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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 319

[Docket No. APHIS–2019–0024]

RIN 0579–AE66

Cut Flowers Regulations; Removal of Chrysanthemum White Rust-Related Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations governing the importation of fresh cut flowers to remove requirements for the importation of specific types of cut flowers from the regulations, and to list them in the U.S. Department of Agriculture database called the Agricultural Commodity Import Requirements instead. We are also removing entirely any restrictions on the importation of fresh cut flowers of the genera *Chrysanthemum, Leucanthemella,* and *Nipponanthemum* from countries in which chrysanthemum white rust (*Puccinia horiana* P. Henn., CWR) is known to exist. This rule will allow us to use a notice-based, streamlined approach to update the import requirements for cut flowers and remove CWR-specific restrictions on the importation of fresh cut flowers.

DATES: Effective November 9, 2026.

FOR FURTHER INFORMATION CONTACT: Ms. Julie Orr, Regulatory Policy Specialist, Regulatory Coordination and Compliance, Pest Exclusion and Import Programs, APHIS, PPQ, 5601 Sunnyside Ave., Beltsville, MD 20705; (240) 946–0542; *Julie.Orr@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to take such actions as may be necessary to prevent the introduction and spread of plant pests and noxious weeds within the United States. The Secretary has delegated this authority to the Administrator of the Animal and Plant Health Inspection Service (APHIS) within the U.S. Department of Agriculture (USDA).

Pursuant to the regulations in 7 CFR part 319, APHIS prohibits or restricts the importation of plants and plant products into the United States to prevent the introduction of plant pests that are not already established in the United States or plant pests that may be established but are under official control.

The regulations in Subpart P—Cut Flowers, §§ 319.74–1 through 319.74–4 (referred to below as the regulations), govern the importation of cut flowers into the United States. Section 319.74–2 of the regulations contains conditions governing the importation of fresh cut flowers. Paragraph (a) provides that all imported cut flowers are subject to inspection at ports of entry into the United States, while paragraph (b) describes, in general terms, actions that APHIS may require if cut flowers are found during the inspection to be infested with a plant pest.

Paragraphs (c) and (d) of § 319.74–2 contain requirements regarding specific types of cut flowers. Paragraph (c) provides that any cut flower found upon inspection to be infested with agromyzids (leaf-miners) must be fumigated with methyl bromide in accordance with 7 CFR part 305, which contains our phytosanitary treatment regulations. Paragraph (d) lists the cut flowers of the genera *Chrysanthemum, Leucanthemella,* and *Nipponanthemum* that are considered to be hosts of chrysanthemum white rust (*Puccinia horiana* P. Henn., CWR) and countries in which CWR is known to exist. It explains that in order for any of these cut flowers to be imported into the United States, they must be grown in a place of production that is registered with the national plant protection organization (NPPO) of the respective country and that is subject to inspection by an APHIS-approved inspector; must be accompanied by a phytosanitary certification or equivalent documentation issued by the NPPO of the exporting country or their designee with an additional declaration that the place of production and the consignment itself were inspected and found free of CWR; and must have the identity of the registered production site marked on their box as well as other shipping documents that accompany the cut flowers.

On April 17, 2023, we published in the **Federal Register** a proposed rule (88 FR 23365–23368, Docket No. APHIS–2019–0024) [1] to amend the regulations governing the importation of fresh cut flowers to remove requirements for the importation of specific types of cut flowers from the regulations, and to list them in the U.S. Department of Agriculture database called the Agricultural Commodity Import Requirements (ACIR) database instead. We also proposed a notice-based, streamlined approach to update the import requirements for fresh cut flowers.

We also proposed to remove entirely any restrictions on the importation of fresh cut flowers of the genera *Chrysanthemum, Leucanthemella,* and *Nipponanthemum* from countries in which CWR is known to exist. We proposed to relieve such restrictions based on an economic evaluation analysis, titled ''Economic Evaluation of the Regulatory Policy for Chrysanthemum White Rust (CWR) (*Puccinia horiana* Henn.) in the United States,'' which we made available for public comment along with the proposed rule. (The EE was initially completed in 2019; however, APHIS reviewed the document in September 2026 and confirmed that the 2019 data analyzed remains accurate.) Through the EE, APHIS determined that the United States eradication policy for CWR is no longer technically and economically justified. Specifically, APHIS found that efforts to eradicate CWR are costly because the pathogen can overwinter and survive in dormant below-ground parts, with a latency of expression. Additionally, APHIS found that fungicides are available and provide growers with a compliance alternative at a fraction of the cost of the value of a chrysanthemum plant. To that end, APHIS determined that CWR is no longer considered a pest of quarantine

[1] To view the proposed rule, the supporting documents, and the comments that we received, go to *www.regulations.gov.* Enter APHIS–2019–0024 in the Search field.

significance and should be moved to a management phase. We also proposed adding two definitions to the regulations, for ''ACIR'' and ''quarantine pest.''

We solicited comments concerning our proposal for 60 days ending June 16, 2023.

APHIS received 21 comments by that date. They were from flower importers, exporters, distributors, breeders, shippers, flower industry trade groups, and government agencies.

Of the 21 comments received, 20 supported the rule, while one additional commenter registered no comment or concern. Several technical clarifications were requested, however. The comments received are discussed below.

A commenter requested an explanation of the differences and advantages of the notice-based process.

The essential difference in the notice-based process as opposed to the rulemaking process is that it can take less time. As indicated in the economic analysis that accompanied the proposed rule, we estimated that the time savings this double-notice process affords may range from 6 months to 2½ years. We based this on comparable estimates in a prior rulemaking (''Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables,'' 83 FR 46627–46639, Docket No. APHIS–2010–0082) that established a similar notice-based process for the importation of all fruits and vegetables, as well as their interstate movement from Hawaii and the territories. Before that final rule, the rulemaking process for importation into the United States and interstate movement from Hawaii and the U.S. territories of fruits and vegetables took anywhere from 18 months to upward of 3 years. At the time, we estimated that the rule would reduce the administrative process needed for approval of these fruits and vegetables to 6 to 12 months. The current rulemaking process for fresh cut flowers is like the former rulemaking process for fruits and vegetables, and the notice-based process for fresh cut flowers would be substantively similar to that of the double-notice process for the importation of fruits and vegetables. Accordingly, the time savings are expected to be similar for fresh cut flowers. We will continue to prepare scientific documentation as necessary with the same rigor we have always exercised. We will provide that same level of scientific documentation for review and comment in the notice-based process. As noted by a separate commenter on the proposed rule, an advantage of this notice-based process is that it will allow APHIS to respond to market access requests for cut flowers more efficiently and thus make our import requirements more responsive to changes in pest risk.

In proposed paragraph (d)(2) in § 319.74–2, we proposed that if APHIS determines that the requirements for the importation of a specific type of cut flower are no longer sufficient to reasonably mitigate the pest risk posed by the cut flower, we would prohibit or further restrict importation of the cut flower. We would subsequently publish a notice in the **Federal Register** advising the public of our findings. The notice would specify the amended importation requirements, provide an effective date for the change, and invite public comment on the subject.

A commenter asked whether there would be a public consultation period for submitting technical comments, and how long the comment period would be if there was.

As noted in the proposed rule, there will be a comment period for such notices during which technical comments may be submitted. While we did not specify its duration in the proposed rule for the process for adding restrictions, the comment period will be a minimum of 60 days for the double-notice process both to remove, or relax, restrictions as well as for the double-notice process to add restrictions. We have clarified this in the regulatory text of this final rule.

The same commenter asked us whether we were proposing to change any of the requirements currently found in paragraph (c) of 319.74–2 by removing them from the regulations and including them in the Agricultural Commodity Import Requirements (ACIR) database.

The only changes to the import requirements for fresh cut flowers that will occur as a result of this rule are that the CWR requirements are being removed. All other import requirements for fresh cut flowers will remain unchanged.

Finally, in preparing the final rule, we noticed that the definition of ''USDA Agricultural Commodity Import Requirements database'' contained a reference to USDA–APHIS offices in Riverdale, MD. That office has since closed and been relocated to Beltsville, MD. We have updated the definition to reflect this relocation.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule with the changes discussed above.

Executive Orders 12866 and 14192, and Regulatory Flexibility Act

This final rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities. The analysis is summarized below. Copies of the full analysis are available on the *Regulations.gov* website (see footnote 1 in this document for a link to *Regulations.gov*) or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the *Regulations.gov* website. Based on the conclusions of the analysis, the action is considered deregulatory under Executive Order 14192.

We are advising the public of our decision to deregulate Chrysanthemum White Rust (CWR) and authorize the importation of *Chrysanthemum* spp. fresh cut flowers and synonymous genera of cut flowers from certain countries into the continental United States. Based on findings of an economic evaluation, which we made available to the public for review and comment through a previous proposed rule, we have determined that CWR should no longer be considered to be of quarantine significance.

The final rule will remove Chrysanthemum White Rust-specific restrictions on fresh cut flower imports and transition the fresh cut flower regulations to a notice-based process for communicating changes in import requirements. Notices will communicate changes to import requirements based on pest risk. Stakeholders will have the opportunity to comment on notices. The only direct economic impacts associated with this rule are to fresh cut flowers that serve as hosts for the CWR fungus.

We estimate that the time savings afforded by this rule may range from 6 months to 2½ years per notice, relative to the status quo. We based this on comparable estimates in a prior rulemaking (''Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables,'' 83 FR 46627–46639, Docket No. APHIS–2010–0082) that established a similar notice-based process for the importation of all fruits and vegetables, as well as their interstate movement from Hawaii and the territories. Before that final rule, the rulemaking process for importation into the United States and interstate movement from Hawaii and the U.S. territories of fruits and vegetables took

anywhere from 18 months to upward of 3 years. At the time, we estimated that the rule would reduce the administrative process needed for approval of these fruits and vegetables to 6 to 12 months. The current rulemaking process for cut flowers is like the former rulemaking process for fruits and vegetables, and the notice-based process will be substantively similar to that of the double-notice process for the importation of fruits and vegetables. Accordingly, the time savings are expected to be similar for cut flowers.

The Regulatory Flexibility Act requires that agencies specifically consider the economic effects their rules have on small entities as established by the Small Business Administration (SBA) and based on the North American Industry Classification System (NAICS) size standards economic entities. According to the SBA, entities involved in Floriculture Production (NAICS 111422) with $3.75 million or less in annual receipts are classified as small entities.

Based on NASS data, in 2023, there were approximately 10,216 operations, responsible for producing around $6.68 billion total in sales. Of the producers in the floriculture category, a little more than 1,396 operations had sales of $500,000 or more. Thus, at least 86 percent of all floriculture operations can be classified as small entities. The percentage of small entities is likely higher given entities with $500,000 or more in sales is last value breakout.

The only direct economic impacts associated with this rule are to fresh cut flowers that serve as hosts for the CWR fungus. Of the approximately 423 operations engaged in cut flower production, which is a subcategory of the floriculture industry, there are only about 20 chrysanthemum (pompoms) operations. The value of the cut flower category was about $349.9 million in 2023, while that of chrysanthemums (pompoms) was around $1.6 million (less than 1 percent of the total cut flower value), implying that most chrysanthemum producers are small entities.

Marketing channels for cut flowers have become increasingly complex. While most fresh cut flowers move through the traditional marketing channel from growers to wholesalers then to retailers and finally to consumers, the route to the final consumer is no longer as well defined. Some producers sell directly to retailers or consumers and some wholesalers and retailers act as brokers or importers. Because in large part the production of fresh cut flowers for the U.S. market has shifted overseas, some importers are fulfilling the traditional wholesaler's role of aggregating and assembling offshore production and selling directly to retail outlets.

Some large U.S. retailers work directly with brokers who get foreign producers to meet the retailers' specific requirements. Vertical integration and consolidation has led to the roles becoming less well-defined. Retail marketing of fresh cut flowers has shifted from a large number of small, independent retail florists to florist chains and mass market retailers with garden centers. The entrance of mass merchandisers, or ''big box'' stores, to the distribution of fresh cut flowers, as well as other garden products, has greatly influenced the change in marketing practices in the industry.

Based on the NAICS code, there are approximately 6,162 business entities classified as Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers (424930). This category is comprised of establishments that are primarily engaged in the merchant wholesale distribution of flowers, florists' supplies, and/or nursery stock (except plant seeds and plant bulbs). One role of operations in this category is the distribution of cut flowers imported to the United States, including chrysanthemums (pompoms). The small-entity standard for these operations is not sales revenue, but whether they have 100 or more employees. Available data on U.S. importers of floriculture products, particularly cut flowers of a specific type, is sparse. According to 2022 Economic Census, only 105 entities in this industry category had 100 or more employees, or less than two percent of the industry, thus the majority of entities (98%) are considered small by SBA standards.

The final rule removes CWR-specific import restrictions only for fresh cut flowers which are susceptible to CWR, namely chrysanthemums. While this rule may enable foreign producers to send a greater quantity of chrysanthemums to the United States, it is doubtful that the quantity will be large enough to affect chrysanthemum prices or alter demand, as imports are already allowed (albeit with a phytosanitary certificate and/or equivalent documentation). Colombia already dominates this import category, with over 98 percent of the chrysanthemum.

