVREMENNYE TEKHNologii (a.k.a. MODERN TECHNOLOGIES LIMITED LIABILITY COMPANY; a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU SOVREMENNYE TEKHNologii; a.k.a. SOVREMENNYE TEKHNologii, OOO), 12a Korp. 1str 6 Pr 2-I Yuzhnoportovy, Moscow 115432, Russia; Executive Order 13662 Directive Determination - Subject to Directive 1; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Registration ID 1037708040468 (Russia); For more information on directives, please visit the following link: <http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives> [UKRAINE-EO13662] (Linked To: PUBLIC JOINT STOCK COMPANY SBERBANK OF RUSSIA). OBEDINENNAYA DVIGATELESTROITELNAYA KORPORATSIYA OAO (f.k.a. OTKRYTOE AKTSIONERNOE OBSHCHESTVO UPRAVLYAYUSHCHAYA KOMPANIYA OBEDINENNAYA DVIGATELESTROITELNAYA KORPORATSIYA; a.k.a. UNITED ENGINE CORPORATION JSC; a.k.a. "ODK OAO"), 16 Budennogo prospekt, Moscow 105118, Russia; Website www.uk-odk.ru; Email Address info@uecrus.com; Executive Order 13662 Directive Determination - Subject to Directive 3; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Registration ID 1107746081717; Tax ID No. 7731644035; Government Gazette Number 84023868; For more information on directives, please visit the following link: <http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives> [UKRAINE-EO13662] (Linked To: STATE CORPORATION ROSTEC). OTKRYTOE AKTSIONERNOE OBSHCHESTVO VNESHNEEKONOMICHESKOE OBEDINENIE TEKIINOPROMEKSPORT (a.k.a. JOINT STOCK COMPANY FOREIGN ECONOMIC ASSOCIATION TECHNOPROMEXPORT; a.k.a. OJSC TECHNOPROMEXPORT; a.k.a. TECHNOPROMEXPORT FOREIGN ECONOMIC ASSOCIATION OPEN JOINT STOCK COMPANY; a.k.a. TECHNOPROMEXPORT OJSC; a.k.a. VO TEKHNOPROMEKSPORT, OAO; a.k.a. "JSC TPE"), d. 15 str. 2 ul. Novy Arbat, Moscow 119019, Russia; Website <http://www.tpe.ru>; Email Address inform@tpe.ru; Executive Order 13662 Directive Determination - Subject to Directive 3; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Registration ID 1067746244026; Tax ID No. 7705713236; Government Gazette Number 02839043; For more information on directives, please visit the following link: <http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives>. [UKRAINE-EO13662] (Linked To: STATE CORPORATION ROSTEC).

Vessel

TASCA (3E2647) Crude Oil Tanker Panama flag; Vessel Registration Identification IMO 9313149; MMSI 352002494 (vessel) [IRAN-EO13846] (Linked To: BRECALIN HONG KONG CO LTD).

- C. On July 27, 2026, OFAC published updates to the identifying information of the following persons or property currently included on 1) the SDN List or 2) the SDN List and NS-PLC List, or 3) the SDN List and SSI List whose property and interests in property remain blocked and otherwise subject to the prohibitions of those lists, as applicable.

Individuals

AMEZCUA CONTRERAS, Jose de Jesus (a.k.a. AMESCUA, Chuey; a.k.a. AMEZCUA CONTRERAS, Jesus; a.k.a. AMEZCUA, Chuy; a.k.a. AMEZCUA, Jose de Jesus; a.k.a. HERNANDEZ, Adan); DOB 31 Jul 1964; alt. DOB 31 Jul 1964; alt. DOB 31 Jul 1965; POB Mexico (individual) [SDNTK]. -to- AMEZCUA CONTRERAS, Jose de Jesus (a.k.a. "AMESCUA, Chuey"; a.k.a. "AMEZCUA, Chuy"; a.k.a. "HERNANDEZ, Adan"), Mexico; DOB 31 Jul 1965; POB Jalisco, Mexico; nationality Mexico; Gender Male; C.U.R.P. AECJ650731HJCMNS00 (Mexico) (individual) [SDNTK]. AMEZCUA CONTRERAS, Luis Ignacio (a.k.a. AMEZCUA, Luis; a.k.a. CONTRERAS, Luis C.; a.k.a. LOPEZ, Luis; a.k.a. LOZANO, Eduardo; a.k.a. OCHOA, Salvador; a.k.a. RODRIGUEZ LOPEZ, Sergio); DOB 22 Feb 1964; alt. DOB 21 Feb 1964; alt. DOB 21 Feb 1974; POB Mexico (individual) [SDNTK]. -to- AMEZCUA CONTRERAS, Luis Ignacio (a.k.a. "LOPEZ, Luis"; a.k.a. "LOZANO, Eduardo"; a.k.a. "OCHOA, Salvador"; a.k.a. "RODRIGUEZ LOPEZ, Sergio"), Mexico; DOB 22 Feb 1964; POB Jalisco, Mexico; nationality Mexico; Gender Male; C.U.R.P. AECL640222HJCMNS09 (Mexico) (individual) [SDNTK]. ARELLANO FELIX, Benjamin Alberto, DOB 12 March 1952; alt. DOB 8 November 1953; alt. DOB 11 August 1955; POB Mexico (individual) [SDNTK]. -to- ARELLANO FELIX, Benjamin Alberto, Mexico; DOB 08 Nov 1953; POB Sinaloa, Mexico; nationality Mexico; Gender Male; C.U.R.P. AEFB531108HSLRLN05 (Mexico) (individual) [SDNTK]. CARDENAS GUILLEN, Osiel (a.k.a. CARDENAS CASTILLO, Osiel; a.k.a. CARDENAS GILLEN, Osiel; a.k.a. CARDENAS GUILLEN, Ociel; a.k.a. CARDENAS GUILLEN, Oscar; a.k.a. CARDENAS GUILLEN, Oziel; a.k.a. CARDENAS GULLEN, Osiel; a.k.a. CARDENAS TUILLEN, Osiel; a.k.a. SALINA AGUILAR, Jorge; a.k.a. SALINAS AGUILAR, Jorge); DOB 18 May 1967; POB Mexico (individual) [SDNTK]. -to- CARDENAS GUILLEN, Osiel (a.k.a. "CARDENAS CASTILLO, Osiel"; a.k.a. "SALINAS AGUILAR, Jorge"), Mexico; DOB 18 May 1967; POB Tamaulipas, Mexico; nationality Mexico; Gender Male; C.U.R.P. CXGO670518HTSRLS02 (Mexico) (individual) [SDNTK]. CARO QUINTERO, Miguel Angel; DOB 09 Mar 1963; POB Mexico (individual) [SDNTK]. -to- CARO QUINTERO, Miguel Angel, Mexico; DOB 09 Mar 1963; POB Sinaloa, Mexico; nationality Mexico; Gender Male; C.U.R.P. CAQM630309HSLRNG00 (Mexico) (individual) [SDNTK]. CARO QUINTERO, Rafael (a.k.a. CARO QUINTERO, Raphael); DOB 12 Dec 1952; alt. DOB 24 Nov 1955; alt. DOB 24 Oct 1955; POB Mexico (individual) [SDNTK]. -to- CARO QUINTERO, Rafael (a.k.a. CARO QUINTERO, Raphael), Mexico; DOB 24 Oct 1952; POB Sinaloa, Mexico; nationality Mexico; Gender Male; C.U.R.P. CAQR521024HSLRNF06 (Mexico) (individual) [SDNTK]. CARRILLO FUENTES, Vicente (a.k.a. CARRILLO FUENTES, Andres), DOB 16 October 1962; POB Mexico (individual) [SDNTK]. -to- CARRILLO FUENTES, Vicente (a.k.a. CARRILLO FUENTES, Andres),

Mexico; DOB 16 Oct 1962; POB Sinaloa, Mexico; nationality Mexico; Gender Male; C.U.R.P. CAFV621016HSLRNC0S (Mexico) (individual) [SDNTK]. MALHERBE DE LEON, Oscar (a.k.a. BECERRA MIRELES, Martin; a.k.a. BECERRA, Martin; a.k.a. MACHERBE, Oscar; a.k.a. MAHERBE, Oscar; a.k.a. MAHLERBE, Oscar; a.k.a. MAHLERBE, Polo; a.k.a. MALARBE, Oscar; a.k.a. MALERBE, Oscar; a.k.a. MALERHBE DE LEON, Oscar; a.k.a. MALERVA, Oscar; a.k.a. MALHARBE DE LEON, Oscar; a.k.a. MALHERBE DELEON, Oscar; a.k.a. MALMERBE, Oscar; a.k.a. MELARBE, Oscar; a.k.a. NALHERBE, Oscar; a.k.a. QALHARBE DE LEON, Oscar; a.k.a. VARGAS, Jorge); DOB 10 Jan 1964; POB Mexico (individual) [SDNTK]. -to- MALHERBE DE LEON, Oscar, Mexico; DOB 10 Jan 1964; POB Sinaloa, Mexico; nationality Mexico; Gender Male; C.U.R.P. MALO640110HTSLNS02 (Mexico) (individual) [SDNTK]. RAMON MAGANA, Alcides (a.k.a. ALCIDES MAGANA, Ramon; a.k.a. ALCIDES MAGANE, Ramon; a.k.a. ALCIDES MAYENA, Ramon; a.k.a. ALCIDEZ MAGANA, Ramon; a.k.a. GONZALEZ QUIONES, Jorge; a.k.a. MAGANA ALCIDES, Ramon; a.k.a. MAGANA, Jorge; a.k.a. MAGNA ALCIDEDES, Ramon; a.k.a. MATA, Alcides; a.k.a. RAMON MAGANA, Alcedis; a.k.a. ROMERO, Antonio); DOB 04 Sep 1957 (individual) [SDNTK]. -to- RAMON MAGANA, Alcides (Latin: RAMON MAGAÑA, Alcides) (a.k.a. "GONZALEZ QUIONES, Jorge"; a.k.a. "MAGANA, Jorge"; a.k.a. "MATA, Alcides"; a.k.a. "ROMERO, Antonio"), Mexico; DOB 04 Sep 1957; POB Tabasco, Mexico; nationality Mexico; Gender Male; C.U.R.P. RAMA570904HTCMGL03 (Mexico) (individual) [SDNTK]. WEI, Hsueh Kang (a.k.a. CHARNCHAI CHIWINNITTIPANYA; a.k.a. CHARNCHAI, Chivinnittipanya; a.k.a. CHIVINNITIPANYA, Prasit; a.k.a. CHIWINNITTIPANYA, Charnchai; a.k.a. PRASIT, Chivinnittipanya; a.k.a. PRASIT CHIVINNITIPANYA; a.k.a. WEI, Shao-Kang; a.k.a. WEI, Sia-Kang; a.k.a. WEI, Xuekang), DOB 29 May 1952; Passport Q081061 (Thailand); alt. Passport E091929 (Thailand) (individual) [SDNTK]. -to- WEI, Hsueh Kang (a.k.a. CHARNCHAI, Chivinnittipanya; a.k.a. CHIVINNITIPANYA, Prasit; a.k.a. WEI, Xuekang), Burma; DOB 29 Jun 1952; alt. DOB 29 May 1952; Gender Male; Passport Q081061 (Thailand); alt. Passport E091929 (Thailand) (individual) [SDNTK]. CHOU, Hsien Cheng (a.k.a. CHEW, Kheng Siang), c/o TET KHAM (S) PTE. LTD., Singapore; c/o VEST SPECTRUM (S) PTE. LTD., Singapore, Singapore; 9 Haig Avenue, Singapore 438864, Singapore; National ID No. S1199192J (Singapore) (individual) [SDNTK]. -to- CHOU, Hsien Cheng (a.k.a. CHEW, Kheng Siang), 9 Haig Avenue, Singapore 438864, Singapore; DOB 17 Sep 1955; nationality Singapore; citizen Singapore; Gender Male; National ID No. S1199192J (Singapore) (individual) [SDNTK] (Linked To: VEST SPECTRUM (S) PTE. LTD.; Linked To: TET KHAM (S) PTE. LTD.). HLA, Aung (a.k.a. "AH BANG"; a.k.a. "AH PANG"; a.k.a. "HLA AUNG"), c/o YANGON AIRWAYS COMPANY LIMITED, Rangoon, Burma; c/o TET KHAM CONSTRUCTION COMPANY LIMITED, Mandalay, Burma; c/o TET KHAM GEMS CO., LTD., Yangon, Burma; No. 7, Corner of Inya Road & Oo Yin Street, Ward. 10, Kamayut, Yangon, Burma; Passport 706634 (Burma); alt. Passport 497797 (Burma) (individual) [SDNTK]. -to- HLA, Aung (a.k.a. "AUNG, U HI"; a.k.a. "BANG, Ah"; a.k.a. "HLA AUNG"; a.k.a. "PANG, Ah"), No. 7, Corner of Inya Road & Oo Yin Street, Ward. 10, Kamayut, Yangon, Burma; DOB 09 Feb 1969; nationality Burma; citizen Burma; Gender Male; Passport 706634 (Burma); alt. Passport 497797 (Burma) (individual) [SDNTK] (Linked To: AIR THANLWIN LIMITED; Linked To: TET KHAM

CONSTRUCTION COMPANY LIMITED; Linked To: TET KHAM GEMS CO., LTD.). KHINE, Oo Oo (a.k.a. "OO OO KHINE"; a.k.a. "U OO OO KHINE"), c/o YANGON AIRWAYS COMPANY LIMITED, Rangoon, Burma; c/o TET KHAM CONSTRUCTION COMPANY LIMITED, Mandalay, Burma; c/o TET KHAM GEMS CO., LTD., Yangon, Burma; 15 Bongyi Street, Lanmadaw Township, Rangoon, Burma; National ID No. 009016 (Burma); Passport A056782 (Burma) (individual) [SDNTK]. -to- KHINE, Oo Oo (a.k.a. "KHINE, U Oo Oo"), 15 Bongyi Street, Lanmadaw Township, Rangoon, Burma; DOB 08 Jun 1970; POB Burma; nationality Burma; citizen Burma; Gender Male; Passport A056782 (Burma); National ID No. 009016 (Burma) (individual) [SDNTK] (Linked To: AIR THANLWIN LIMITED; Linked To: TET KHAM CONSTRUCTION COMPANY LIMITED; Linked To: TET KHAM GEMS CO., LTD.). PAO, Yu Liang (a.k.a. "PAO YU LIANG"; a.k.a. "TA KYET"), Mong Mao, Shan, Burma (individual) [SDNTK]. -to- PAO, Yu Liang (a.k.a. "BAO, You Liang"; a.k.a. "TA KYET"), Mong Mao, Shan, Burma; DOB 1947; Gender Male (individual) [SDNTK]. THET, Naing Win (a.k.a. "THET NAING WIN"), c/o TET KHAM CONSTRUCTION COMPANY LIMITED, Mandalay, Burma; Passport 944168 (Burma) (individual) [SDNTK]. -to- THET, Naing Win, Burma; DOB 04 Jun 1972; nationality Burma; citizen Burma; Gender Male; Passport 944168 (Burma) (individual) [SDNTK] (Linked To: TET KHAM CONSTRUCTION COMPANY LIMITED). HENAO MONTOYA, Arcangel de Jesus, Hacienda Coque, Cartago, Colombia; Carrera 4 No. 16-04 apt. 303, Cartago, Colombia; c/o AGRICOLA GANADERA HENAO GONZALEZ Y CIA. S.C.S., Cartago, Colombia; c/o COMPANIA AGROINVERSORA HENAGRO LTDA., Cartago, Colombia; c/o DESARROLLOS COMERCIALES E INDUSTRIALES HENAO GONZALEZ Y CIA. S.C.S., Cartago, Colombia; c/o MAQUINARIA TECNICA Y TIERRAS LTDA., Cartago, Colombia; c/o ORGANIZACION EMPRESARIAL A DE J HENAO M E HIJOS Y CIA. S.C.S., Cartago, Colombia; c/o AGROPECUARIA MIRALINDO S.A., Cartago, Colombia; c/o ARIZONA S.A., Cartago, Colombia; Carrera 8N No. 17A-12, Cartago, Colombia; Carrera 42 No. 5B-81, Cali, Colombia; DOB 07 Oct 1954; POB Cartago, Valle, Colombia; Cedula No. 16215230 (Colombia); Passport 16215230 (Colombia); NIT # 16215230-1 (Colombia) (individual) [SDNT]. -to- HENAO MONTOYA, Arcangel de Jesus, Cartago, Colombia; DOB 07 Oct 1954; POB Cartago, Valle, Colombia; nationality Colombia; Gender Male; Cedula No. 16215230 (Colombia); Passport 16215230 (Colombia); NIT # 16215230-1 (Colombia) (individual) [SDNT]. PATINO FOMEQUE, Victor Julio (a.k.a. PATINO FOMEQUE, Victor Hugo), Avenida 4N No. 10N-100, Cali, Colombia; c/o INDUSTRIA DE PESCA SOBRE EL PACIFICO S.A., Buenaventura, Colombia; c/o TAURA S.A., Cali, Colombia; c/o GALAPAGOS S.A., Cali, Colombia; DOB 31 Jan 1959; Cedula No. 16473543 (Colombia) (individual) [SDNT]. -to- PATINO FOMEQUE, Victor Julio (a.k.a. PATINO FOMEQUE, Victor Hugo), Cali, Colombia; DOB 31 Jan 1959; nationality Colombia; Gender Male; Cedula No. 16473543 (Colombia) (individual) [SDNT]. DUQUE BOTERO, Jorge Alirio, Calle 5 No. 5A-49, Buenaventura, Colombia; c/o INDUSTRIA DE PESCA SOBRE EL PACIFICO S.A., Buenaventura, Colombia; DOB 04 Jun 1949; Cedula No. 6160843 (Colombia) (individual) [SDNT]. -to- DUQUE BOTERO, Jorge Alirio, Calle 5 No. 5A-49, Buenaventura, Colombia; DOB 04 Jun 1949; nationality Colombia; Gender Male; Cedula No. 6160843 (Colombia) (individual) [SDNT] (Linked To: PATINO FOMEQUE, Victor Julio). AWDA, Abd Al Aziz; DOB 1946; Secondary sanctions risk: section 1(b) of