The final rule will not lessen market pressure for domestic producers that already exist, but neither should it exacerbate it. In addition, retailers and wholesalers should not be adversely impacted by the rule as these entities may acquire additional suppliers of quality pompoms. Consumers may benefit from a more stable supply of cut chrysanthemums. While the rule may enable countries to export more cut chrysanthemums to the United States, the rule should neither encourage nor entice a significant increase of imports as imports have already been occurring, subject to CWR-specific restrictions, for several years and markets have had time to establish. However, in the absence of reliable price and quantity data, the impact of the rule is difficult to estimate. Producers and consumers should not be adversely impacted based on historical imports that are already taking place. Affected entities may also face increased competition from having the product available sooner.

It is not known how sensitive U.S chrysanthemum prices are to changes in the quantity imported. There is little information with which to quantify the impact of a potential increase in cut chrysanthemum imports on prices, but we assume demand will remain relatively unchanged and the rule will not adversely impact producers, wholesalers, or retailers.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the reporting and recordkeeping requirements included in this final rule are approved by the Office of Management and Budget (OMB) under OMB control number 0579–0049.

List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we are amending 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

■ 1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 1633, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

■ 2. Amend § 319.74–1 by adding, in alphabetical order, definitions for *Quarantine pest* and *USDA Agricultural Commodity Import Requirements database* to read as follows:

§ 319.74–1 Definitions.

* * * * *

Quarantine pest. A pest of potential economic importance to the area endangered by it and not yet present there, or present but not widely distributed there and being officially controlled.

* * * * *

USDA Agricultural Commodity Import Requirements database. The database that contains restrictions on the importation of specific types of cut flowers, as provided in § 319.74–2, and other information about the importation of cut flowers as provided in this subpart. The database is available on the internet at *https://acir.aphis.usda.gov/s/.* Hard copies of commodity import requirements may be obtained by calling (301) 851–2046 or (877) 770–5990 (toll-free automated system), by emailing *acirdatabase.comments@usda.gov,* or by submitting a request to the United States Department of Agriculture's Animal and Plant Health Inspection Service, Attention: PPQ–PEIP–IRM–ISMU, 5601 Sunnyside Ave, Beltsville, MD 20740. Written requests for the database information should be marked as such.

■ 3. Amend § 319.74–2 by:

■ a. Revising paragraphs (c) and (d);

■ b. Redesignating paragraphs (e) and (f) as paragraphs (f) and (g), respectively;

■ c. Adding a new paragraph (e);

■ d. In newly redesignated paragraph (f), in the first sentence, removing the words ''under this part'' and adding, in their place, the words ''in accordance with this part''; and

■ e. Revising the OMB citation at the end of the section.

The revisions and addition read as follows:

§ 319.74–2 Conditions governing the entry of cut flowers.

* * * * *

(c) *Location of additional requirements for the importation of specific cut flowers.* In addition to any other general conditions for importation in this section, APHIS may impose additional restrictions on the importation of specific types of cut flowers in order to effectively mitigate the risk of introducing quarantine pests into the United States. For the taxa of cut flowers whose importation is subject to additional restrictions, and the specific restrictions that apply to the importation of those cut flowers, consult the USDA Agricultural Commodity Import Requirements database.

(d) *Process for adding, changing, or removing restrictions.* Restrictions on the importation of specific types of cut flowers will be changed through the following processes:

(1) *Process for removing or relaxing restrictions.* (i) If APHIS determines that the requirements for the importation of a specific type of cut flower are no longer necessary to reasonably mitigate the pest risk posed by the cut flower, APHIS will publish a notice in the **Federal Register** proposing to revise the requirements for the importation of the cut flower. The notice will also make the new pest risk documentation on which these proposed requirements are based available for public comment. The notice will allow for at least 60 days of public comment.

(ii) APHIS will issue a second notice after the close of the public comment period on the notice described in paragraph (d)(1)(i) of this section. This notice will inform the public of APHIS' decision whether to remove or relax requirements for the importation of the cut flower, and it will respond to any comments received on the initial notice.

(2) *Process for adding restrictions.* (i) If APHIS determines that the requirements for the importation of a specific type of cut flower are no longer sufficient to reasonably mitigate the pest risk posed by the cut flower, APHIS will prohibit or further restrict importation of the cut flower. APHIS will also publish a notice in the **Federal Register** advising the public of its finding. The notice will specify the amended importation requirements, provide an effective date for the change, and will invite public comment on the subject. The notice will allow for at least 60 days of public comment.

(ii) APHIS will issue a second notice after the close of the public comment period on the notice described in paragraph (d)(2)(i) of this section. This notice will inform the public of APHIS' decision whether to add requirements for the importation of the cut flower, and it will respond to any comments received on the initial notice.

(e) *Previously imposed restrictions on the importation of specific types of cut flowers.* Types of cut flowers whose importation was subject to specific restrictions as of November 9, 2026, will continue to be subject to those restrictions, except as changed in accordance with the process specified in paragraph (d) of this section. The restrictions are found in the USDA Agricultural Commodity Import Requirements database.

* * * * *

(Approved by the Office of Management and Budget under control number 0579–0049)

Done in Washington, DC, this 29th day of September 2026.

Kelly Moore,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–20630 Filed 10–7–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–11801; Project Identifier AD–2026–00946–E; Amendment 39–23485; AD 2026–20–12]

RIN 2120–AA64

Airworthiness Directives; Engine Alliance Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Engine Alliance (EA) Model GP7270, GP7272, and GP7277 engines. This AD was prompted by a report of an aborted takeoff that resulted from an uncontained failure of the high-pressure turbine (HPT) interstage seal. This AD requires removal from service and replacement of the HPT interstage seal with a part eligible for installation. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 23, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 23, 2026.

The FAA must receive comments on this AD 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*. Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5

p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–11801; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EA material identified in this AD, contact Engine Alliance, 411 Silver Lane, East Hartford, CT 06118; phone: (800) 565–0140; email: *help24@pw.utc.com;* website: *engineallianceportal.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2026–11801.

FOR FURTHER INFORMATION CONTACT: Molly Sturgis, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (562) 627–5373; email: *molly.a.sturgis@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–11801; Project Identifier AD–2026–00946–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Molly Sturgis, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA received a report that an Airbus Model A380 airplane equipped with EA Model GP7270 engines experienced an uncontained failure of the HPT interstage seal that resulted in an engine shutdown and aborted takeoff. A manufacturer investigation determined that cracking most likely initiated at the clocking keys between the HPT interstage seal and the HPT stage-1 disk aft shaft. Although the root cause is still under investigation, HPT interstage mid-seal clocking has been identified as a contributing factor for the failure, and the manufacturer has noted that clocking is greater on HPT interstage seals that have been reassembled at overhaul. As a result, the FAA has determined that it is necessary to require removal of the 15 HPT interstage seals with the highest cycles since overhaul. This condition, if not addressed, could result in an engine fire and damage to the airplane. The FAA is issuing this AD to address the unsafe condition on these products.

FAA's Determination

The FAA is issuing this AD because the agency determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EA Alert Service Bulletin EAGP7–A72–479, dated September 4, 2026, which specifies the affected engine serial numbers, affected HPT interstage seal part numbers, and procedures for removal from service and replacement of the HPT interstage seal. 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.

AD Requirements

This AD requires accomplishing the actions specified in the material described previously.

Interim Action

The FAA considers this AD to be an interim action. If final action is later identified, the FAA might consider further rulemaking at that time.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because uncontained failure of the HPT interstage seal has been reported with clocking of the HPT interstage seal as a contributing factor. Uncontained failure of the HPT interstage seal could result in an engine fire and damage to the airplane. The clocking was determined to be greater on HPT interstage seals that were re-assembled during overhaul, and the FAA has determined that certain affected engines will need to have the HPT interstage seals removed and replaced within 50 flight cycles or within 30 days after effective date of this AD, whichever occurs first, depending on the serial number. Additionally, the compliance time in this AD is shorter than the time necessary for the public to comment and for publication of the final rule. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

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

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 0 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace HPT interstage seal	10 work-hours × $85 per hour = $850	$527,300	$528,150	$0

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–20–12 Engine Alliance: Amendment 39–23485; Docket No. FAA–2026–11801; Project Identifier AD–2026–00946–E.

(a) Effective Date

This airworthiness directive (AD) is effective October 23, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Engine Alliance (EA) Model GP7270, GP7272, and GP7277 engines, certificated in any category, having a high-pressure turbine (HPT) interstage seal serial number (S/N) specified in Appendix-A of EA Alert Service Bulletin EAGP7–A72–479, dated September 4, 2026 (EA ASB EAGP7–A72–479).

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by a report of an aborted takeoff which resulted from an uncontained failure of the HPT interstage seal. The FAA is issuing this AD to prevent uncontained failure of the HPT interstage seal. The unsafe condition, if not addressed, could result in an engine fire and damage to the airplane.

(f) Compliance

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

(g) Definition

(1) An ''affected part'' is an HPT interstage seal having part number (P/N) 2047M99P02 and S/N listed in Appendix-A of EA ASB EAGP7–A72–479.

(2) A ''part eligible for installation'' is any HPT interstage seal that is not an affected part.

(h) Required Actions

At the applicable times specified in paragraphs (h)(1), (2), and (3) of this AD, as applicable, remove the HPT interstage seal from service and replace with a part eligible for installation.

(1) For HPT interstage seals specified in Table 1 of Appendix-A of EA ASB EAGP7–A72–479, within 50 flight cycles or within 30 days, whichever occurs first after the effective date of this AD.

(2) For HPT interstage seals specified in Table 2 of Appendix-A of EA ASB EAGP7–A72–479, within 100 flight cycles or within 60 days, whichever occurs first after the effective date of this AD.

(3) For HPT interstage seals specified in Table 3 of Appendix-A of EA ASB EAGP7–A72–479, within 150 flight cycles or within 90 days, whichever occurs first after the effective date of this AD.

(i) No Reporting Requirement

Although EA ASB EAGP7–A72–479 specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

For more information about this AD, contact Molly Sturgis, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (562) 627–5373; email: *molly.a.sturgis@faa.gov*.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference

(IBR) of the material listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

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

(i) Engine Alliance (EA) Alert Service Bulletin EAGP7–A72–479, dated September 4, 2026.

(ii) [Reserved]

(3) For EA material identified in this AD, contact Engine Alliance, 411 Silver Lane, East Hartford, CT 06118; phone: (800) 565–0140; email: *help24@pw.utc.com;* website: *enginealliance portal.com.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on October 6, 2026.

Brian Knaup,

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

[FR Doc. 2026–20666 Filed 10–6–26; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–2712; Project Identifier AD–2025–00931–T; Amendment 39–23483; AD 2026–20–10]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2019–20–07, which applied to The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. AD 2019–20–07 required repetitive operational checks of the leading edge (LE) outboard (OB) slats and applicable on-condition actions. AD 2019–20–07 also required revising the airplane flight manual (AFM) to prohibit flap retraction under icing conditions after landing and revising the existing maintenance or inspection program, as applicable, to incorporate a new operation check. This AD was prompted by the manufacturer developing further actions to address the unsafe condition. This AD continues to require all requirements of AD 2019–20–07. This AD would also require replacing the LE outboard geared rotary actuator (GRA) with a LE outboard lockout actuator (LEOLA) at leading edge OB slat locations and revising the existing maintenance or inspection program, as applicable, to incorporate a new certification maintenance requirement (CMR), which terminates the retained requirements of AD 2019–20–07. This AD also removes airplanes from the applicability. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 12, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 12, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of October 11, 2019 (84 FR 54765, October 11, 2019).

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–2712; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com*.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–2712.

FOR FURTHER INFORMATION CONTACT: Emanuel Chaves Torres, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562–627–5350; email: *emanuel.chaves.torres@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2019–20–07, Amendment 39–19760 (84 FR 54765, October 11, 2019) (AD 2019–20–07). AD 2019–20–07 applied to all The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. The NPRM was published in the **Federal Register** on March 18, 2026 (91 FR 12942). The NPRM was prompted by the manufacturer developing further actions to address the unsafe condition. In the NPRM, the FAA proposed to continue to require all requirements of AD 2019–20–07. The NPRM also proposed to require replacing the LE outboard GRA with a LEOLA at leading edge OB slat locations and revising the existing maintenance or inspection program, as applicable, to incorporate a new CMR. The NPRM also proposed to remove airplanes from the applicability. The FAA is issuing this AD to address a potential condition in which the LE OB slat system could be out of position without flight deck annunciation. The unsafe condition, if not addressed, could result in insufficient lift, resulting in inability to maintain continued safe flight and landing.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from the Air Line Pilots Association, International (ALPA) and United Airlines who supported the NPRM without change.

The FAA received additional comments from Boeing. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Clarify That the New Requirements Terminate AD 2019–20–07

Boeing requested a revision to the Summary section of the proposed AD to specify that the new proposed actions would terminate the requirements of AD 2019–20–07.

The FAA agrees and has revised the Summary section of this AD accordingly.

Request To Clarify Timing of Flap Retraction Prohibition

Boeing requested a revision to the Summary and Background sections and the heading to paragraph (i) of the proposed AD to clarify that flap retraction is prohibited under icing conditions ''after landing.''

The FAA agrees that the AFM provision prohibits flap retraction under icing conditions after landing and has revised the Summary section accordingly. However, no other changes to this AD are necessary because the

description of the prohibition is not restated in the Background section of this AD and because the title of the prohibition in figure 1 to paragraph (i) of this AD already states ''Flap Operation After Landing.''

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin B787–81205–SB270055–00 RB, Issue 002, dated November 25, 2024. This material specifies procedures for replacing the LE outboard GRA with a LEOLA at leading edge slat 2 and slat 11 outboard locations and revising the operator's maintenance program to incorporate CMR document item 27–CMR–14, ''Functionally check the Leading Edge Power Drive Unit Half System Torque Brake.''