Executive Order 13224, as amended by Executive Order 13886; Chief Ideological Figure of PALESTINIAN ISLAMIC JIHAD - SHIQAQI (individual) [SDGT]. -to- AWDA, Abd Al Aziz, Gaza; DOB 20 Dec 1950; POB Jabaliyah, Gaza Strip; nationality Palestinian; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Chief Ideological Figure of PALESTINIAN ISLAMIC JIHAD - SHIQAQI (individual) [SDGT]. ISLAMBOULI, Mohammad Shawqi; DOB 15 Jan 1955; POB Egypt; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 304555 (Egypt); Military Leader of ISLAMIC GAMA'AT (individual) [SDGT]. -to- ISLAMBOULI, Mohammad Shawqi, Minya, Egypt; DOB 15 Jan 1955; alt. DOB 21 Jan 1952; POB Egypt; nationality Egypt; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 304555 (Egypt); Military Leader of ISLAMIC GAMA'AT (individual) [SDGT]. USTINOV, Vladimir Vasilyevich, Russia; DOB 25 Feb 1953; POB Nikolayevsk-on-Amur, Russian Federation; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209 (individual) [UKRAINE-EO13661]. -to- USTINOV, Vladimir Vasilyevich (Cyrillic: УСТИНОВ, Владимир Васильевич), Russia; DOB 25 Feb 1953; POB Nikolayevsk-on-Amur, Russian Federation; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; alt. Secondary sanctions risk: See Section 11 of Executive Order 14024. (individual) [UKRAINE-EO13661] [RUSSIA-EO14024]. AL-TURKI, Hassan Abdullah Hersi (a.k.a. AL-TURKI, Hassan; a.k.a. TURKI, Hassan; a.k.a. TURKI, Hassan Abdillahi Hersi; a.k.a. TURKI, Sheikh Hassan; a.k.a. XIRSI, Xasan Cabdilaahi; a.k.a. XIRSI, Xasan Cabdulle), Somalia; DOB circa 1944; POB Ogaden Region, Ethiopia; nationality Somalia (individual) [SOMALIA]. -to- AL-TURKI, Hassan Abdullah Hersi (a.k.a. AL-TURKI, Hassan; a.k.a. TURKI, Hassan; a.k.a. TURKI, Hassan Abdillahi Hersi; a.k.a. TURKI, Sheikh Hassan; a.k.a. XIRSI, Xasan Cabdilaahi; a.k.a. XIRSI, Xasan Cabdulle), Somalia; DOB circa 1944; POB Ogaden Region, Ethiopia; nationality Somalia; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] [SOMALIA]. AWEYS, Hassan Dahir (a.k.a. ALI, Sheikh Hassan Dahir Aweys; a.k.a. AWES, Shaykh Hassan Dahir); DOB 1935; citizen Somalia; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT]. -to- AWEYS, Hassan Dahir (a.k.a. ALI, Sheikh Hassan Dahir Aweys; a.k.a. AWES, Shaykh Hassan Dahir; a.k.a. "AWES, Hassan Dahir"; a.k.a. "UWAYS, Hassan Tahir"), Somalia; Eritrea; DOB 1935; nationality Somalia; citizen Somalia; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] [SOMALIA]. AW-MOHAMED, Ahmed Abdi (a.k.a. ABUZUBAIR, Muktar Abdulrahim; a.k.a. AW MOHAMMED, Ahmed Abdi; a.k.a. "ABU ZUBEYR"; a.k.a. "GODANE"; a.k.a. "GODANI"; a.k.a. "SHAYKH MUKHTAR"); DOB 10 Jul 1977; POB Hargeysa, Somalia; nationality Somalia; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT]. -to- AW-MOHAMED, Ahmed Abdi (a.k.a. ABUZUBAIR, Muktar Abdulrahim; a.k.a. AW MOHAMMED, Ahmed Abdi; a.k.a. "ABU ZUBEYR"; a.k.a. "GODANE"; a.k.a. "GODANI"; a.k.a. "SHAYKH MUKHTAR"); DOB 10 Jul 1977; POB Hargeysa, Somalia; nationality Somalia; Gender Male; Secondary sanctions risk: section 1(b) of

Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] [SOMALIA]. HANIYEH, Ismail (a.k.a. HANIEH, Ismail; a.k.a. HANIYA, Ismael; a.k.a. HANIYA, Ismail; a.k.a. HANIYAH, Ismael; a.k.a. HANIYAH, Ismail; a.k.a. HANIYEH, Ismail Abdel Salam Ahmed; a.k.a. HANIYEH, Ismayil; a.k.a. HANIYYAH, Ismail); DOB 1962; POB Shati refugee camp, Gaza Strip; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT]. -to- HANIYAH, Ismail Abdul Salah (a.k.a. HANIEH, Ismail; a.k.a. HANIYA, Ismael; a.k.a. HANIYA, Ismail; a.k.a. HANIYAH, Ismael; a.k.a. HANIYAH, Ismail; a.k.a. HANIYEH, Ismail Abdel Salam Ahmed; a.k.a. HANIYEH, Ismayil; a.k.a. HANIYYAH, Ismail); DOB 1962; POB Shati refugee camp, Gaza Strip; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] [NS-PLC]. ATIA, Hachim K., 2 Stratford Place, London W1N 9AE, United Kingdom (individual) [IRAQ2]. -to- ATIA, Hachim K., 2 Stratford Place, London W1N 9AE, United Kingdom; Lane 15, Area 902, Hai Al-Wahda, Baghdad, Iraq; Hay Al-Adil Mahala-645, Zukak-8, No.-39, Baghdad, Iraq (individual) [IRAQ2].

Entities

INDUSTRIA DE PESCA SOBRE EL PACIFICO S.A (a.k.a. INPESCA S.A.), Km. 5 El Pinal, Buenaventura, Colombia; Av. Simon Bolivar Km. 5 El Pinal, Buenaventura, Colombia; NIT # 890302172-4 (Colombia) [SDNT]. -to- INDUSTRIA DE PESCA SOBRE EL PACIFICO S.A (a.k.a. INPESCA S.A.), Km. 5 El Pinal, Buenaventura, Colombia; Av. Simon Bolivar Km. 5 El Pinal, Buenaventura, Colombia; NIT # 890302172-4 (Colombia) [SDNT] (Linked To: PATINO FOMEQUE, Victor Julio). GALAPAGOS S.A, Calle 24N No. 6AN-15, Cali, Colombia; Carrera 115 No. 16B-121, Cali, Colombia; NIT # 800183712-2 (Colombia) [SDNT]. -to- GALAPAGOS S.A, Calle 24N No. 6AN-15, Cali, Colombia; Carrera 115 No. 16B-121, Cali, Colombia; NIT # 800183712-2 (Colombia) [SDNT] (Linked To: PATINO FOMEQUE, Victor Julio). AKTSIONERNOE OBSHESTVO ARZAMASSKIY PRIBOROSTROITELNYI ZAVOD IMENI P I PLANDINA (a.k.a. ARZAMAS INSTRUMENT PLANT), 8A, 50let Vlksm Street, Arzamas, Nizhny Novgorod 607220, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Tax ID No. 5243001742 (Russia); Registration Number 1025201334850 (Russia) [RUSSIA-EO14024]. -to- AKTSIONERNOE OBSHESTVO ARZAMASSKIY PRIBOROSTROITELNYI ZAVOD IMENI P I PLANDINA (a.k.a. ARZAMAS INSTRUMENT PLANT; a.k.a. "JOINT STOCK COMPANY ARZAMASSKY PRIBOROSTROITELNY FACTORY NAMED AFTER P. I. PLANDINA"; a.k.a. "JOINT STOCK COMPANY ARZAMASSKY PRIBOROSTROITELNY ZAVOD IMENI PLANDINA"; a.k.a. "JSC ARZAMASSKY PRIBOROSTROITELNY ZAVOD NAMED AFTER PLANDIN"), 8A, 50let Vlksm Street, Arzamas, Nizhny Novgorod 607220, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 06 Sep 1993; Tax ID No. 5243001742 (Russia); Registration Number 1025201334850 (Russia) [RUSSIA-EO14024]. JOINT STOCK COMPANY POLEMA, ul. Przhivalskogo D. 3, Tula 300016, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Tax ID No. 7105008070 (Russia); Registration Number 1027100684050 (Russia) [RUSSIA-

EO14024]. -to- JOINT STOCK COMPANY POLEMA (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО ПОЛЕМА), ul. Przhevalskogo D. 3, Tula 300016, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Tax ID No. 7105008070 (Russia); Registration Number 1027100684050 (Russia) [RUSSIA-EO14024]. OAO SHIP REPAIR CENTER 'ZVEZDOCHKA' (a.k.a. AO SHIP REPAIR CENTER 'ZVEZDOCHKA'; a.k.a. JOINT STOCK COMPANY SHIP REPAIR CENTER 'ZVEZDOCHKA'; a.k.a. SHIP REPAIR CENTER ZVEZDOCHKA; a.k.a. 'ZVEZDOCHKA' SHIPYARD), 12, proyezd Mashinostroiteley, Severodvinsk, Arkhangelskaya Oblast 164509, Russia; 13 Geroyev Sevastopolya Street, Sevastopol, Crimea 99001, Ukraine; Website www.star.ru; alt. Website <http://starsmz.ru/>; alt. Website <http://sevmorzavod.com/>; Email Address info@star.ru; alt. Email Address star_sev@mail.ru; alt. Email Address office@smp.com.ua; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Registration ID 1082902002677 (Russia); Tax ID No. 2902060361 (Russia) [UKRAINE-EO13685]. -to- OAO SHIP REPAIR CENTER 'ZVEZDOCHKA' (a.k.a. AO SHIP REPAIR CENTER 'ZVEZDOCHKA'; a.k.a. JOINT STOCK COMPANY SHIP REPAIR CENTER 'ZVEZDOCHKA'; a.k.a. JOINT STOCK COMPANY SHIPREPAIRING CENTER ZVYOZDOCHKA; a.k.a. JSC CENTER SUDOREMONTA ZVEZDOCHKA (Cyrillic: АО ЦЕНТР СУДОРЕМОНТА ЗВЕЗДОЧКА); a.k.a. SHIP REPAIR CENTER ZVEZDOCHKA; a.k.a. 'ZVEZDOCHKA' SHIPYARD), 12, proyezd Mashinostroiteley, Severodvinsk, Arkhangelskaya Oblast 164509, Russia; 13 Geroyev Sevastopolya Street, Sevastopol, Crimea 99001, Ukraine; Website www.star.ru; alt. Website <http://starsmz.ru/>; alt. Website <http://sevmorzavod.com/>; Email Address info@star.ru; alt. Email Address star_sev@mail.ru; alt. Email Address office@smp.com.ua; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; alt. Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 12 Nov 2008; Registration ID 1082902002677 (Russia); Tax ID No. 2902060361 (Russia) [UKRAINE-EO13685] [RUSSIA-EO14024] (Linked To: JOINT STOCK COMPANY UNITED SHIPBUILDING CORPORATION). KOREA TANGUN TRADING CORPORATION (a.k.a. KOREA KURYONGGANG TRADING CORPORATION; a.k.a. RYUNG SENG TRADING CORPORATION; a.k.a. RYUNGSENG TRADING CORPORATION; a.k.a. RYUNGSONG TRADING CORPORATION), Pyongyang, Korea, North; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214 [NPWMD] [DPRK2]. -to- KOREA TANGUN TRADING CORPORATION (a.k.a. KOREA KURYONGGANG TRADING CORPORATION; a.k.a. KOREA KUWOLSAN TRADING CORPORATION; a.k.a. KOREA RYENHAP 2 TRADING CORPORATION; a.k.a. RYUNG SENG TRADING CORPORATION; a.k.a. RYUNGSENG TRADING CORPORATION; a.k.a. RYUNGSONG TRADING CORPORATION; a.k.a. SECOND ACADEMY OF NATURAL SCIENCES FOREIGN AFFAIRS BUREAU), Pyongyang, Korea, North; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Target Type Government Entity [NPWMD] [DPRK2]. LIMITED LIABILITY COMPANY KORUS

CONSULTING CIS (a.k.a. KORUS CONSULTING CIS LLC; a.k.a. KORUS CONSULTING SNG), Room 1N, 68 letter N Bolshoy Sampsonievskiy Ave, St. Petersburg 194100, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Tax ID No. 7801392271 (Russia); Registration Number 1057812752502 (Russia) [RUSSIA-EO14024] (Linked To: PUBLIC JOINT STOCK COMPANY SBERBANK OF RUSSIA). -to- LIMITED LIABILITY COMPANY KORUS CONSULTING CIS (a.k.a. KORUS CONSULTING CIS LLC; a.k.a. KORUS CONSULTING SNG; a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU KORUS KONSALTING SNG), Room 1N, 68 letter N Bolshoy Sampsonievskiy Ave, St. Petersburg 194100, Russia; Executive Order 13662 Directive Determination - Subject to Directive 1; Secondary sanctions risk: See Section 11 of Executive Order 14024.; alt. Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Tax ID No. 7801392271 (Russia); Registration Number 1057812752502 (Russia); For more information on directives, please visit the following link: <http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives> [UKRAINE-EO13662] [RUSSIA-EO14024] (Linked To: PUBLIC JOINT STOCK COMPANY SBERBANK OF RUSSIA). SOVREMENNYE TEKHNologii LIMITED LIABILITY COMPANY (a.k.a. SOVREMENNYE TEKHNologii; a.k.a. SOVREMENNYE TEKHNologii LLC), 12a Vtoroy Yuzhnoportovy Drive, b. 1/6, Moscow 115432, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Tax ID No. 7708229993 (Russia); Registration Number 1037708040468 (Russia) [RUSSIA-EO14024] (Linked To: PUBLIC JOINT STOCK COMPANY SBERBANK OF RUSSIA). -to- SOVREMENNYE TEKHNologii LIMITED LIABILITY COMPANY (a.k.a. SOVREMENNYE TEKHNologii; a.k.a. SOVREMENNYE TEKHNologii LLC; a.k.a. "MODERN TECHNOLOGIES LIMITED LIABILITY COMPANY"; a.k.a. "OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU SOVREMENNYE TEKHNologii"), 12a Vtoroy Yuzhnoportovy Drive, b. 1/6, Moscow 115432, Russia; Executive Order 13662 Directive Determination - Subject to Directive 1; Secondary sanctions risk: See Section 11 of Executive Order 14024.; alt. Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Tax ID No. 7708229993 (Russia); Registration Number 1037708040468 (Russia); For more information on directives, please visit the following link: <http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives> [UKRAINE-EO13662] [RUSSIA-EO14024] (Linked To: PUBLIC JOINT STOCK COMPANY SBERBANK OF RUSSIA). JOINT STOCK COMPANY UNITED ENGINE CORPORATION (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО ОБЪЕДИНЕННАЯ ДВИГАТЕЛЕСТРОИТЕЛЬНАЯ КОРПОРАЦИЯ) (a.k.a. AKTSIONERNOE OBSHCHESTVO OBEDINENNAYA DVIgatelestroitelNaya KORPORATSIYA; a.k.a. UNITED ENGINE CORP JSC; a.k.a. "AO ODK" (Cyrillic: "АО ОДК")), 16, Budyonny Avenue, Moscow 105118, Russia; Per. Mayakovskogo D. 11, Moscow 109147, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; alt. Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Organization Established Date 22 Nov 2007; Tax ID No. 7731644035 (Russia); Registration Number 1107746081717 (Russia) [UKRAINE-EO13662] [RUSSIA-EO14024]. -to- JOINT STOCK COMPANY UNITED ENGINE CORPORATION (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО

ОБЪЕДИНЕННАЯ ДВИГАТЕЛЕСТРОИТЕЛЬНАЯ КОРПОРАЦИЯ) (a.k.a. AKTSIONERNOE OBSHCHESTVO OBEDINENNAYA DVIGATELESTROITELNAYA KORPORATSIYA; a.k.a. UNITED ENGINE CORP JSC; a.k.a. "AO ODK" (Cyrillic: "АО ОДК"); a.k.a. "OTKRYTOE AKTSIONERNOE OBSHCHESTVO UPRAVLYAYUSHCHAYA KOMPANIYA OBEDINENNAYA DVIGATELESTROITELNAYA KORPORATSIYA"), 16, Budyonny Avenue, Moscow 105118, Russia; Per. Mayakovskogo D. 11, Moscow 109147, Russia; Website www.uk-odk.ru; Email Address info@uecrus.com; Executive Order 13662 Directive Determination - Subject to Directive 3; Secondary sanctions risk: See Section 11 of Executive Order 14024.; alt. Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Organization Established Date 22 Nov 2007; Tax ID No. 7731644035 (Russia); Government Gazette Number 84023868 (Russia); Registration Number 1107746081717 (Russia); For more information on directives, please visit the following link: <http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives> [UKRAINE-EO13662] [RUSSIA-EO14024] (Linked To: STATE CORPORATION ROSTEC).

OTKRYTOE AKTSIONERNOE OBSHCHESTVO VNESHNEEKONOMICHESKOE OBEDINENIE TEKHNOPROMEKSPORT (a.k.a. JOINT STOCK COMPANY FOREIGN ECONOMIC ASSOCIATION TECHNOPROMEXPORT; a.k.a. JOINT STOCK COMPANY FOREIGN ECONOMIC ASSOCIATION TEKHNOPROMEXPORT; a.k.a. JSC TEKHNOPROMEXPORT; a.k.a. JSC VO TEKHNOPROMEXPORT; a.k.a. OJSC TECHNOPROMEXPORT; a.k.a. OPEN JOINT STOCK COMPANY FOREIGN ECONOMIC ASSOCIATION TEKHNOPROMEXPORT; a.k.a. VO TEKHNOPROMEKSPORT, OAO; a.k.a. "JSC TPE"), d. 15 str. 2 ul. Novy Arbat, Moscow 119019, Russia; Email Address inform@tpe.ru; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Registration ID 1067746244026 (Russia); Tax ID No. 7705713236 (Russia); Government Gazette Number 02839043 (Russia) [UKRAINE-EO13685]. -to- OTKRYTOE AKTSIONERNOE OBSHCHESTVO VNESHNEEKONOMICHESKOE OBEDINENIE TEKHNOPROMEKSPORT (a.k.a. JOINT STOCK COMPANY FOREIGN ECONOMIC ASSOCIATION TECHNOPROMEXPORT; a.k.a. JOINT STOCK COMPANY FOREIGN ECONOMIC ASSOCIATION TEKHNOPROMEXPORT; a.k.a. JSC TEKHNOPROMEXPORT; a.k.a. JSC VO TEKHNOPROMEXPORT; a.k.a. OJSC TECHNOPROMEXPORT; a.k.a. OPEN JOINT STOCK COMPANY FOREIGN ECONOMIC ASSOCIATION TEKHNOPROMEXPORT; a.k.a. VO TEKHNOPROMEKSPORT, OAO; a.k.a. "JSC TPE"), d. 15 str. 2 ul. Novy Arbat, Moscow 119019, Russia; Website <http://www.tpe.ru>; Email Address inform@tpe.ru; Executive Order 13662 Directive Determination - Subject to Directive 3; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Registration ID 1067746244026 (Russia); Tax ID No. 7705713236 (Russia); Government Gazette Number 02839043 (Russia); For more information on directives, please visit the following link: <http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives> [UKRAINE-EO13662] [UKRAINE-EO13685] (Linked To: STATE CORPORATION ROSTEC).