This AD also requires Boeing Alert Requirements Bulletin B787–81205–SB270051–00 RB, Issue 001, dated July 5, 2019, which the Director of the Federal Register approved for incorporation by reference as of October 11, 2019 (84 FR 54765, October 11, 2019).

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

Costs of Compliance

The FAA estimates that this AD affects 174 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS *

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Repetitive operational checks (retained actions from AD 2019–20–07).	8 work-hours × $85 per hour = $680 per operational check.	$0	$680 per operational check	$118,320 per operational check.
AFM revision (retained action from AD 2019–20–07).	1 work-hour × $85 per hour = $85.	0	$85	$14,790.
Replacement (new action)	9 work-hours × $85 per hour = $765.	31,610	$32,375	$5,633,250.

* Table does not include estimated costs for revising the existing maintenance or inspection program.

The FAA estimates the average total cost per operator for the retained revision of the existing maintenance or inspection from AD 2019–20–17 to be $7,650 (90 work-hours × $85 per work-hour).

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

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2019–20–07, Amendment 39–19760 (84 FR 54765, October 11, 2019); and

■ b. Adding the following new AD:

2026–20–10 The Boeing Company: Amendment 39–23483; Docket No. FAA–2026–2712; Project Identifier AD–2025–00931–T.

(a) Effective Date

This airworthiness directive (AD) is effective November 12, 2026.

(b) Affected ADs

This AD replaces AD 2019–20–07, Amendment 39–19760 (84 FR 54765, October 11, 2019) (AD 2019–20–07).

(c) Applicability

This AD applies to The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin B787–81205–SB270055–00 RB, Issue 002, dated November 25, 2024.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Unsafe Condition

This AD was prompted by a determination that the leading edge (LE) outboard (OB) slat system could be out of position without flight deck annunciation. The FAA is issuing this AD to address a potential condition in which the LE OB slat system could be out of position without flight deck annunciation. The unsafe condition, if not addressed, could result in insufficient lift, resulting in inability to maintain continued safe flight and landing.

(f) Compliance

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

(g) Retained Required Actions, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2019–20–07, with no changes. Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB270051–00 RB, Issue 001, dated July 5, 2019, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB270051–00 RB, Issue 001, dated July 5, 2019.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787–81205–SB270051–00, Issue 001, dated July 5, 2019, which is referred to in Boeing Alert Requirements Bulletin B787–81205–SB270051–00 RB, Issue 001, dated July 5, 2019.

(h) Retained Exception to Service Information Specifications, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2019–20–07, with no changes. For purposes of determining compliance with the requirements of this AD: Where Boeing Alert Requirements Bulletin B787–81205–SB270051–00 RB, Issue 001, dated July 5, 2019, uses the phrase ''the Issue 001 date of Requirements Bulletin B787–81205–SB270051–00 RB,'' this AD requires using ''October 11, 2019'' (the effective date of AD 2019–20–07).

(i) Retained Airplane Flight Manual (AFM) Revision To Prohibit Flap Retraction Under Icing Conditions, With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2019–20–07, with no changes. Within 60 days after October 11, 2019 (the effective date of AD 2019–20–07), revise the Limitations Section of the existing AFM to include the information in figure 1 to paragraph (i) of this AD. This may be done by inserting a copy of figure 1 to paragraph (i) of this AD into the Limitations Section of the existing AFM.

Figure 1 to paragraph (i): AFM revision

Flap Operation After Landing (Required by AD 2019-20-07)

In order to prevent failure of the slat drive system after landing, flaps must not be retracted if:

• Operating on the ground with ice, snow, slush, or standing water in icing conditions, or;
• An accumulation of airframe ice is observed or suspected.

Under circumstances where the flight crew deems it necessary to retract the flaps for safety reasons, they must notify maintenance via an approved means.

(j) Retained Maintenance or Inspection Program Revision To Incorporate a New Operation Check, With No Changes

This paragraph restates the requirements of paragraph (j) of AD 2019–20–07, with no changes. Within 60 days after October 11, 2019 (the effective date of AD 2019–20–07), revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in figure 2 to paragraph (j) of this AD. This may be done by inserting a copy of figure 2 to paragraph (j) of this AD into the existing maintenance or inspection program.

BILLING CODE 4910–13–P

Figure 2 to paragraph (j): Maintenance or inspection program revision

1. Cold Weather Maintenance Procedure - Handling

A. General

(3) After an airplane lands in icing conditions, do the OPERATION CHECKS - SLAT/FLAP INSPECTION in this task before retracting the slats/flaps.

NOTE: Icing conditions exist when OAT (on the ground) or TAT (in-flight only) is 50°F (10°C) or below, and any of the following exist:

- When visible moisture (clouds, fog with visibility of one statute mile (1600 m) or less, rain, snow, sleet, ice crystals, and so on) is present.
- When ice, snow, slush or standing water is present on the taxiways, or runways.

(a) Do this inspection to make sure that contaminants (ice, snow, slush) are not present which can either obstruct retraction of the LE slats or TE flaps, or freeze the slats to the fixed leading edge after retraction.

(b) The type and area of inspection is as follows:

1) Do an examination of the entire leading edge slats and trailing edge flaps areas.

G. Operation Checks

(1) **SLAT/FLAP INSPECTION**

After any landing in icing conditions, do this inspection with the slats/flaps (flaps 25 detent) fully extended (Figure 2):

WARNING: MAKE SURE THAT YOU USE THE NECESSARY PRECAUTIONS IF PERSONNEL ARE NEAR THE FLIGHT CONTROL SURFACES. THE FLIGHT CONTROL SURFACES CAN MOVE QUICKLY. THIS CAN CAUSE INJURIES TO PERSONNEL AND DAMAGE TO EQUIPMENT.

(a) Examine these areas for contaminants (ice, snow, slush):

1) Slats/flaps surfaces

2) Leading edge contact surfaces

NOTE: "Contact surfaces" refers to the areas of the slat and the fixed wing that will be in contact after slat retraction.

3) Slat actuation areas, including exposed areas of the slat track cavity, and slat cove

4) Flap tracks, hinges, seals

(b) Remove the contamination that you find.

Figure 2 to paragraph (j): Maintenance or inspection program revision continued

(a) Confirm a contaminant-free condition in these areas immediately prior to retraction of the slats/flaps surfaces.
1) Slats/flaps surfaces
2) Leading edge contact surfaces
NOTE: "Contact surfaces" refers to the areas of the slat and the fixed wing that will be in contact after slat retraction.
3) Slat actuation areas, including exposed areas of the slat track cavity, and slat cove
4) Flap tracks, hinges, seals

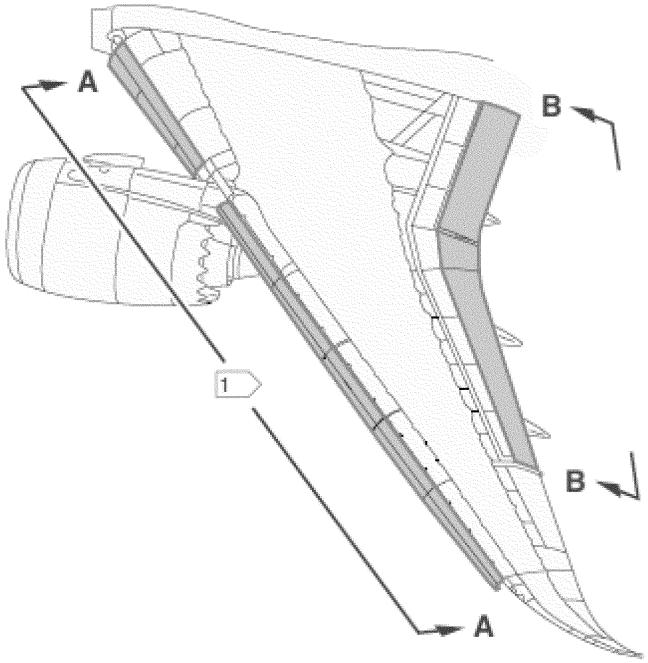
(d) When the inspection is complete, do these steps:
NOTE: These steps make sure that the leading edge slat system is functional.
NOTE: Two persons are necessary to do these steps. One person will move the flap control lever in the flight compartment, and the other will confirm slat position from the ground.
1) Do not use Alternate mode to operate the surfaces.
NOTE: The Alternate mode only allows extension of slats to the Middle (sealed) position and not to the Extended (gapped) position.

WARNING: MAKE SURE THAT YOU USE THE NECESSARY PRECAUTIONS IF PERSONNEL ARE NEAR THE FLIGHT CONTROL SURFACES. THE FLIGHT CONTROL SURFACES CAN MOVE QUICKLY. THIS CAN CAUSE INJURIES TO PERSONNEL AND DAMAGE TO EQUIPMENT.

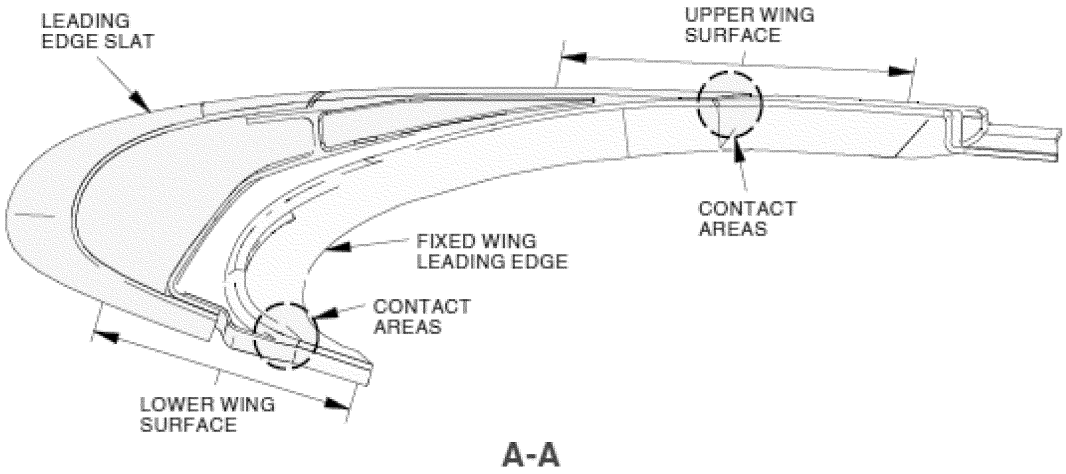
2) Retract the leading edge slats to the full up position (Flaps UP detent).
a) Make sure that you visually confirm from the ground that the slats have retracted to the Retracted (up) position.
3) Extend the leading edge slats to the full extend position (Flaps 25 detent).
a) Make sure that you visually confirm from the ground that the slats have extended to the Extended (gapped) position.
4) Retract the leading edge slats to the full up position (Flaps UP detent).
a) Make sure that you visually confirm from the ground that the slats have retracted to the Retracted (up) position.

(e) When all of the above steps are completed, the OPERATION CHECKS - SLAT/FLAP INSPECTION is complete.

Figure 2 to paragraph (j): Maintenance or inspection program revision continued



LEFT WING
(RIGHT WING IS ALMOST THE SAME)



A-A

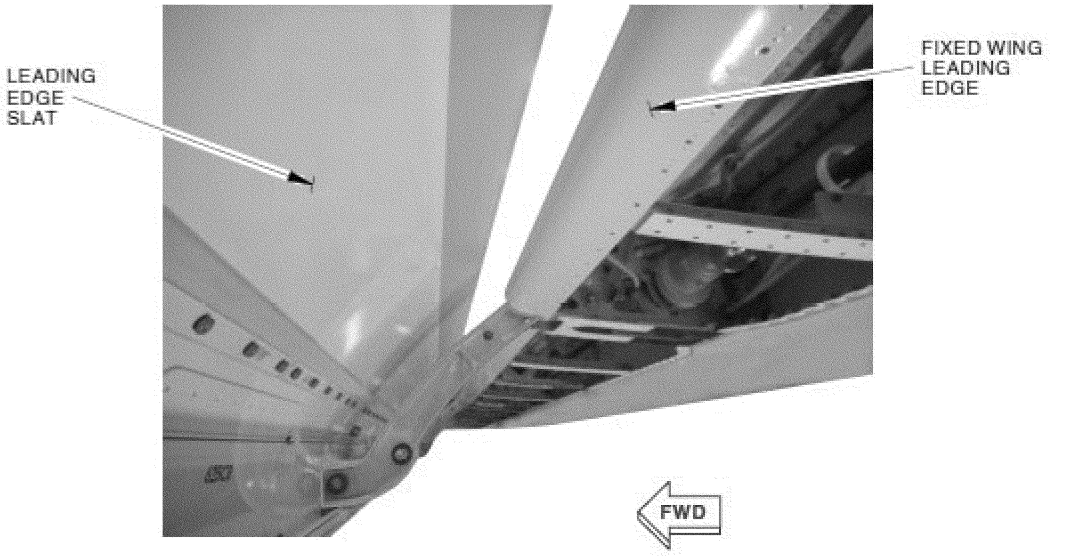
1 INSPECT ENTIRE LENGTH OF LEADING EDGE SLATS AND FIXED WING LEADING EDGE IN THIS AREA