Vessel

TASCA (3E2647) Crude Oil Tanker Panama flag; Secondary sanctions risk: See Section 11 of Executive Order 14024.; alt. Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Vessel Registration Identification IMO 9313149; MMSI 352002494 (vessel) [UKRAINE-EO13662] [RUSSIA-EO14024] (Linked To: SUNNE CO LIMITED). -to- TASCA Crude Oil Tanker Unknown flag; Former Vessel Flag Panama; Secondary sanctions risk: See Section 11 of Executive Order 14024.; alt. Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Vessel Registration Identification IMO 9313149 (vessel) [UKRAINE-EO13662] [IRAN-EO13846] [RUSSIA-EO14024] (Linked To: SUNNE CO LIMITED; Linked To: BRECALIN HONG KONG CO LTD).

(Authority: 31 CFR chapter V.)

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–20526 Filed 10–6–26; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Form 8881

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before December 7, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Include “OMB Control No. 1545–1810” in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: View the latest drafts of the tax forms related to the information collection listed in this notice at <https://www.irs.gov/draft-tax-forms>. Requests for additional information or copies of this collection should be directed to LaNita Van Dyke, 202–317–6009.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed,

revised, and continuing collections of information. This helps the IRS assess its impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and be viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Form 8881—Credit for Small Employer Pension Plan Startup Costs, Auto-Enrollment, and Military Spouse Retirement Plan.

OMB Control Number: 1545–1810.

Form Number: 8881.

Abstract: Eligible small employers use Form 8881 to claim credits under the Internal Revenue Code sections 45E, 45T, and 45AA. Section 45E provides a credit for qualified start-up costs incurred by an employer in establishing or administering an eligible employer plan, for the retirement-related education of employees with respect to the plan, and for certain employer contributions to an eligible employer

plan. Section 45T provides a credit when a qualified employer plan includes an eligible automatic contribution arrangement, as defined in section 414(w)(3). Section 45AA provides a credit to eligible small employers that offer defined contribution plans with specific features that benefit military spouses.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 66,667.

Estimated Time per Response: 8 hours, 38 minutes.

Estimated Total Annual Burden Hours: 575,337.

Dated: October 2, 2026.

LaNita Van Dyke,

Tax Analyst.

[FR Doc. 2026–20541 Filed 10–6–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Returns Regarding Payments of Interest

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before December 7, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Include "OMB Control No. 1545-0112" in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: View the latest drafts of the tax forms related to the information collection listed in this notice at <https://www.irs.gov/draft-tax-forms>. Requests for additional information or copies of this collection should be directed to Kerry Dennis, (202) 317-5751.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Interest Income.

OMB Control Number: 1545-0112.

Form Numbers: 1099-INT.

Abstract: IRC section 6049 requires payers of interest of \$10 or more to file a return showing the aggregate amount of interest paid to a payee. Regulations sections 1.6049-4 and 1.6049-7 require Form 1099-INT to be used to report this information. IRC section 6041 and Regulations section 1.6041-1 require persons paying interest (that is not

covered under section 6049) of \$600 or more in the course of their trades or businesses to report that interest on Form 1099-INT. IRS uses Form 1099-INT to verify compliance with the reporting rules and to verify that the recipient has included the proper amount of interest on his or her income tax return.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, Federal Government, individuals or households, and not-for-profit institutions.

Estimated Number of Respondents: 141,555,000.

Estimated Time per Response: 19 minutes.

Estimated Total Annual Burden Hours: 46,403,150.

Dated: October 2, 2026.

Kerry Dennis,

Tax Analyst.

[FR Doc. 2026-20540 Filed 10-6-26; 8:45 am]

BILLING CODE 4831-GV-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Time and Manner of Making Certain Elections Under the Technical and Miscellaneous Revenue Act of 1988

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before December 7, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Include "OMB Control No. 1545-1112" in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Kerry Dennis, (202) 317-5751.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork

Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Time and Manner of Making Certain Elections Under the Technical and Miscellaneous Revenue Act of 1988.

OMB Control Number: 1545-1112.

Abstract: Section 301.9100-8 provides rules governing the time and manner for making certain elections under the Technical and Miscellaneous Revenue Act of 1988. The regulation specifies when eligible taxpayers must make the applicable elections, the information that must be provided, and the manner in which the elections are made, generally through statements attached to Federal tax returns or other prescribed filings. The information is used by the Internal Revenue Service to identify the election being made, determine whether the taxpayer is eligible to make the election, and administer the applicable provisions of the Internal Revenue Code. The affected respondents are taxpayers eligible to make the elections addressed by the regulation.

Current Actions: There are no changes being made to this regulation or burden estimates at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, businesses or other for-

profit organizations, State, Local, or Tribal Governments.

Estimated Number of Respondents: 21,740.

Estimated Time per Response: 17 minutes.

Estimated Total Annual Burden Hours: 6,010.

Dated: October 2, 2026.

Kerry Dennis,

Tax Analyst.

[FR Doc. 2026–20539 Filed 10–6–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Treasury Decision (TD) 8686, Requirements To Ensure Collection of Section 2056A Estate Tax

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before December 7, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Include “OMB Control No. 1545–1443” in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to LaNita Van Dyke, 202–317–6009.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature,

such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Treasury Decision (TD) 8686, Requirements to Ensure Collection of Section 2056A Estate Tax.

OMB Control Number: 1545–1443.

Regulation Project Number: TD 8686.

Abstract: This document contains final regulations that provide guidance relating to the additional requirements necessary to ensure the collection of the estate tax imposed under IRC section 2056A(b) with respect to taxable events involving qualified domestic trusts (QDOTs) described in IRC section 2056A(a). To ensure collection of the tax, the regulation provides various security options that may be selected by the trust and the requirements associated with each option. Under certain circumstances, the trust is required to file an annual statement with the IRS disclosing the assets held by the trust.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Revision of currently approved collection.

Affected Public: Individuals and households.

Estimated Number of Responses: 4,390.

Estimated Time per Response: 1 hours, 23 minutes.

Estimated Total Annual Burden Hours: 6,070.

Dated: September 26, 2026.

LaNita Van Dyke,

Tax Analyst.

[FR Doc. 2026–20542 Filed 10–6–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Trump Account Election(s)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before December 7, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Include “OMB Control No. 1545–2336” in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Kerry Dennis, (202) 317–5751.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up

costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Trump Account Election(s).

OMB Control Number: 1545–2336.

Form Numbers: Form 4547 and Form 8879–TA.

Regulation Numbers: 1.530A–1T and 7T.

Abstract: Section 70204 of Public Law 119 21, 139 Stat. 72 (July 4, 2025), commonly referred to as the One, Big, Beautiful Bill Act, in relevant part, added new section 530A to the Internal Revenue Code (IRC). IRC Section 530A provides for the establishment of a Trump account for an eligible individual and for rules related to investments in a Trump account. The temporary regulations include reporting by account beneficiaries or responsible parties to claim an auto account, and third-party disclosures and associated recordkeeping requirements from trustees to account beneficiaries or responsible parties about delisting events. Form 4547 and Form 8879–TA will be used to make the elections to claim the \$1,000 pilot program contribution.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, businesses, and for-profit organizations.

Estimated Number of Responses: 148,498,585.

Estimated Time per Response: 2 hours, 5 minutes.

Estimated Total Annual Burden Hours: 71,188,310 hours.

Dated: October 2, 2026.

Kerry Dennis,

Tax Analyst.

[FR Doc. 2026–20538 Filed 10–6–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY

Privacy Act of 1974; System of Records

AGENCY: Department of the Treasury.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of the Treasury, Departmental Offices, proposes to establish a new system of records titled, “Department of the Treasury .033—Federal Student Aid Portfolio Research, Analysis, Oversight, Reporting, and Compliance Records.” The purpose of this system of records is

to allow the Office of the Fiscal Assistant Secretary and the Office of Economic Policy to receive and maintain records necessary to administer, oversee, monitor, report on, and ensure compliance with Treasury responsibilities associated with Treasury’s oversight and management of federal student aid portfolio activities performed in coordination with the U.S. Department of Education pursuant to an interagency agreement. The Department of Education will provide Treasury access to personally identifiable information and other data concerning recipients of federal student aid grants and federal student loans made under Title IV of the Higher Education Act of 1965, as amended. The information will originate from, or be derived from, Education systems and datasets subject to an interagency data sharing agreement, including the National Student Loan Data System (NSLDS), Default Management Collection System (DMCS), and Enterprise Data Management & Analytics Platform Services (EDMAPS). This SORN covers records and information received from these Education systems, together with Treasury-generated analyses, reports, compliance records, and other records created in the performance of Treasury’s authorized functions under applicable statutes and interagency agreements, including the Economy Act or other legally operative authorities, as applicable.

DATES: Submit comments on or before November 6, 2026. This new system will be effective upon publication. The routine uses will be effective 30 days after publication of this notice on November 6, 2026 unless Treasury receives comments and determines that changes to the system of records notice are necessary.

ADDRESSES: Written comments on this notice may be submitted electronically through the Federal government eRulemaking portal at <http://www.regulations.gov>; docket No. TREAS–DO–2026–0628. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt, and enables Treasury to make the comments available to the public. Please note that comments submitted through <https://www.regulations.gov> will be made available for viewing by the public.