2888580 S0000687155_V1

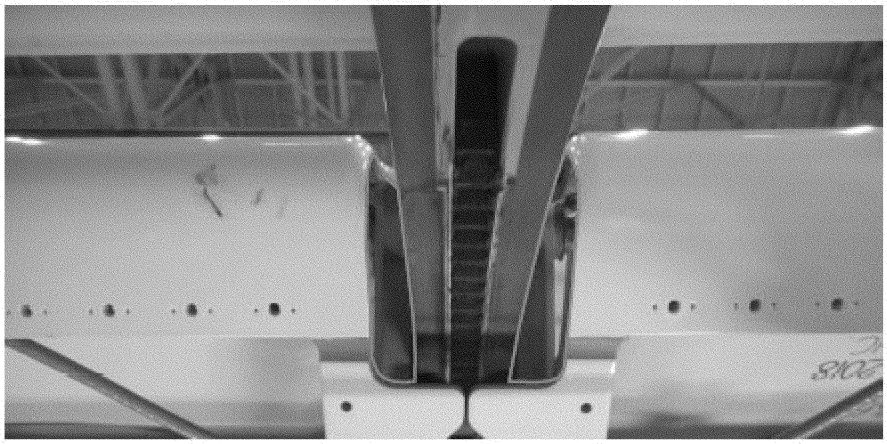
ICN-B787-A-000021-A-81205-26930-A

Figure 2 (Sheet 1 of 3) Slat and Flap Inspection

Figure 2 to paragraph (j): Maintenance or inspection program revision continued



ACTUATION AREAS
(TYPICAL)
A-A



SLAT TRACK CAVITY
(TYPICAL)
(VIEW IN THE AFT DIRECTION)
A-A

2896941 S0000691106_V1

ICN-B787-A-000021-A-81205-27016-A

Figure 2 (Sheet 2 of 3) Slat and Flap Inspection

Figure 2 to paragraph (j): Maintenance or inspection program revision continued

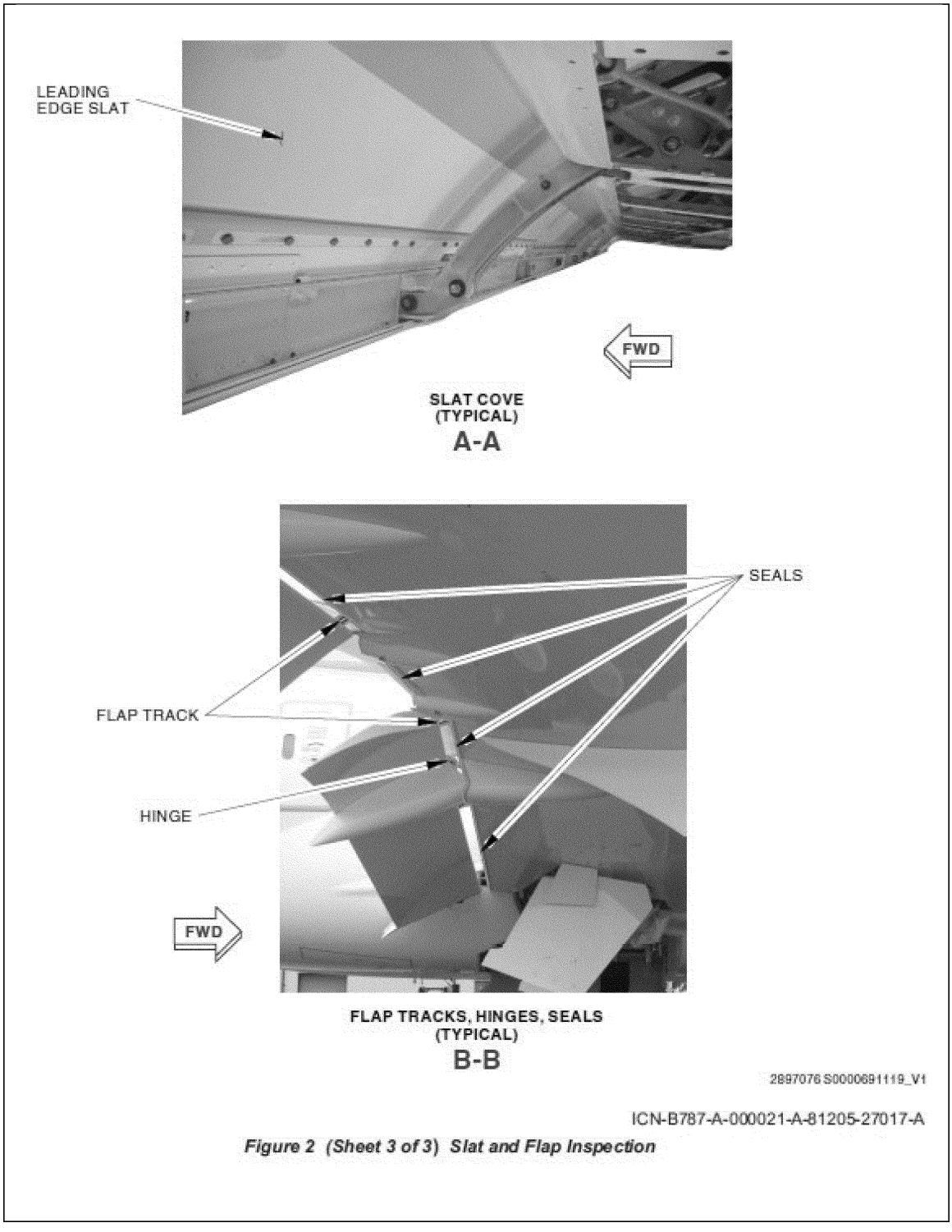


Figure 2 (Sheet 3 of 3) Slat and Flap Inspection

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(k) Retained No Alternative Actions or Intervals, With No Changes

This paragraph restates the requirements of paragraph (k) of AD 2019–20–07, with no changes. After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (p) of this AD.

(l) New Required Actions

Except as specified by paragraph (i) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB270055–00 RB, Issue 002, dated November 25, 2024, do all applicable actions identified in, and in accordance with, the

Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB270055–00 RB, Issue 002, dated November 25, 2024.

Note 2 to paragraph (l): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787–81205–SB270055–00, Issue 002, dated November 25, 2024, which is referred to in Boeing Alert Requirements Bulletin B787–81205–SB270055–00 RB, Issue 002, dated November 25, 2024.

(m) Terminating Action

Accomplishing the actions required by paragraph (l) of this AD terminates the requirements of paragraphs (g), (i), and (j) of this AD for that airplane. After all affected airplanes in an operator's fleet have complied with paragraph (l) of this AD, the AFM revision required by paragraph (i) of this AD may be removed and the maintenance or inspection program revision required by paragraph (j) of this AD may be removed.

(n) Exceptions to Requirements Bulletin Specifications

Where the Compliance Time column of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB270055–00 RB, Issue 002, dated November 25, 2024, refers to the Issue 001 date of Requirements Bulletin B787–81205–SB270055–00 RB, this AD requires using the effective date of this AD.

(o) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (l) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Requirements Bulletin B787–81205–SB270055–00 RB, Issue 001, dated December 12, 2023.

(p) Alternative Methods of Compliance (AMOCs)

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

(2) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(3) AMOCs approved for AD 2019–20–07 are approved as AMOCs for the corresponding provisions of paragraphs (g), (i), and (j) of this AD.

(q) Additional Information

(1) For more information about this AD, contact Emanuel Chaves Torres, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562–627–5350; email: *emanuel.chaves.torres@faa.gov.*

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (r)(5) of this AD.

(r) 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 November 12, 2026.

(i) Boeing Alert Requirements Bulletin B787–81205–SB270055–00 RB, Issue 002, dated November 25, 2024.

(ii) [Reserved]

(4) The following material was approved for IBR on October 11, 2019 (84 FR 54765, October 11, 2019).

(i) Boeing Alert Requirements Bulletin B787–81205–SB270051–00 RB, Issue 001, dated July 5, 2019.

(ii) [Reserved]

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

(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 September 30, 2026.

Brian Knaup,

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

[FR Doc. 2026–20680 Filed 10–7–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2026–1144]

Special Local Regulations; San Francisco Bay Navy Fleet Week Parade of Ships and Blue Angels Demonstration, San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the special local regulation in the navigable waters of the San Francisco Bay for the San Francisco Bay Navy Fleet Week Parade of Ships and Blue Angels survey flight and demonstration days from October 8 through October 11, 2026. This action is necessary to ensure the safety of event participants and spectators. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the regulated area unless authorized by the Patrol Commander (PATCOM). This notification of enforcement (NOE) announces the dates and times for enforcement.

DATES: The regulations in 33 CFR 100.1105 will be enforced from noon until 6 p.m. on October 8, 2026, and from 9 a.m. until 7 p.m. on October 9 through October 11, 2026, for the regulated areas as identified in the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LTJG Kelly Maloney, U.S. Coast Guard Sector San Francisco, Waterways Management Division; telephone 415–399–3532, email *SFWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

The Coast Guard will enforce the special local regulation for the annual San Francisco Bay Navy Fleet Week Parade of Ships and Blue Angels survey flight and demonstration days in 33 CFR 100.1105. This notification of enforcement (NOE) announces the dates and times that the regulated areas will be enforced daily from October 8, 2026 through October 11, 2026, as described in the following paragraphs.

The regulated area ''Alpha'' in § 100.1105(b)(1) for the Navy Parade of Ships will be enforced from 10 a.m. until 1 p.m. on October 9, 2026. The regulated area ''Bravo'' in

§ 100.1105(b)(2) for the U.S. Navy Blue Angels Activities will be enforced from noon until 6 p.m. on October 8, 2026, and from 9 a.m. until 7 p.m. daily from October 9, 2026, through October 11, 2026.

Regulated area ''Alpha'' will be enforced during the Navy Parade of Ships and is bounded by a line connecting the following points and thence along shore to the point of beginning:

Latitude	Longitude
37°48′40″ N	122°28′38″ W
37°49′10″ N	122°28′41″ W
37°49′31″ N	122°25′18″ W
37°49′06″ N	122°24′08″ W
37°47′53″ N	122°22′42″ W
37°46′00″ N	122°22′00″ W
37°46′00″ N	122°23′07″ W

Under the provisions of 33 CFR 100.1105, except for persons or vessels authorized by the Patrol Commander (PATCOM), in regulated area ''Alpha'' no person or vessels may enter the parade route or remain within 500 yards of any Navy parade vessel. No person or vessels shall anchor, block, loiter in, or impede the through transit of ship parade participants or official patrol vessels in regulated area ''Alpha.''

Regulated area ''Bravo'' will be enforced during the U.S. Navy Blue Angels Demonstration and is bounded by a line connecting the following points:

Latitude	Longitude
37°48′27.5″ N	122°24′04″ W
37°49′31″ N	122°24′18″ W
37°49′00″ N	122°27′52″ W
37°48′19″ N	122°27′40″ W

Except for persons or vessels authorized by the PATCOM, no person or vessel may enter or remain within regulated area ''Bravo.''

When hailed or signaled by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, a person or vessel shall come to an immediate stop. Persons or vessels shall comply with all directions given; failure to do so may result in expulsion from the area, citation for failure to comply, or both. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation. The PATCOM shall be designated by the Captain of the Port (COTP) San Francisco. The PATCOM is empowered to forbid and control the movement of all vessels in the regulated areas.

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

Dated: September 25, 2026.

Jarod S. Toczko,

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

[FR Doc. 2026–20632 Filed 10–7–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Part 222

RIN 1810–AB66

Impact Aid Programs

AGENCY: Office of Elementary and Secondary Education, U.S. Department of Education.

ACTION: Final regulations.

SUMMARY: The U.S. Department of Education (Department) amends the regulations that govern Impact Aid Programs (IAP) to make technical changes, to include correcting grammatical, spelling, and typographical errors; correcting or updating statutory authority citations and regulatory cross-references; and updating mailing and delivery methods. The technical amendments described in this document do not add or change any regulatory, recordkeeping, or reporting requirement or change interpretation of any regulation.

DATES: These regulations are effective November 9, 2026.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: (202) 260–0405. Email: *impact.aid@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: Due to the number of non-substantive technical changes made in this document, not all individual amendments are discussed below in this document's preamble, but all changes are described in the regulatory text section of this document.

With regard to updating statutory authority citations, the Department is primarily revising the statutory authority citations for the regulations contained in 34 CFR part 222, which is the section of the IAP regulations that govern the programs under title VII of the Elementary and Secondary Education Act of 1965 (ESEA) to local educational agencies (LEAs) in areas affected by Federal activities. These regulations govern the collection of data for grants, the administration of grants, and the resolution of overpayments, administrative hearings, and requests for reconsideration for programs authorized under 20 U.S.C. 7100–7714.

All Subparts

The Department is changing the statutory references in this part from: 8002 to 7002, 8003 to 7003, 8004 to 7004, 8005 to 7005, 8007 to 7007, 8008 to 7008, 8009 to 7009, 8011 to 7011, 8012 to 7012, and 8013 to 7013 to reflect the change from Title VIII to Title VII of the ESEA, as amended. Additionally, the Department is updating the statutory title in all subparts from Title VIII to Title VII. The specific changes will be summarized for each subpart in the revised regulatory language section.

The Department is spelling out acronyms the first time they are used in a Subpart.

Subpart E—Payments for Heavily Impacted Local Educational Agencies Under Section 7003(b)(2) of the Act

Statute: Section 7003 of the ESEA.

Current Regulations: 34 CFR 222.61(a) specifies that IAP uses third preceding fiscal year data to determine an LEA's eligibility and payments under section 7003(b)(2). Subsection (b) requires that all LEAs that are subject to the tax rate requirement use generally comparable LEAs that are identified in section 222.74 or all LEAs in the applicant's State to meet the tax rate requirement. Paragraph (c) aligns the definition of ''tax rate for general fund purposes'' with the definition of ''local real property tax rates for current expenditures purposes'' in section 8013(4) of the ESEA and the regulations at section 222.2. Section 222.75 describes how the Department computes average per-pupil expenditure of a generally comparable LEA by dividing the sum of the total current expenditures for the third preceding fiscal year for the identified generally comparable LEAs by the sum of the total ADA of those LEAs for the same fiscal year.

New Regulations: The Department is reorganizing section 222.61 to align its structure with the statute and improve readability. This reorganization includes adding descriptive headers to each paragraph and consolidating related data requirements.

Data and Tax Rates. Paragraph (a) now includes the header ''Data.'' Paragraph (b) is updated with the header ''Tax rate'' and is divided into two subparagraphs to clarify data requirements. Paragraph (b)(1) outlines the two options for tax rate data: using generally comparable LEAs identified in

section 222.74 or using all LEAs in the State. Paragraph (b)(2) incorporates the definitions for ''tax rate for general fund purposes'' and ''current expenditures,'' which were previously located in paragraph (c).

Per-Pupil Expenditures. The Department is removing and reserving section 222.75. The requirements for computing average per-pupil expenditures of generally comparable LEAs, formerly located in section 222.75, are moved to paragraph (c) of this section under the new header ''Per-pupil expenditure.''

Reasons: The Department is adding headers to improve the clarity of the regulations and deleting a reference to ''new'' LEA because the ESEA no longer maintains a distinction between new and continuing LEAs. The Department is combining subsection (b) and (c) under new (b) with the tax rate header to better organize the regulations using existing regulatory language. The Department is removing section 222.75 and adding it to paragraph (c) since it was a data element related to eligibility so that all related data elements are contained within one location in the regulations.

Statute: Section 7003(b)(2) of the ESEA.

Current Regulations: Section 222.62 specifies the requirements an applicant must meet to be considered for an IAP payment. Paragraph (a) requires that an LEA that wishes to be considered for heavily impacted funding must annually submit the required information indicating tax rate eligibility with its annual section 7003 IAP application and that the final LEA tax rate eligibility must be verified by the State educational agency (SEA) under the process described in section 222.73. Paragraph (b) defines who is eligible to receive a ''continuing'' payment as an LEA that received a payment in fiscal year 2000 and meets the eligibility requirements in section 222.63. Paragraph (c) defines who is eligible for a ''new'' payment as an LEA that did not receive a heavily impacted payment in fiscal year 2000 and meets the eligibility criteria in section 222.64. Section 222.65 details other requirements an LEA must meet to be eligible for a heavily impacted payment, including that an LEA must timely apply for assistance and meet all statutory and regulatory requirements, and must meet applicable tax rate requirements.

New Regulations: This reorganization consolidates requirements by incorporating the provisions of section 222.65 into section 222.62. Consequently, the Department is removing and reserving section 222.65.

The revised structure of section 222.62 is as follows:

Paragraph (a) requires an LEA to submit a timely application, provide a copy to its SEA, and meet all statutory and regulatory requirements to be considered for funding.

Paragraph (b) requires an LEA to indicate on its application that it wishes to be considered for a heavily impacted payment. The LEA must also submit relevant per-pupil expenditure information and tax rate verification.

Paragraph (c) requires an LEA to meet the eligibility criteria in section 222.63 for two consecutive years. This paragraph also cross-references section 222.66, which details the requirements for losing or resuming eligibility and the ''hold harmless'' payment provisions.

Reasons: The Department is revising the heading of section 222.62 to clarify that this section specifies the requirements for receiving a payment rather than the process for determining eligibility. Consistent with the current statute, the Department is updating the requirements related to ''new'' and ''continuing'' LEAs because the ESEA no longer uses those terms to distinguish LEAs. Additionally, these revisions more accurately reflect that the regulations specify the requirements an LEA must meet to receive a payment, not a determination of eligibility. The Department is moving the requirements from section 222.65 into section 222.62 so that all the requirements related to receiving a payment are in one place. The Department is revising this section using language from existing regulations and the current statute to reflect the application steps and requirements an LEA must take to receive a heavily impacted section 7003(b)(2) payment.

Statute: Section 7003(b)(2) of the ESEA.

Current Regulations: Section 222.63 specifies eligibility requirements for a ''continuing'' LEA. Section 222.64 specifies the eligibility requirements for a ''new'' LEA.

New Regulations: The Department is revising section 222.63 to align with the ESEA, as amended by the National Defense Authorization Act for Fiscal Year 2016 and the Consolidated Appropriations Act, 2018. The Department is also removing and reserving section 222.64.

(a) *Eligibility Under Section 7003(b)(2)(B)(II).* Paragraph (a) implements three criteria that an LEA must meet to be eligible:

Enrollment. Paragraph (a)(1) requires an enrollment of at least 45 percent federally connected children in average daily attendance (ADA).

Per-Pupil Expenditure. Paragraph (a)(2) establishes per-pupil expenditure requirements based on an LEA's FY 2001 funding status:

FY 2001 Recipients: If enrollment exceeds 350 students, the per-pupil expenditure must be less than the national or State average. If enrollment is 350 or fewer, no per-pupil expenditure requirement applies.

Non-FY 2001 Recipients: If enrollment exceeds 350 students, the per-pupil expenditure must be less than the State average. If enrollment is 350 or fewer, the per-pupil expenditure must be less than the per-pupil expenditure of one generally comparable LEA or the average of three generally comparable LEAs, whichever is greater.

Tax Rate. Paragraph (a)(3) requires a tax rate for general fund purposes of at least 95 percent of the State average or the average rate of generally comparable LEAs.

(b) *Eligibility for FY 2001 Recipients.* Paragraph (b) implements four mandatory criteria for LEAs that received heavily impacted payments in FY 2001:

Enrollment. At least 35 percent federally connected children in ADA, including children described in ESEA section 7003(a)(1)(F) and (G).

Per-pupil expenditure. If enrollment exceeds 350, the per-pupil expenditure must be less than the national or State average. If enrollment is 350 or fewer, no per-pupil expenditure requirement applies.

Tax Rate. A tax rate of at least 95 percent of the State average or the average rate of generally comparable LEAs.

Historical Eligibility. The LEA must have been eligible for a heavily impacted payment in FY 2001.

Eligibility Under Section 7003(b)(2)(B)(III). Paragraph (c) requires LEAs to meet three criteria:

Enrollment. An LEA must have at least 30 percent federally connected children in ADA. Alternatively, an LEA may have at least 20 percent federally connected children in ADA if:

For the three preceding fiscal years, at least 65 percent of the LEA's membership was eligible for free or reduced-price lunch; and the LEA was eligible under section 7003(b)(2)(G) in 2017 due to military housing privatization.

Tax Rate. A tax rate of at least 125 percent of the State or national average, or the average rate of generally comparable LEAs.

Historical Payment. The LEA must have received a heavily impacted

payment for a fiscal year prior to FY 2017.

Eligibility for Large LEAs. Paragraph (d) implements two requirements for LEAs with large enrollments:

Enrollment. A total enrollment of at least 25,000 students, of which at least 35 percent are federally connected. Additionally, the LEA must enroll at least 3,500 children described in section 7003(a)(1)(A) and (B), or at least 7,000 children described in section 7003(a)(1)(D).

Historical Payment for Large local educational agencies. The LEA must have received a heavily impacted payment under section 8003(b)(2)(E) for FY 2015.

Boundary-Based Eligibility. Paragraph (e) provides two criteria. An LEA is eligible if it meets either of the following:

The LEA shares the same boundaries as a federal military installation; or

The LEA shares the same boundaries as an island held in trust by the United States and has no taxing authority.

Reasons: The Department is updating the requirements to align with the amendments to the ESEA affecting eligibility, including the 2015 ESSA amendments, the 2015 NDAA amendments, and the 2018 Consolidated Appropriations Act. More specifically, the 2015 ESSA amendments to the ESEA created five new eligibility categories described above. The 2015 NDAA amendments affected the per-pupil expenditure requirements in two of those categories, ESEA section 7003(b)(2)(B)(II) and 7003(b)(2)(B)(V), for fiscal years 2017, 2018, and 2019. The 2018 Consolidated Appropriations Act made the 2015 NDAA per-pupil expenditure changes permanent. The Department is also reorganizing the list of eligibility criteria in each of the categories for greater clarity, to be more easily comprehensible to prospective applicants.

Statute: Section 7003(b)(2) of the ESEA.

Current Regulations: Section 222.66 specifies how LEAs lose and resume eligibility. Subsection (a) provides that if a continuing LEA is no longer eligible, it will still receive a payment in the first year based on the number of children in ADA as if the LEA were eligible. Subsection (b) provides that a continuing LEA must be eligible for two consecutive years to receive a payment in the second year and that in the first year the LEA will only receive a basic support payment under section 7003(b)(1). Subsection (c) provides that a new LEA may resume eligibility for heavily impacted payment if it meets the eligibility criteria in the year in which it applies.

New Regulations: The Department is revising this section to clarify payment rules for LEAs that lose eligibility. The changes incorporate existing statutory and regulatory requirements.

One-year ineligibility: Under paragraph (a)(1), an LEA that received a heavily impacted payment last year but failed to meet requirements this year will still receive a payment for the first year of ineligibility. The payment will be based on the number of children in ADA as if the LEA were still eligible.

Two-year ineligibility (Tax Rate): Under paragraph (a)(2), an LEA that fails to meet the tax rate requirement for two consecutive years, will receive payments for both years. These payments are based on the ADA count from the LEA's application.

Resuming Eligibility: Under paragraph (b), to resume eligibility, an LEA must meet all application and eligibility requirements for two consecutive years. The LEA will receive a payment in the second year.

Reasons: The Department is revising the regulations to restate the current statutory requirements related to losing and regaining eligibility, and the hold harmless payments.

Section 222.68—The Department is updating the regulatory references due to the reorganization of § 222.62 and § 222.63.

Section 222.74—The Department is updating the regulatory references due to the reorganization of § 222.62 and § 222.63.

Subpart G—Special Provisions for Local Educational Agencies That Claim Children Residing on Indian Lands

Section 222.92—The Department is updating the regulatory references due to the reorganization of § 222.62 and § 222.63.

Section 222.94—The Department is correcting capitalization and making a grammatical correction by removing extraneous punctuation.

Section 222.118(d)—The Department is removing the reference to obsolete technology and updating the manner in which an applicant may request a withholding hearing.

Subpart J—Impact Aid Administrative Hearings and Judicial Review Under Section 7011 of the Act

Sections 222.153–154—The Department is removing references to obsolete technology and updating the manner in which an applicant may request an administrative hearing.

Section 222.155—The Department is revising to clarify that an administrative hearing under this subpart may be held by telephone or video conference.

Subpart K—Determinations Under Section 7009 of the Act

Section 222.165(c)—The Department is revising to clarify that an administrative hearing under this subpart may be held by telephone or video conference.

Section 222.165(f)—The Department is revising to remove references to obsolete technology and adding the options for submitting documents by email or the electronic filing system maintained by the Office of Hearings and Appeals.

Waiver of Proposed Rulemaking and Delayed Effective Date

In accordance with the Administrative Procedure Act (APA), 5 U.S.C. 553, the Department generally offers interested parties the opportunity to comment on proposed regulations. However, the APA provides that an agency is not required to conduct notice-and-comment rulemaking when the agency, for good cause, finds that the requirement is impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). There is good cause to waive rulemaking here as unnecessary.

Rulemaking is ''unnecessary'' in those situations in which ''the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.'' *Utility Solid Waste Activities Group* v. *EPA,* 236 F.3d 749, 755 (D.C. Cir. 2001) (quoting U.S. Department of Justice, Attorney General's Manual on the Administrative Procedure Act 31 (1947)) and *South Carolina* v. *Block,* 558 F. Supp. 1004, 1016 (D.S.C. 1983). However, the regulatory changes in this document are necessary to make routine technical updates and non-substantive technical corrections. Thus, the Department has determined that publication of a proposed rule is unnecessary under 5 U.S.C. 553(b)(B).

The APA generally requires that regulations be published at least 30 days before their effective date, unless the agency has good cause to implement its regulations sooner. 5 U.S.C. 553(d)(3). As previously stated, because the final regulations make routine technical updates and non-substantive technical corrections, there is good cause to waive the delayed effective date in the APA and make the final regulations effective upon publication.

Executive Orders 12866, 13563, and 14192

Regulatory Impact Analysis: This regulatory action is not a significant regulatory action subject to review by the Office of Management and Budget under section 3(f) of Executive Order 12866. This regulatory action is not considered an ''Executive Order 14192 regulatory action.'' We have also reviewed this regulatory action under Executive Order 13563. We are issuing these final regulations only on a reasoned determination that their benefits would justify their costs. The Department believes that this regulatory action is consistent with the principles in Executive Order 13563. We also have determined that this regulatory action would not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

Potential Costs and Benefits: In accordance with these Executive Orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. These final regulations are not expected to have a significant impact because they are designed to merely make routine technical updates and non-substantive technical corrections. We believe any costs would be de minimis and will be significantly outweighed by the potential benefits of ensuring clarity and consistency of the regulations.

Regulatory Flexibility Act Certification

The Regulatory Flexibility Act does not apply to this rulemaking because there is good cause to waive notice and comment under 5 U.S.C. 553.