Comments on this notice may also be addressed to U.S. Department of the Treasury, Attention: Ryan Law, Deputy Assistant Secretary for Privacy, Transparency, and Records, 1500 Suite #8100, JBAB, 250 Murray Lane SW,

Bldg. 410/Door 123, Washington, DC 20222, or by email: Privacy@treasury.gov.

FOR FURTHER INFORMATION CONTACT:

Ryan Law, Deputy Assistant Secretary for Privacy, Transparency, and Records, U.S. Department of the Treasury, 1500 Suite #8100, JBAB, 250 Murray Lane SW, Bldg. 410/Door 123, Washington, DC 20222, or by email: Privacy@treasury.gov.

SUPPLEMENTARY INFORMATION:

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, as amended (the Privacy Act), the Department of the Treasury proposes to establish a new Treasury system of records titled, “Department of the Treasury .033—Federal Student Aid Portfolio Research, Analysis, Oversight, Reporting, and Compliance Records.”

Treasury is publishing this SORN to support the Treasury’s administration, oversight, reporting, audit coordination, policy, program management, and compliance activities associated with Treasury’s oversight and management of the federal student aid portfolio.

Pursuant to an interagency agreement, the Department of Education will provide Treasury with information needed to support Treasury’s management of the federal student aid portfolio; specifically, data, including personally identifiable information, concerning recipients of federal student aid grants and federal student loans made under Title IV of the Higher Education Act of 1965, as amended. Treasury will use the data to support research, analysis, policy development, oversight, reporting, compliance, and program administration activities in furtherance of the interagency agreement. The Education-originated data may include PII from student education records protected by the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and 34 CFR part 99. Treasury’s access to, use of, duplication of, redisclosure of, and destruction of such information will be subject to the terms of the interagency agreement, FERPA, the Privacy Act, and applicable information security and privacy requirements. In addition to complying with applicable federal privacy and security laws, Treasury implements administrative, technical, and physical safeguards to PII. Treasury limits the collection, use, disclosure, retention, and disposal of PII to authorized purposes, restricts access to personnel with a need to know, and employs role-based access controls, audit logging, periodic access reviews, and required privacy and security training to safeguard the information.

Treasury maintains applicable privacy documentation and retains and disposes of records in accordance with National Archives and Records Administration (NARA)-approved records schedules and applicable federal records management requirements.

Treasury will use Education-originated NSLDS information, together with Treasury-generated oversight, reporting, compliance, reconciliation, audit, and program management records, to perform Departmental Offices functions associated with Treasury's role in the administration of the federal student aid portfolio. These activities will include monitoring portfolio transition and implementation activities; reviewing the status, performance, integrity, and compliance of collection-related activities; preparing management reports, dashboards, statistical summaries, briefing materials, and responses to oversight inquiries; supporting reconciliations and data quality reviews; coordinating with the Department of Education, the Bureau of the Fiscal Service, the Office of Management and Budget, Congress, inspectors general, the Government Accountability Office, auditors, and other oversight entities; documenting decisions, approvals, findings, risks, corrective actions, and compliance determinations; and ensuring that Treasury's activities are conducted consistent with applicable law, policy, agreements, internal controls, privacy requirements, information security requirements, and records management obligations.

Although the Department of Education remains the authoritative custodian of the underlying Title IV program records and maintains separate systems of records supporting its operational administration of those programs, Treasury is establishing a single Departmental Offices system of records to support its own unified oversight, governance, reporting, research, policy, compliance, audit coordination, and portfolio management responsibilities. Treasury's system will maintain information received from multiple Education systems, together with Treasury-generated analyses, reports, compliance records, and other records created in the performance of Treasury's authorized functions under applicable statutes and interagency agreements, including the Economy Act or other legally operative authorities, as applicable. Because these records are maintained under a common governance framework for a single Treasury mission, they constitute a distinct Treasury system of records under the Privacy Act, and a single

SORN provides the most accurate and transparent description of Treasury's recordkeeping practices. Below is the description of the Department of the Treasury .033—Federal Student Aid Portfolio Research, Analysis, Oversight, Reporting, and Compliance Records.

Treasury has provided a report of this system of records to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget (OMB), pursuant to 5 U.S.C. 552a(r) and OMB Circular A-108, "Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act," dated December 23, 2016.

Ryan Law,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

SYSTEM NAME AND NUMBER:

Department of the Treasury .033—Federal Student Aid Portfolio Research, Analysis, Oversight, Reporting, and Compliance Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained by the U.S. Department of the Treasury, Departmental Offices, 1500 Pennsylvania Avenue NW, Washington, DC 20220. Records may also be maintained in Treasury-authorized information technology environments, cloud services, shared drives, collaboration platforms, records management systems, email systems, analytics environments, and contractor-operated or Treasury-managed facilities.

SYSTEM MANAGER(S):

Office of the Fiscal Assistant Secretary, Departmental Offices, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

Office of Economic Policy, Departmental Offices, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

Office of the Chief Information Officer, Departmental Offices, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 31 U.S.C. 321; 31 U.S.C. chapter 37, including 31 U.S.C. 3711, 3716, 3717, 3718, 3720A, and 3720D, as applicable; the Debt Collection Improvement Act of 1996, Public Law 104-134; the Federal Claims Collection

Act, as amended; 31 CFR parts 285 and 900-904; Title IV of the Higher Education Act of 1965, as amended, including 20 U.S.C. 1001 *et seq.*, 1070 *et seq.*, and 1087e *et seq.*, as applicable; 20 U.S.C. 1232g and 34 CFR part 99; 5 U.S.C. 552a; and applicable Department of Education system of records notices and routine uses authorizing disclosure to Treasury; OMB Circular A-129, Policies for Federal Credit Programs and Non-Tax Receivables; and any applicable memorandum of understanding, interagency agreement, data-sharing attachment, transfer agreement, delegation, or other legally operative arrangement between the Department of the Treasury and the U.S. Department of Education relating to Treasury's ownership, administration, oversight, reporting, compliance, research, analysis, policy development, or program management responsibilities involving federal student aid or defaulted student loan portfolio activities.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to maintain records necessary for the Departmental Offices, through the Office of the Fiscal Assistant Secretary and Office of Economic Policy, to conduct Treasury-level administration, oversight, monitoring, reporting, analysis, research, policy development, audit coordination, evaluation, reconciliation, and compliance activities associated with Treasury's responsibilities under an interagency agreement with the U.S. Department of Education concerning federal student aid grants, federal student loans, and related Title IV, HEA program data.

Records in this system will include information that originates from Education systems and datasets subject to the interagency data sharing agreement(s), including but not limited to the National Student Loan Data System (NSLDS), Default Management Collection System (DMCS), and Enterprise Data Management & Analytics Platform Services (EDMAPS). Records in this Treasury system will be used to:

1. Support Treasury-level administration, oversight, and governance of federal student aid portfolio activities;
2. Monitor the status, performance, integrity, and compliance of activities conducted by Fiscal Service or other Treasury components in connection with the portfolio;
3. Conduct research, analysis, modeling, forecasting, policy development, and evaluation concerning federal student aid grant and

loan portfolios, defaulted student loan debt, collection activities, repayment outcomes, portfolio performance, and related Treasury or Education program administration issues;

4. Prepare management reports, dashboards, briefing materials, analyses, statistical summaries, portfolio summaries, reconciliations, and responses to oversight inquiries;

5. Coordinate with the Department of Education, Fiscal Service, Treasury officials, OMB, Congress, inspectors general, auditors, Government Accountability Office (GAO), and other authorized oversight entities;

6. Evaluate program compliance with applicable statutes, regulations, policies, agreements, internal controls, privacy requirements, information security requirements, records management requirements, and reporting obligations;

7. Support reconciliation, quality assurance, data validation, exception reporting, error correction, complaint trend analysis, inquiry tracking, risk management, and issue escalation;

8. Support audits, reviews, investigations, evaluations, litigation support, and responses to congressional, OMB, GAO, inspector general, or other authorized oversight requests;

9. Document Treasury decisions, approvals, policies, procedures, controls, risk assessments, findings, remediation actions, and communications concerning the federal student aid portfolio; and

10. Support program transition, implementation, reporting, and closeout activities associated with the transfer, ownership, administration, oversight, or management of the portfolio.

Education-originated PII, including PII from education records protected by FERPA, will be used only to the extent necessary to accomplish the purposes authorized by the interagency agreement and this system of records notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system may include:

1. Individuals who are applicants for, recipients of, or otherwise associated with federal student aid grants or federal student loans made under Title IV of the Higher Education Act of 1965, as amended;

2. Individuals who are borrowers, aid recipients, obligors, debtors, endorser, co-signers, or other persons associated with federal student loans, defaulted student loans, overpayments, grant obligations, or other Title IV obligations;

3. Individuals whose information is maintained in, or derived from, Education systems and datasets made

available to Treasury under the interagency agreement(s), including NSLDS, DMCS, and, EDMAPS;

4. Individuals who submit inquiries, complaints, correspondence, disputes, appeals, requests for assistance, or requests for relief concerning federal student aid portfolio oversight, reporting, transfer, ownership, compliance, or related Treasury Departmental Offices activities;

5. Authorized representatives, attorneys, guardians, estate representatives, or other third parties acting on behalf of borrowers, obligors, debtors, aid recipients, endorser, co-signers, parents, or spouses;

6. Department of Education, Treasury, Fiscal Service, contractor, auditor, or other government personnel identified in records relating to program administration, oversight, reporting, compliance, audit, or coordination; and

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system may include information that originates from or is derived from Education systems and datasets, including but not limited to NSLDS, DMCS, EDMAPS, and related Education or Federal Student Aid (FSA) records, as well as Treasury-generated research, analysis, policy, oversight, reporting, compliance, audit, reconciliation, and program management records.