Paperwork Reduction Act of 1995

These final regulations do not create any new information collection requirements.

Intergovernmental Review

The programs covered in this notice are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for these programs.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or another accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.*

List of Subjects for 34 CFR Part 222

Administrative practice and procedure, Education of individuals with disabilities, Elementary and secondary education, federally affected areas, Formula grant programs—education, Indians—education, Military child—education, Reporting and recordkeeping requirements.

Kirsten Baesler,

Assistant Secretary, Office of Elementary and Secondary Education.

For the reasons discussed in the preamble, the Department of Education amends 34 CFR part 222 as follows:

PART 222—IMPACT AID PROGRAMS

■ 1. The authority citation for part 222 is revised to read as follows:

Authority: 20 U.S.C. 7701–7714, Pub. L. 114–95, title VII, § 7001, 129 Stat. 1802; unless otherwise noted.2. Amend part 222 by removing the text listed in the ''Remove'' column and adding in its place the text listed in the ''Add'' column wherever they appear in part 222:

Remove	Add
section 8002	section 7002.
section 8003	section 7003.
section 8004	section 7004.
section 8005	section 7005.
section 8007	section 7007.
section 8008	section 7008.
section 8009	section 7009.
section 8011	section 7011.
section 8012	section 7012.
section 8013	section 7013.
Title VIII	Title VII.
ALJ	Administrative law judge.
ESEA	Elementary and Secondary Education Act.
IPPs	Indian Policies Procedures.
LEA	local educational agency.
PPE	per-pupil expenditure.
SEA	state educational agency.

■ 3. In § 222.2 in paragraph (c) amend paragraph (1)(i) of the definition of ''Parent employed on Federal property'' by revising Example 2 to read as follows:

§ 222.2 What definitions apply to this part?

* * * * *

(c) * * *

Parent employed on Federal property

(1) * * *

(i) * * *

Example 2: Becca works at a privately owned convenience store on leased property on a military installation in Maine. Becca's children attend school at LEA E, a Maine public school district. On a daily basis, including on the survey date, Becca reports to work at the convenience store where she works her entire shift. Becca meets the definition of a ''parent employed on Federal property'' for LEA E because, although Becca is not a Federal employee, her duty station is the convenience store, which is located on an eligible Federal property within the same State as LEA E. LEA E may claim Becca's children on its Impact Aid application.

* * * * *

■ 4. Section 222.22 is amended by revising paragraph (a) to read as follows:

§ 222.22 How does the Secretary treat compensation from Federal activities for purposes of determining eligibility and payments?

(a) An LEA with an otherwise approvable application is eligible to receive assistance under section 7002 for a fiscal year only if the LEA meets the requirements in subpart A of these regulations and § 222.21, and is not substantially compensated for the loss in revenue resulting from Federal ownership of real property by increases in revenue accruing to the LEA during the previous fiscal year from Federal activities with respect to the eligible Federal property in the LEA.

* * * * *

■ 5. Revise the heading of Subpart E to read as follows:

Subpart E—Payments for Heavily Impacted Local Educational Agencies Under Section 7003(b)(2) of the Act

■ 6. Revise § 222.61 to read as follows:

§ 222.61 What data are used to determine a local educational agency's eligibility under section 7003(b)(2) of the Act?

(a) *Data.* Computations and determinations made about an LEA's

eligibility under section 7003(b)(2) in §§ 222.61 through 222.66 are based on the LEA's final student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which it seeks assistance.

(b) *Tax rate.* (1) Consistent with the requirements in §§ 222.68 through 222.74, the tax rate LEAs used for meeting the applicable tax rate requirement are either:

(i) The generally comparable LEAs that are identified in § 222.74; or

(ii) All LEAs in the applicant's State.

(2) As used in this subpart, the phrase ''tax rate for general fund purposes'' means ''local real property tax rates for current expenditures purposes'' as defined in § 222.2. ''Current expenditures'' is defined in section 7013(4) of the ESEA.

(c) *Per-pupil expenditure.* For LEAs described in § 222.63(a) and (b), the Secretary computes average per-pupil expenditures by dividing the sum of the total current expenditures for the third preceding fiscal year for those LEAs which the Secretary has determined to be generally comparable, consistent with § 222.74, by the sum of the total ADA of those LEAs for the same fiscal year.

■ 7. Revise § 222.62 to read as follows:

§ 222.62 How does a local educational agency receive a payment under section 7003(b)(2)(B) for heavily impacted districts?

(a) An LEA must annually apply for assistance under section 7003(b)(1) Basic Support Payment by submitting a timely application to the Secretary and providing its state educational agency (SEA) with a copy of the application and must meet all the other application and eligibility requirements in statute and these regulations.

(b) An LEA must note on its annual Impact Aid application that it wishes to be considered for a heavily impacted payment under section 7003(b)(2)(B), and the SEA must submit relevant average per-pupil expenditure information and verify the LEA's tax rate under the process described in § 222.73.

(c) An LEA must meet the eligibility criteria listed in § 222.63 for two consecutive application years and, consistent with § 222.66, will not receive a heavily impacted payment for the first year of eligibility.

■ 8. Revise § 222.63 to read as follows:

§ 222.63 What are the eligibility criteria that must be satisfied for a local educational agency to receive a payment under section 7003(b)(2)(B)?

A heavily impacted LEA must meet one of the following criteria—

(a) * * *

(1) *Enrollment.* An enrollment of federally connected children described in section 7003(a)(1) equal to at least 45 percent of the total number of children in average daily attendance in the LEA;

(2) *Per-pupil expenditure.* (i) For a district that received a basic support payment for fiscal year 2001 under section 8003(b)(2)(B) of the ESEA (as such section was in effect for such fiscal year):

(ii) If total student enrollment is more than 350 students, a per-pupil expenditure that is less than the average per-pupil expenditure of the state in which the agency is located, consistent with § 222.74, or a per-pupil expenditure that is less than the average per-pupil expenditures of all States; or

(iii) If the LEA has a total student enrollment that is less than 350 students, they shall be deemed to have satisfied the per-pupil expenditure per-pupil expenditure requirements; or

(iv) For a district that did not receive a support payment for fiscal year 2015 under section 8003(b)(2)(B) of the ESEA (as such section was in effect for such fiscal year):

(A) If total student enrollment is 350 or more students, a per-pupil expenditure that is less than the State average per-pupil expenditure; or

(B) If total student enrollment is less than 350 students, a per-pupil expenditure that is less than the average per-pupil expenditure of a generally comparable LEA or 3 generally comparable LEAs (whichever average per-pupil expenditure is greater), in the state in which the agency is located, consistent with § 222.74; and

(3) *Tax rate.* A tax rate for general fund purposes of at least 95 percent of the State average tax rate or the average tax rate of generally comparable LEAs identified under § 222.74.

(b)(1) *Enrollment.* An enrollment of federally connected children equal to at least 35 percent of total students in ADA in the LEA, including children described in subparagraphs (F) and (G) of section 7003(a)(1);

(2) *Per-pupil expenditure.* For a district that received a basic support payment for fiscal year 2001 under section 8003(b)(2)(B) of the ESEA (as such section was in effect for such fiscal year):

(i) If total student enrollment is more than 350 students, the LEA must have a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located, consistent with § 222.74, or a per-pupil expenditure that is less than the average per-pupil expenditure of all States; or

(ii) If the LEA has a total student enrollment that is less than 350 students, they shall be deemed to have satisfied the per-pupil expenditure requirements;

(3) *Tax rate.* A tax rate for general fund purposes of at least 95 percent of the State average tax rate or the average tax rate of generally comparable LEAs in the State identified under § 222.74; and

(4) *Basic support payments for Local Educational Agencies that were eligible in 2001.* Local educational agencies that were eligible to receive a heavily impacted payment for fiscal year 2001.

(c)(1) *Enrollment.* Had an enrollment of federally connected children described in section 7003(a)(1) that is:

(i) Equal to at least 30 percent of the total number of children in ADA in the LEA; or

(ii) Equal to at least 20 percent of the total number of children in ADA in the LEA, and for the 3 fiscal years proceeding for which this determination was made, the average enrollment of non-federally connected children eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act is equal to or at least 65 percent, and received assistance for fiscal year 2017 pursuant to the privatization of military housing under section 7003(b)(2)(G); and

(2) *Tax rate.* A tax rate for general fund purposes which is not less than 125 percent of the State average tax rate or the average tax rate of generally comparable LEAS identified under § 222.74; and

(3) *Historical Payment.* Received a heavily impacted payment for a fiscal year prior to fiscal year 2017.

(d)(1) *Enrollment.* A total student enrollment of at least 25,000 students, of which at least 35 percent are children described in section 7003(a)(1), and at least 3,500 such children are described in subparagraphs (A) and (B) of that section or at least 7,000 such children are described in subparagraph (D) of that section; and

(2) *Historical payment.* Received a heavily impacted payment for fiscal year 2015 under ESEA section 8003(b)(2)(E), as so in effect.

§§ 222.64 and 222.65 [Removed and Reserved]

■ 9. Remove and reserve §§ 222.64 and 222.65.

■ 10. Section 222.66 is revised to read as follows:

§ 222.66 How does a local educational agency receive a hold harmless payment and lose and resume eligibility under section 7003(b)(2)?

(a) *Hold-harmless payments.* (1) Except as provided in paragraph (a)(2)

of this section, an LEA that received a payment as a heavily impacted LEA in the preceding year but fails to meet the eligibility requirements in the following fiscal year will still receive a heavily impacted payment in the first year of ineligibility, based on the number of children in ADA that would be counted for that application if the LEA were eligible.

(2) For an LEA that is required to have a tax rate of at least 95 percent of the average tax rate for general fund purposes, and would be eligible for a heavily impacted payment except that it fails to meet that tax rate requirement for two consecutive fiscal years, the LEA will still receive a heavily impacted payment in the first two years of ineligibility, based on the number of children in ADA that would be counted for that application if the LEA were eligible.

(b) *Resumption of Payment.* After a heavily impacted LEA becomes ineligible for one or more fiscal years, the LEA may resume eligibility for a heavily impacted payment if it meets all application and eligibility requirements for two consecutive fiscal years. In the first fiscal year the LEA resumes meeting the application and eligibility requirements, it will not receive a heavily impacted payment in that year but instead will receive a basic support payment under section 7003(b)(1) for that year. The LEA will receive a heavily impacted payment in the second consecutive year that it meets application and eligibility requirements.

(c) *Example.* An LEA applies for a section 7003(b)(2) payment for the first time and meets the applicable eligibility criteria. The LEA does not receive a section 7003(b)(2) payment for federal fiscal year (FFY) 1 and must apply and meet the requirements again in FFY 2 before it can receive a 7003(b)(2) payment (*see* § 222.62). If that LEA is later ineligible for a year, it can receive a 7003(b)(2) payment again only if it meets the eligibility criteria for two consecutive years. The LEA is entitled to receive a hold-harmless payment under 7003(b)(2) the first year it is ineligible. If, for example, an LEA becomes ineligible in FFY 3, the LEA will still receive a (b)(2) ''hold harmless'' payment. If the LEA applies and meets the requirements in FFY 4, the LEA will not receive a payment under 7003(b)(2) but would instead be eligible for a section 7003(b)(1) payment. In FFY 5, if the LEA applies and meets the eligibility requirements for 7003(b)(2), the LEA will receive a section 7003(b)(2) payment. The effects of these requirements on an applicant's status and payments are summarized in the table below. This example is intended to convey typical (b)(2) hold-harmless situations and is not intended to cover anomalies.

TABLE 1 TO PARAGRAPH (c)—SUMMARY OF HOLD-HARMLESS STATUS AND PAYMENTS

	FFY 1	FFY 2	FFY 3	FFY 4	FFY 5
7003(b)(2) Eligibility	Yes	Yes	No	Yes	Yes.
Payment Type	7003(b)(1) ...	7003(b)(2) ...	Hold Harmless ..	7003(b)(1) ...	7003(b)(2).

■ 11. Amend § 222.68 by revising paragraphs (a) and (c) introductory text to read as follows:

§ 222.68 How does the Secretary determine whether a fiscally independent local educational agency meets the applicable tax rate requirement?

(a) To determine whether a fiscally independent LEA, as defined in § 222.2(c), meets the applicable tax rate requirement in § 222.63, the Secretary compares the LEA's local real property tax rate for current expenditure purposes, as defined in § 222.2(c) (referred to in this part as ''tax rate'' or ''tax rates''), with the tax rates of its generally comparable LEAs.

* * * * *

(c) The Secretary determines that an LEA described in §§ 222.63 meets the applicable tax rate requirement if—

* * * * *

■ 12. Amend § 222.74 by revising paragraph (b) introductory text to read as follows:

§ 222.74 How does the Secretary identify generally comparable local educational agencies for purposes of section 7003(b)(2)?

* * * * *

(b) For applicant LEAs described in § 222.63(a), (b) or (c), to identify the one or three generally comparable LEAs, the Secretary uses the following procedures:

* * * * *

§ 222.75 [Removed]

■ 13. Remove § 222.75.

■ 14. Section 222.94 is amended by revising paragraph (b)(1) to read as follows:

§ 222.94 What are the responsibilities of the LEA with regard to Indian policies and procedures?

* * * * *

(b) * * *

(1) Disseminate relevant applications, evaluations, program plans and information related to the LEA's education program and activities with sufficient advance notice to allow tribes and parents of Indian children the opportunity to review and make recommendations.

* * * * *

■ 15. Section 222.118 is amended by revising paragraph (d) to read as follows:

§ 222.118 How are withholding hearings conducted in this subpart?

* * * * *

(d) *Filing requirements.* (1) All written submissions must be filed with the hearing examiner by hand-delivery, mail, email, or the electronic filing system maintained by the Office of Hearings and Appeals.

(2) If agreed upon by the parties, a party may serve a document upon the other party by email, or the electronic filing system maintained by the Office of Hearings and Appeals.

(3) The filing date for a written submission under this subpart is the date the document is

(i) Hand-delivered; or

(ii) Mailed; or

(iii) Emailed; or

(iv) Filed with the electronic filing system maintained by the Office of Hearings and Appeals.

(4) A party filing by email is responsible for confirming that a complete and legible copy of the document was timely received by the hearing examiner.

* * * * *

■ 16. Amend § 222.153 by revising paragraph (a) to read as follows:

§ 222.153 How must a local educational agency request an administrative hearing?

(a)(1) If it mails the hearing request, address it to the Secretary, c/o Director, Impact Aid Program, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202–6244;

(2) If it hand-delivers the hearing request, deliver it to the Director, Impact Aid Program, U.S. Department of

Education, 400 Maryland Avenue SW, Washington, DC 20202–6244; or

(3) If it emails the hearing request, send it to *Impact.Aid@ed.gov.*

Note to paragraph (a): The Secretary encourages applicants requesting an IAP hearing to email their requests. Because of enhanced security procedures, building access for non-official staff may be limited. Applicants should be prepared to mail or email their hearing requests if they or their courier is unable to obtain access to the building.

* * * * *

■ 17. Revise § 222.154 to read as follows:

§ 222.154 How must written submissions under this subpart be filed?

(a) All written submissions under this part must be filed by hand-delivery, mail, email, or the electronic filing system maintained by the Office of Hearings and Appeals.

(b) If agreed upon by the parties, a party may serve a document upon the other party by email or the electronic filing system maintained by the Office of Hearings and Appeals.

(c) The filing date for a written submission under this subpart is the date the document is

(1) Hand-delivered; or

(2) Mailed; or

(3) Emailed; or

(4) Filed with the electronic filing system maintained by the Office of Hearings and Appeals.

(d) A party filing by email is responsible for confirming that a complete and legible copy of the document was timely received by the administrative law judge.

■ 18. Section 222.155 is revised to read as follows:

§ 222.155 When and where is an administrative hearing held?

Administrative hearings under this subpart are held at the offices of the Department in Washington, DC, at a time fixed by the administrative law judge, unless the administrative law judge selects another place based upon the convenience of the parties. Administrative hearings may also be held by telephone or video conference at the discretion of the administrative law judge.

■ 19. Amend § 222.165 by revising paragraphs (c) and (f) to read as follows:

§ 222.165 What procedures does the Secretary follow after making a determination under section 7009?

* * * * *

(c) *Time and place of hearing.* The hearing is held at a time and place fixed by the Secretary or the Secretary's delegate (with due regard to the mutual convenience of the parties). Administrative hearings may also be held by telephone or video conference at the discretion of the administrative law judge.

* * * * *

(f) *Filing requirements.* (1) Any written submission under this section must be filed by hand-delivery, mail, email, or the electronic filing system maintained by the Office of Hearings and Appeals.

(2) If agreed upon by the parties, service of a document may be made upon the other party by mail, email or the electronic filing system maintained by the Office of Hearings and Appeals.

(3) The filing date for a written submission under this section is the date the document is

(i) Hand-delivered; or

(ii) Mailed; or

(iii) Emailed; or

(iv) Filed with the electronic filing system maintained by the Office of Hearings and firming that a complete and legible copy of the document was received by the Department.

(4) A party filing by email is responsible for confirming that a complete and legible copy of the document was received by the Department.

* * * * *

[FR Doc. 2026–20687 Filed 10–7–26; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2024–0626; FRL–12934–02–R4]

Air Plan Approval; GA; Removal of Nonattainment Area New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is approving a State Implementation Plan (SIP) revision submitted by the State of Georgia through the Georgia Environmental Protection Division (EPD) on June 27, 2024. The revision removes permitting requirements related to nonattainment, including nonattainment new source review (NNSR), from Georgia's SIP as obsolete, removes certain provisions related to the use of emission reduction credits (ERCs), and makes other changes based upon the lack of any areas designated as nonattainment for the National Ambient Air Quality Standards (NAAQS) in Georgia. The EPA is approving these changes pursuant to the Clean Air Act (CAA or Act).

DATES: This rule is effective November 9, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2024–0626. All documents in the docket are listed on the *regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nelsha Athauda, Multi-Air Pollutant Coordination Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9360. Ms. Athauda can also be reached via electronic mail at *athauda.nelsha@epa.gov.*

SUPPLEMENTARY INFORMATION: The EPA uses multiple abbreviations and terms in this final rule. While this list may not be exhaustive, for ease of reading and for reference purposes, the EPA defines the following terms and acronyms here:

CAA Clean Air Act
CFR Code of Federal Regulations
DC District of Columbia
EGU Electrical Generating Units
EPA Environmental Protection Agency
EPD Georgia Environmental Protection Division
ERCs Emission Reduction Credits
FR Federal Register
NAAQS National Ambient Air Quality Standards
NNSR Nonattainment New Source Review
NPRM Notice of Proposed Rulemaking
NO_x Nitrogen Oxides

PSD Prevention of Significant Deterioration
RACT Reasonably Available Control Technology
SIP State Implementation Plan
SELC Southern Environmental Law Center
U.S.C. United States Code
VOC Volatile Organic Compound

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I. Executive Summary

In this final rule, the EPA is approving changes to the Georgia SIP submitted by Georgia EPD on June 27, 2024.[1] The revision amends Rule 391–3–1–.02(1), *General Requirement,* to incorporate a non-substantive formatting change; Rule 391–3–1–.02(2)(nnn), *NO_X Emissions from Large Stationary Gas Turbines,* to update applicability by removing outdated provisions that no longer apply to any sources in the State, to clarify applicability by removing cross-references to rules removed from the Georgia SIP, and to make other clarifying changes; Rule 391–3–1–.03(6), *Exemptions,* at subsection (j), *Construction Permit Exemption for Pollution Control Projects,* to remove a cross-reference to NNSR requirements at Rule 391–3–1–.03(8)(c); Rule 391–3–1–.03(8), *Permit Requirements,* to remove permitting requirements related to nonattainment and to make other, minor changes; and Rule 391–3–1–.03(13), *Emission Reduction Credits,* to remove wording that allows for or refers to use of ERCs and to make other minor updates.[2] The EPA is finalizing approval of these revisions as they will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable CAA requirement.[3]

Through a notice of proposed rulemaking (NPRM) published on September 2, 2025,[4] the EPA proposed to approve the above-described changes to the SIP. The details of Georgia's submission, as well as the EPA's rationale for approving the changes, are described in more detail in the September 2, 2025, NPRM. Comments on the NPRM were due on or before September 23, 2025. The EPA received one anonymous comment in support of this action and one set of adverse comments from the Southern Environmental Law Center (SELC). These comments are available in the docket for this action.

II. Response to Comments

In response to the NPRM, the EPA received an adverse comment from SELC dated September 23, 2025. Summaries of SELC's significant comments, along with the EPA's responses to these comments, are provided below.

Comment 1: SELC states that Atlanta was in compliance with the 2015 ozone NAAQS when EPD submitted its SIP revision. However, because the 2024 design values for both the Fulton and Henry County air quality monitors exceeded the 2015 ozone NAAQS after submission of the SIP revision, SELC argues that the NNSR provisions are just as important and applicable now as they were before the Atlanta's redesignation in 2022. SELC therefore contends that approving the SIP revision to remove the NNSR provisions is ill-advised and unlawful.

Response 1: Effective November 16, 2022, the EPA redesignated the Atlanta 2015 8-hour ozone area (hereinafter referred to as the ''Atlanta Area'' or ''Area'') from nonattainment to attainment.[5] As a result of this redesignation, there are no longer any areas within Georgia that are designated as nonattainment for any NAAQS. In the EPA's action redesignating the Atlanta Area to attainment, the EPA also approved Georgia's maintenance plan for the 2015 ozone NAAQS.[6]

The EPA disagrees with SELC's assertion that Georgia is required to continue to implement NNSR in the Atlanta Area as a result of the exceedances. Instead, the CAA requires Georgia to implement contingency measures pursuant to its maintenance plan approved by the EPA at the time that the EPA redesignated the Area to attainment.[7]

As required by CAA section 175A(d), the maintenance plan contains contingency measures necessary to assure that the State will promptly correct any violation of the standard which occurs after the redesignation of the Area.[8] Georgia's maintenance plan includes a two-tiered triggering mechanism to determine when a contingency measure is needed and a process to develop and implement appropriate control measures within specified timeframes. A Tier 1 trigger applies where a violation of the 2015 8-hour ozone standard has not occurred, but where the State finds monitored ozone concentrations indicating that a violation may be imminent. A Tier II trigger applies when any quality assured ozone design value is equal to or greater than 0.071 ppm at a monitor in the Atlanta Area (*i.e.,* a violation of the 2015 ozone NAAQS) or the periodic emission inventory updates reveal excessive or unanticipated growth greater than 10 percent in NO_X or VOC emissions. Once a Tier II trigger is activated, EPD will conduct a comprehensive analysis based on quality-assured ambient data and, within 24 months of the trigger, will implement at least one contingency measure.

There are two major NSR permitting programs under the CAA—the NNSR program and the Prevention of Significant Deterioration (PSD) program. The CAA requires SIPs to contain NNSR permitting regulations only for areas officially designated or redesignated as nonattainment.[9] Only the PSD program

[1] The June 27, 2024, submittal also contains changes to Rules 391–3–1–.02(6)(a), *Specific Monitoring and Reporting Requirements for Particular Sources,* and 391–3–1–.03(11)(b)(7), *Coating and/or Gluing Operations.* On July 9, 2025, EPD provided the EPA with a clarification letter confirming that Georgia does not intend to submit the language ''or enforceable as a practical matter limiting the source to below Part 70 or Part 63 major source thresholds'' in Georgia Rule 391–3–1–.03(11)(b)7.(i) as part of the June 27, 2024, SIP revision. This letter is included in the docket for this rulemaking; however, the EPA will address the changes to these two rules in a separate rulemaking.

[2] Georgia also transmitted changes to Rule 391–3–1–.03(1) in the June 27, 2024, submittal. The language EPD removed from its State-effective version of Rule 391–3–1–.03(1) is not approved into the SIP. Thus, as discussed in the September 2, 2025, NPRM, the EPA is not acting on any change to this provision.

[3] *See* CAA section 110(l).

[4] *See* 90 FR 42343.

[5] *See* 87 FR 62733 (October 17, 2022). The Atlanta Area consists of the following counties: Bartow, Clayton, Cobb, DeKalb, Fulton, Gwinnett, and Henry. The 2015 8-hour ozone NAAQS is set at 0.070 ppm based on an annual fourth-highest daily maximum 8-hour average concentration averaged over three years.

[6] A copy of the Final Submittal for Georgia's Redesignation Request and Maintenance Plan for the Atlanta Ozone Nonattainment Area for the 2015 8-Hour Ozone NAAQS (February 25, 2022) (2022 Maintenance Plan) is included in the docket for this action. *See id.*

[7] Congress also gave the EPA the option, but not a mandate, to redesignate such areas back to nonattainment in CAA section 107(d)(3).

[8] *See* Section 3.2 of the 2022 Maintenance Plan.

[9] *See* CAA section 172(c)(5) (each state with a nonattainment area must have a SIP that ''shall require permits for the construction and operation of new or modified major stationary sources anywhere in the nonattainment area, in accordance with section 7503 [(CAA section 173] of this title''); CAA section 173 (setting forth NNSR requirements); 40 CFR 51.165(a)(2)(i) (''Each plan shall adopt a preconstruction review program to satisfy the requirements of sections 172(c)(5) and 173 of the Act for any area designated nonattainment for any national ambient air quality standard under subpart C of 40 CFR part 81.''); and 40 CFR 51.1314 (''For each nonattainment area [for the 2015 ozone NAAQS], the state shall submit a nonattainment NSR plan or plan revision for a specific ozone NAAQS no later than 36 months after the effective date of the area's designation of nonattainment or redesignation to nonattainment for that ozone NAAQS.'').

is required in areas designated or redesignated as attainment or unclassifiable.[10] Because there are no nonattainment areas in Georgia, the State is no longer required to include NNSR regulations in its SIP. Furthermore, it is not necessary for Georgia to include NNSR as a contingency measure in its maintenance plan because NNSR is not a ''measure'' under CAA section 175A(d).[11] [12] See Response 3, below, for further discussion of CAA section 175A(d). For these reasons and those discussed in the responses below, removing NNSR from the Georgia SIP is neither ill-advised nor unlawful.

Comment 2: SELC asserts that a well-supported non-interference finding under CAA section 110(l) must be provided prior to removing Georgia's NNSR rules from its SIP because the Atlanta Area has already fallen out of attainment with the 2015 ozone NAAQS. According to SELC, the EPA and EPD concluded that this SIP revision will not increase air pollution without an air quality analysis or any other kind of analytical support and instead merely asserted that Georgia's PSD program provides an adequate backstop and that other rules (*e.g.,* Reasonably Available Control Technology (RACT) requirements) established while NNSR was in place will not be modified or removed. SELC asserts that neither the PSD program nor RACT requirements are an adequate substitute for NNSR due to the Atlanta Area's recent exceedances of the 2015 ozone NAAQS and that it is now improper and arbitrary for the EPA to approve the SIP revision without analytical support showing that NNSR can be removed without further impeding attainment of this standard.