Records may include,:

1. Federal student aid grant and loan information, including information concerning Title IV grant recipients, loan recipients, borrowers, obligors, debtors, loan origination, disbursement, servicing, repayment, default, collection, discharge, cancellation, consolidation, overpayment, and final disposition.

2. Application and eligibility information, including dependency, income, household, institutional selection, eligibility, processing, and related application or aid-determination information, to the extent provided under the interagency agreement.

3. Origination and disbursement information, including grant and loan origination, award, disbursement, adjustment, and recipient information.

4. Default management and collection information, including DMCS-derived defaulted debt, collection, repayment, compromise, discharge, referral, recall, suspension, adjustment, and account status information.

5. Analytics, warehouse, and derived data, including EDMAPS, and other analytical, statistical, master data management, or warehouse-derived records used for research, analysis,

policy development, oversight, reporting, reconciliation, or compliance.

6. Institutional and participant information, including information concerning postsecondary institutions, program participation, institutional identifiers, and related institutional or program data, where relevant to Treasury's analysis, reporting, oversight, policy, or compliance functions.

7. Aid applicant, recipient, borrower, obligor, debtor, endorser, co-signer, parent, and spouse identifying information, including name, former name, Social Security number, taxpayer identifying number, date of birth, physical address, mailing address, phone number, email address, driver's license number and state of issuance, borrower identification number, loan account number, debt identification number, case number, and other unique identifiers;

8. Student loan information covering the period from origination through final payment, consolidation, discharge, default, collection, or other final disposition, including loan type, loan program, loan amount, disbursements, outstanding principal, interest, fees, penalties, costs, balances, loan status, repayment plan, repayment history, payments, collections, claims, deferments, forbearances, refunds, discharges, cancellations, forgiveness, consolidations, transfers, servicer or holder information, and other loan-level details;

9. Default, delinquency, debt, and collection-related information, including date of delinquency, date of default, default status, debt amount, debt certification information, collection status, collection activity summaries, amounts collected, amounts offset, amounts refunded, amounts adjusted, compromise or resolution status, suspension, recall, termination, write-off, referral, rejection, correction, and other information used to oversee or report on collection of defaulted student loan debts;

10. PLUS loan endorser or co-signer information, including co-signer or endorser name, Social Security number, date of birth, driver's license number and state of issuance, active-duty status, email address, address, phone number, and relevant loan information with respect to the loan for which the individual is an endorser or co-signer;

11. Aid applicant and recipient demographic, eligibility, and application-related information, including dependency status, citizenship, veteran status, marital status, gender, income and asset information, expected family contribution or Student Aid Index, Free

Application for Federal Student Aid (FAFSA)-related processing flags, indicators, rejections, overrides, institution selections, residency plans, pre-screening and post-screening results, and other information used to determine or document aid eligibility or benefit eligibility;

12. Parent and spouse information, including name, date of birth, Social Security number, marital status, email address, highest level of schooling completed, college attendance status, income and asset information, and other information contained in Education-originated records relevant to aid eligibility, repayment, discharge, oversight, reporting, or compliance;

13. Student enrollment and educational program information, including institution name, Office of Postsecondary Education identification number, educational program, Classification of Instructional Programs code, credential level, level of study, published program length, enrollment status, transfer student monitoring information, completion date, withdrawal date, and other information concerning the institution or program in which the individual enrolled;

14. Educational program cost, debt, and financial value transparency information, including annual cost of attendance, total tuition and fees assessed, tuition residency status, allowances for books, supplies, equipment, housing, and food, institutional grants and scholarships disbursed, other state, tribal, or private grants disbursed, private educational loans disbursed, institutional debt, aggregate income information for completers and non-completers of educational programs, and median loan debt incurred by students enrolled in those programs;

15. Grant, overpayment, and other title IV obligation information, including Federal Pell Grant, Federal Supplemental Educational Opportunity Grant, Academic Competitiveness Grant, National SMART Grant, TEACH Grant, Iraq and Afghanistan Service Grant, Federal Work-Study, Federal Perkins Loan overpayment amounts, earnings, disbursement dates, approved Prison Education Program indicators, and related title IV obligation information where relevant to the portfolio;

16. Benefit, discharge, repayment, and relief-related information, including information related to income-driven repayment, Public Service Loan Forgiveness, total and permanent disability discharge, Servicemembers Civil Relief Act benefits, other loan repayment or discharge benefits, current

income, family size, repayment plan selections, employer name, dates of employment, employment status, repayment amount, consent or approval indicators related to information exchanges, and information about a spouse where applicable;

17. Guaranty agency, lender, holder, servicer, financial institution, and contractor information, including demographic, contact, identifier, loan holder, lender, servicer, guaranty agency, Federal Loan Servicer, Federal Perkins Loan Servicer, third-party servicer, contractor, or financial institution information relevant to the portfolio, loan transfers, servicing, collection, oversight, reporting, or compliance;

18. Information obtained through matching programs or other information exchanges with federal, state, local, tribal, or other agencies or administrators of federal funds and programs, where used to identify eligibility for title IV loan benefits, deferments, interest rate reductions, loan repayment or discharge benefits, or to recoup payments or delinquent debts under title IV programs;

19. Inquiry, complaint, customer interaction, and assistance records, including complaint records, requests for assistance or relief, correspondence, call summaries, chat transcripts, email communications, web form submissions, physical mail, fax communications, customer satisfaction survey information, audio or screen recording references or summaries where provided to Treasury, issue tracking records, and related response or resolution documentation;

20. System user, access, and audit information, including user names, user profiles, access approvals, access history, role or permission information, audit logs, data access records, data transfer records, transmission logs, and information necessary to ensure only authorized users access records and to maintain a history of information reviewed;

21. Portfolio transfer, referral, reconciliation, and data quality records, including memoranda of understanding, implementation plans, data-sharing documentation, data dictionaries, interface control documents, file specifications, transfer logs, validation results, exception reports, reconciliation records, data correction records, acceptance and rejection records, quality assurance reviews, and portfolio transition documentation;

22. Treasury Offset Program and Fiscal Service operational summary information, including offset eligibility indicators, collection status indicators,

collection activity summaries, amounts collected, amounts offset, refunds, adjustments, recall or suspension indicators, and other summary or extract information used by Departmental Offices for oversight, compliance, reporting, reconciliation, or program management;

23. Oversight, compliance, audit, evaluation, and program management records, including internal control records, risk assessments, audit plans, program review materials, findings, corrective action plans, issue trackers, remediation documentation, compliance certifications, management reports, dashboards, analytics outputs, statistical summaries, briefing materials, decision memoranda, meeting materials, and correspondence; and

24. Personnel, contractor, auditor, and interagency coordination records, including names, titles, offices, roles, contact information, actions taken, approvals, assignments, and communications of Treasury, Education, Fiscal Service, contractor, auditor, or other government personnel involved in administration, oversight, reporting, compliance, audit, or program management activities.

RECORD SOURCE CATEGORIES:

Information in this system will be obtained from:

1. The U.S. Department of Education, including Federal Student Aid and Education systems and datasets such as the National Student Loan Data System (NSLDS), Default Management Collection System (DMCS), Enterprise Data Management & Analytics Platform Services (EDMAPS), and related Education records, extracts, analyses, or reports;

2. The Bureau of the Fiscal Service, including records, extracts, reports, dashboards, summaries, reconciliations, and compliance materials derived from or related to operational debt-collection activities;

3. Borrowers, aid recipients, obligors, debtors, endorsers, co-signers, parents, spouses, or their authorized representatives;

4. Courts, administrative tribunals, auditors, inspectors general, GAO, OMB, Congress, and other oversight entities; and

5. Treasury contractors, Fiscal Service contractors, Department of Education contractors, financial agents, fiscal agents, servicers, guaranty agencies, lenders, holders, educational institutions, third-party servicers, or other authorized service providers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Disclosures of Education-originated PII, including PII from education records protected by FERPA, will be made only when permitted by the Privacy Act, FERPA, the applicable Education system of records notice, this notice, and the applicable interagency agreement. To the extent the interagency agreement imposes more restrictive use, duplication, redisclosure, or destruction requirements, Treasury will apply those restrictions to Education-originated data.

In addition to disclosures generally permitted under the Privacy Act, 5 U.S.C. 552a(b), records and information maintained in this system may be disclosed outside Treasury as a routine use under 5 U.S.C. 552a(b)(3) as follows:

1. To the United States Department of Justice ("DOJ"), for the purpose of representing or providing legal advice to the Department in a proceeding before a court, adjudicative body, or other administrative body before which the Department is authorized to appear, when such proceeding involves:

(a) The Department or any component thereof;

(b) Any employee of the Department in his or her official capacity;

(c) Any employee of the Department in his or her individual capacity where the Department of Justice or the Department has agreed to represent the employee; or

(d) The United States, when the Department determines that litigation is likely to affect the Department or any of its components; and the use of such records by the DOJ is deemed by the DOJ or the Department to be relevant and necessary to the litigation provided that the disclosure is compatible with the purpose for which records were collected;

2. To the U.S. Department of Education, to administer the interagency agreement; coordinate data access; validate, reconcile, or correct records; review draft aggregated findings before public release; receive final public findings or recommendations; coordinate data requests; support Privacy Act and FERPA accounting obligations; and conduct oversight, audit, compliance, program administration, policy development, research, analysis, and policy activities.

3. To OMB, GAO, Congress or other authorized oversight entities when the information is relevant to oversight, reporting, budget, audit, evaluation, investigation, legislative,

appropriations, or program integrity activities.

4. To the National Archives and Records Administration or other authorized records management oversight authority for records management inspections, scheduling, archiving, or other records management activities.

5. To contractors, agents, experts, consultants, auditors, or other service providers performing work for Treasury, provided that disclosure of Education-originated PII is limited to personnel, contractors, and agents who need access to perform official duties authorized by the interagency agreement; such persons are subject to written agreements limiting use of the information to the authorized purposes; and, where applicable, such contractors or agents are designated as authorized representatives of the Secretary of Education and agree to applicable FERPA use, duplication, redisclosure, destruction, and security requirements.

6. To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

7. To an individual's authorized representative, including an attorney, guardian, executor, administrator, or other authorized person, when the disclosure is relevant to the representation and Treasury has received appropriate authorization or other legal basis for the disclosure.

8. To appropriate agencies, entities, and persons when (1) Treasury suspects or has confirmed that there has been a breach of the system of records; (2) Treasury has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, Treasury (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 Treasury's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

9. To another Federal agency or Federal entity, when Treasury determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

10. To consumer reporting agencies, financial institutions, employers, private collection agencies, or other debt-collection participants only through, or at the direction of, Fiscal Service or another authorized collection entity and only to the extent necessary for legally authorized debt-collection activities covered by Treasury/Fiscal Service .012 or another applicable SORN. This routine use does not independently authorize Departmental Offices to conduct operational debt collection.

11. To federal, state, local, tribal, territorial, or foreign agencies, or to authorized third parties, to verify data, correct errors, resolve discrepancies, reconcile records, or confirm the status of records relevant to Treasury's administration, oversight, reporting, compliance, audit, or evaluation responsibilities.

12. To unions, arbitrators, mediators, or other parties responsible for federal labor-management relations, where relevant and necessary to the performance of their authorized duties.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. Education-originated PII and any duplicated data may be stored only on Treasury systems that meet the requirements of the interagency agreement. Treasury personnel, contractors, and agents may not store duplicated Education-originated PII on external devices or desktops. Such data may be stored only in authorized systems meeting the applicable security and privacy requirements.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by name; Social Security number or taxpayer identifying number; borrower identification number; loan account number; debt identification number; case number; FAFSA identifier; FSA ID or other Education-assigned person identifier; grant recipient identifier; institutional identifier; OPEID; program identifier; Education source-system identifier; or analytic dataset identifier; complaint or inquiry number; agency or bureau code; date of birth; address; email address; telephone number; portfolio segment; reporting period; Treasury Offset Program or collection status indicator; or other assigned identifier, alone or in combination.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained and disposed of in accordance with National Archives and Records Administration-approved records disposition schedules, Treasury records schedules, and applicable General Records Schedules. Where no applicable schedule has been approved, records will be treated as unscheduled and retained until an applicable disposition authority is approved by NARA.

Education-originated records provided to Treasury under the interagency agreement are copies of official records maintained by the Department of Education. To the extent required by FERPA and the interagency agreement, Treasury will destroy PII from education records, including duplicated data, when the purpose for which the data was received has been completed, but no later than the expiration date of the applicable agreement or any executed extension, unless otherwise authorized by law. Treasury will provide written notice to Education that such PII has been destroyed within 30 days after expiration of the applicable agreement. If the agreement is terminated, Treasury will take steps within 30 days of the effective date of termination to dispose of Education data received under the agreement, subject to applicable legal obligations, records management requirements, litigation holds, or other lawful preservation requirements.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Treasury safeguards records in this system through administrative, technical, and physical controls appropriate to the sensitivity of the information. Safeguards may include role-based access controls; least-privilege access; multi-factor authentication; encryption; audit logging; monitoring; network security controls; data loss prevention controls; user training; rules of behavior; privacy and security incident response procedures; access approvals and

periodic access reviews; secure transmission methods; secure disposal procedures; locked facilities; visitor controls; and other controls required by Treasury policy, federal information security requirements, and applicable agreements.

Access is limited to authorized Treasury personnel, contractors, agents, and other authorized users who require access to perform official duties. Treasury will advise personnel, contractors, and agents of the confidential nature of the data and applicable civil and criminal sanctions; and obtain written agreements, where required, limiting use of the data to the authorized purposes and imposing applicable FERPA, duplication, redisclosure, destruction, and security requirements.

RECORD ACCESS PROCEDURES:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing, in accordance with Treasury's Privacy Act regulations (located at 31 CFR 1.26), to the Freedom of Information Act (FOIA) and Transparency Liaison, whose contact information can be found at <https://home.treasury.gov/footer/freedom-of-information-act> under "FOIA Requester Service Centers and FOIA Liaison." If an individual believes more than one bureau maintains Privacy Act records concerning him or her, the individual may submit the request to the Office of Privacy, Transparency, and Records, FOIA and Transparency, Department of the Treasury, 1500 Pennsylvania Ave. NW, Washington, DC 20220.

No specific form is required, but a request must be written and:

- Be signed and either notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization;
- State that the request is made pursuant to the FOIA and/or Privacy Act disclosure regulations;

• Include information that will enable the processing office to determine the fee category of the user;

• Be addressed to the bureau that maintains the record (in order for a request to be properly received by the Department, the request must be received in the appropriate bureau's disclosure office);

• Reasonably describe the records;

• Give the address where the determination letter is to be sent;

• State whether or not the requester wishes to inspect the records or have a copy made without first inspecting them; and

• Include a firm agreement from the requester to pay fees for search, duplication, or review, as appropriate. In the absence of a firm agreement to pay, the requester may submit a request for a waiver or reduction of fees, along with justification of how such a waiver request meets the criteria for a waiver or reduction of fees found in the FOIA statute at 5 U.S.C. 552(a)(4)(A)(iii).

Some records in this system are copies, extracts, or derivatives of official records maintained by the Department of Education. Treasury may refer requests for access to, amendment of, or correction of Education-originated records to the Department of Education where Education maintains the authoritative record or where consultation or coordination with Education is necessary to respond to the request.

CONTESTING RECORD PROCEDURES:

See "Record Access Procedures", above.

NOTIFICATION PROCEDURES:

See "Record Access Procedures", above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

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FEDERAL REGISTER

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Part II

The President

Proclamation 11071—National Manufacturing Day, 2026

Presidential Documents

Title 3—

Proclamation 11071 of October 2, 2026

The President

National Manufacturing Day, 2026

By the President of the United States of America

A Proclamation

For 250 years, American workers have been the driving force behind our Nation's strength, prosperity, and industrial might. Their skill, ingenuity, and determination have fueled our economy and carried American manufacturing to new heights. On National Manufacturing Day, we honor the men and women who make, build, and create in America—and we celebrate the extraordinary comeback of American manufacturing.

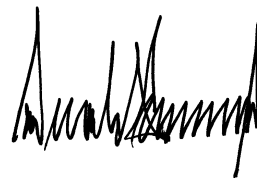
As President, my highest priority has been putting America First by restoring our Nation's manufacturing and bringing back good-paying American jobs. I have imposed powerful tariffs to protect American workers and businesses from unfair trade practices, and as a result, we are seeing the greatest reshoring of American manufacturing in our Nation's history, alongside a surge in demand for products Made in America. Since I returned to office, I have secured more than \$11.2 trillion in United States and foreign investments across manufacturing, critical infrastructure, and technology sectors. Groundbreakings of new factories are surging with 112,000 new factory construction workers building since I returned to office. The factory construction jobs of today mean more good-paying manufacturing jobs for decades to come. These investments fuel job growth, innovation, and opportunity across every corner of our country.

I was also proud to sign the Working Families Tax Cuts Act into law—landmark legislation that makes the Small Business Tax Deduction permanent and allows American manufacturers to immediately expense 100 percent of their factory, machinery, equipment, and domestic research and development investments. At the same time, this historic law is putting more money back into the pockets of hardworking Americans and increasing take-home pay, including new provisions like No Tax on Overtime. After declining by nearly \$850 under the previous administration, the real wage for the average manufacturing worker has surged by \$2,500 annually since I took office. These efforts are driving a revival of American manufacturing and making our country the best place in the world to build, produce, and invest.

After years of failed policies that hollowed out our industrial base and left American workers behind, manufacturing is once again powering America's economic resurgence. After years of decline, manufacturing employment is rising once again with 72,000 new manufacturing jobs added in 2026 so far. Today, we honor the generations of Americans who have built our country through their hard work, and we look proudly to the next generation, who will carry on our great tradition of American innovation and enterprise. Together, we will make American manufacturing bigger, better, and stronger than ever before.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2, 2026, as National Manufacturing Day. I call upon all Americans to celebrate the entrepreneurs, innovators, and workers in manufacturing who are making our communities strong.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord two thousand twenty-six, and of the Independence of the United States of America the two hundred and fifty-first.

A handwritten signature in black ink, appearing to be a stylized name with a large initial 'A' and a long, flowing tail.

[FR Doc. 2026-20629

Filed 10-6-26; 11:15 am]

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