Regarding PSD as a substitute for NNSR, SELC states that NNSR provides substantial environmental benefits beyond PSD by, among other things, requiring offsets and significantly more effective pollution controls. SELC argues that the air pollution reductions from NNSR are needed given the recent violations of the 2015 ozone standard in the Atlanta Area.

Regarding RACT, SELC states that the Area's maintenance plan suggests that RACT may be inadequate to prevent increased emissions in the absence of NNSR, and therefore, it would be improper to remove NNSR without validating the sufficiency of RACT to prevent increased emissions.

Response 2: The EPA disagrees with this comment. As discussed in Response 1, Congress determined that NNSR permitting is only required in areas designated or redesignated as nonattainment. CAA section 175A contingency measures are the statutory mechanism to ''promptly correct any violation of the standard which occurs after the redesignation of the area as an attainment area,'' and NNSR is not a required contingency measure. PSD is the statutorily mandated major NSR permitting program in areas designated or redesignated as attainment or unclassifiable. As required by CAA section 165(a)(3) and 40 CFR 51.166(k), Georgia's SIP-approved PSD regulations at Rule 391–3–1–.02(7) prevent the construction or modification of major NSR sources whose emissions would, among other things, cause or contribute to air pollution in violation of the NAAQS.[13]

Similarly, Georgia's SIP-approved NSR permitting rules prevent the State from issuing any NSR permit—including permits for non-PSD minor sources—without first making an affirmative finding that, among other things, the proposed construction or modification will not cause or contribute to a failure to attain or maintain any ambient air quality standard.'' [14] Because these rules prevent interference with the NAAQS, collectively cover the same universe of major sources as NNSR, and apply in areas redesignated to attainment, they allow for the removal of NNSR in those redesignated areas under CAA section 110(l).[15] Section 110(l) only prohibits the EPA from approving a SIP revision that would interfere with the NAAQS and reasonable further progress or any other applicable CAA requirement. It does not prohibit the EPA from removing a SIP-approved provision that achieves greater reductions than a replacement provision (or provisions) so long as the change would not interfere with CAA requirements. By their express terms, SIP-approved Rules 391–3–1–.02(7) and 391–3–1–.03(8)(a) prevent the construction or modification of sources that would interfere with the NAAQS, and therefore, no air quality analysis is necessary.

Regarding SELC's comments on RACT, the statement that the EPA made a ''claim regarding the sufficiency of RACT requirements'' is inaccurate. The NPRM does not mention RACT, and the EPA is not relying on RACT to satisfy CAA section 110(l). As discussed above, the EPA can remove NNSR from Georgia's SIP under section 110(l) because SIP-approved Rules 391–3–1–.02(7) and 391–3–1–.03(8)(a) prevent construction or modification that would interfere with the NAAQS. It is therefore unnecessary to evaluate the ''sufficiency of RACT'' before removing NNSR from Georgia's SIP. Regardless, Georgia's RACT provisions remain in the SIP, as they are not being requested to be removed by the State in the June 27, 2024, SIP revision, and will therefore continue to achieve emissions reductions in the Atlanta Area due to the partial overlap between the counties in the Atlanta Area and those in the 1997 and 2008 Atlanta ozone maintenance areas.[16]

Georgia was not required to include RACT in its SIP for the Atlanta Area

[10] *See* CAA section 161 (each SIP ''shall contain emission limitations and such other measures as may be necessary, as determined under regulations promulgated under this part, to prevent significant deterioration of air quality in each region (or portion thereof) designated pursuant to section 7407 [(CAA section 107)] as attainment or unclassifiable''); CAA section 165 (setting forth PSD requirements); 40 CFR 51.166(a)(7)(i) (requiring SIPs to include PSD requirements for the construction of new major stationary sources or any project at an existing major stationary source in areas designated as attainment or unclassifiable under sections 107(d)(1)(A)(ii) or (iii) of the Act).

[11] CAA section 175A(d) states ''Each plan revision submitted under this section shall contain such contingency provisions as the Administrator deems necessary to assure that the State will promptly correct any violation of the standard which occurs after the redesignation of the area as an attainment area. Such provisions shall include a requirement that the State will implement all measures with respect to the control of the air pollutant concerned which were contained in the State implementation plan for the area before redesignation of the area as an attainment area. The failure of any area redesignated as an attainment area to maintain the national ambient air quality standard concerned shall not result in a requirement that the State revise its State implementation plan unless the Administrator, in the Administrator's discretion, requires the State to submit a revised State implementation plan.''

[12] *See Greenbaum* v. *EPA,* 370 F.3d 527, 535 (6th Cir. 2004); memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation titled ''Part D New Source Review (Part D NSR) Requirements for Areas Requesting Redesignation to Attainment'' (October 14, 1994) (Nichols Memorandum).

[13] *See* Rule 391–3–1–.02(7)(b)(8) (adopting 40 CFR 52.21(k) by reference).

[14] *See* Rule 391–3–1–.03(8)(a).

[15] NNSR is a prospective permitting program. Therefore, after removal of NNSR from Georgia's SIP, the conditions issued pursuant to these permits, along with any associated emissions offsets, will remain in effect. *See* NPRM at 42345; 84 FR 47213, 47215 (September 9, 2019).

[16] The Atlanta 1-hour ozone NAAQS area consisted of the following counties: Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale. The 1997 8-hour ozone NAAQS maintenance area consists of the following counties: Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton. The 2015 8-hour ozone NAAQS Atlanta Area consists of the following counties: Bartow, Clayton, Cobb, DeKalb, Fulton, Gwinnett, and Henry. All current maintenance counties for the 2015 8-hour ozone NAAQS have applicable RACT requirements that are not being removed from the SIP in this action.

because it was a marginal nonattainment area for the 2015 8-hour ozone NAAQS.[17] The EPA previously approved Georgia's RACT submission required by CAA section 182(a)(2)(A) in response to the CAA Amendments of 1990.[18] Additionally, the EPA approved specific RACT measures for the 1997 8-hour ozone NAAQS to satisfy the moderate area requirements at CAA section 182(b)(2).[19] The contingency plan portion of Georgia's maintenance plan for the Atlanta Area includes the commitment that if emissions from the Area are contributing to a Tier II trigger condition (*i.e.,* the quality assured ozone design value is equal to or greater than 0.071 ppm at a monitor in the Atlanta Area or the periodic emission inventory updates reveal excessive or unanticipated growth greater than 10 percent in NO_X or VOC emissions), EPD will evaluate, among other things, existing SIP measures ''such as RACT'' to see if they are ''adequate or up-to-date'' and additional measures such as the adoption of new and revised RACT rules based on Groups II, III, and IV Control Techniques Guidelines that may be deemed appropriate and effective. From the context of the Tier II discussion, it is clear that Georgia is referring to new measures or revisions to existing measures such as the SIP-approved RACT requirements that may be ''adequate'' or ''appropriate and effective'' to remedy a Tier II NAAQS exceedance or unanticipated inventory growth. Given that the RACT provisions were developed in the past for earlier ozone NAAQS, it is possible that Georgia might determine that these control measures could be updated to remedy a Tier II exceedance of the 2015 ozone NAAQS. Any specific measures being considered by Georgia in response to a Tier II exceedance and submitted as a SIP revision would be addressed in a separate action.

Comment 3: SELC asserts that the EPA's action to remove NNSR is unlawful because CAA section 175A requires Georgia's NNSR provisions to be included in Georgia's maintenance plan as a contingency measure. SELC further argues that NNSR is incorporated by reference into the maintenance plan, citing a statement in the maintenance plan that says, ''Under Section 175A(d), the minimum requirement for contingency measures is the implementation of all measures that were contained in the SIP before the redesignation.''

SELC states that the Atlanta region has fallen out of attainment with the 2015 ozone NAAQS, triggering the precise NNSR provisions that the EPA proposes to remove. SELC cites to Webster's Collegiate Dictionary and to caselaw regarding plain language and word context to argue that the term ''measure'' in section 175A(d) includes NNSR. According to SELC, Georgia's NNSR provisions serve '' 'as a means to' achieving the fundamental goal of controlling ozone pollution so that Atlanta can attain compliance with the 2015 ozone NAAQS,'' and NNSR provisions ''unambiguously constitute a 'measure[ ] with respect to the control of the air pollutant concerned.' ''

SELC's comment discusses *Greenbaum* v. *EPA,* 370 F.3d 527 (6th Cir. 2004), a case decided by the U.S. Court of Appeals for the Sixth Circuit (Sixth Circuit) involving a redesignation of the Cleveland, Ohio area (Cleveland Area) from nonattainment to attainment of the 1987 coarse particulate matter NAAQS. SELC notes that *Greenbaum* is not controlling in the U.S. Court of Appeals for the Eleventh Circuit and argues that that the logic underlying *Greenbaum* is inapplicable for several reasons. SELC points out that Ohio's SIP—unlike Georgia's SIP—did not contain NNSR at the time of redesignation, and that the Atlanta Area is currently violating the NAAQS whereas the Cleveland Area was not. According to SELC, the *Greenbaum* Court decided Ohio was governed by PSD, not NNSR, because the Cleveland Area was attaining the NAAQS at the time of the decision. Because the Atlanta Area is currently violating the NAAQS, SELC contends that PSD cannot function properly and ensure that new or modified sources will not cause or contribute to a NAAQS violation. SELC further claims that PSD lacks a framework for issuing a construction permit to a source that would contribute to a NAAQS violation, but that NNSR is specifically designed to accommodate new construction in a nonattainment area by enabling a new source to purchase offsetting emission reductions from other sources.

SELC also argues that *South Coast* v. *EPA,* 472 F.3d 882 (D.C. Cir. 2006), a decision by the U.S. Court of Appeals for the District of Columbia (D.C. Circuit), ''casts doubt on the correctness'' of *Greenbaum* because the D.C. Circuit concluded that the term ''control'' under section 172(e) includes NNSR. According to SELC, this case is relevant because section 175A(d) also uses the term ''control,'' and sections 172(e) and 175A(d) ''both address the need to retain SIP requirements that serve to constrain pollution levels where an area is not attaining the NAAQS.''

Finally, SELC asserts that *Greenbaum* ''stands on uncertain legal footing as the decision was premised on deference to the EPA's interpretation of the statute under the *Chevron*[20] standard.'' SELC states that courts must now decide for themselves the best reading of the statute rather than deferring to agency interpretations because the U.S. Supreme Court overruled *Chevron* in *Loper Bright* v. *Raimondo,* 603 U.S. 369 (2024).

Response 3: The EPA disagrees that CAA section 175A requires NNSR provisions to be included in maintenance plans as contingency measures and that NNSR is included as a contingency measure in Georgia's 2015 8-hour ozone maintenance plan. As discussed below, NNSR is not a ''measure'' under CAA section 175A, and therefore, repeating the statutory text of CAA section 175A(d) regarding ''measures'' could not incorporate NNSR by reference as a contingency measure.

SELC argues that NNSR is a ''measure'' under CAA section 175A(d) given the plain meaning of that term and the legal principle that words derive meaning from the context in which they are used. Although SELC invokes this legal principle, it fails to follow it. SELC turns directly from section 175A(d) to Webster's Collegiate Dictionary, ignoring the context of the statute and relying on the dictionary definition to argue that the meaning of the term ''measure'' in section 175A(d) is plain. However, the fact that a word has a dictionary definition is hardly conclusive. It is how the word is employed in the context of the statute that determines its meaning.[21] Once examined in the context of CAA section 110 as discussed below, SELC's interpretation of the term ''measure'' fails.

The context in which the term ''measure'' is used in section 175A(d) does not lead to the conclusion that

[17] Under the CAA, marginal ozone nonattainment areas are generally not required to implement RACT. RACT requirements formally apply for ozone nonattainment areas classified as moderate or higher. *See* 40 CFR 51.1312(a)(1).

[18] *See* 70 FR 34660 (June 15, 2005).

[19] *See* 77 FR 59554 (September 28, 2012) and 78 FR 16783 (March 19, 2013).

[20] *Chevron* v. *NRDC,* 467 U.S. 837 (1984).

[21] *See, e.g., Food & Drug Admin.* v. *Brown & Williamson Tobacco Corp.,* 529 U.S. 120, 132 (2000) (''In determining whether Congress has specifically addressed the question at issue, a reviewing court should not confine itself to examining a particular statutory provision in isolation. The meaning—or ambiguity—of certain words or phrases may only become evident when placed in context.''); *Bailey* v. *United States,* 516 U.S. 137, 145 (1995) (''The meaning of statutory language, plain or not, depends on context.'') (quoting *Brown* v. *Gardner,* 513 U.S. 115, 118 (1994)).

NNSR is such a measure. This section requires implementation of ''all measures with respect to the control of the air pollutant concerned'' that were in the nonattainment SIP. Therefore, it is clear that Congress considered some aspects of the nonattainment SIP to be measures to be included as contingency measures in the maintenance plan, and some not. Had Congress intended an area to reimplement the nonattainment SIP as a whole upon any violation, it would have said so by simply requiring an area that violates the NAAQS after redesignation to reimplement the nonattainment SIP. But Congress did not do so; instead, it requires as contingency measures a subset of the nonattainment SIP provisions—those ''measures'' with respect to the control of the air pollutant concerned. Section 175A(d) provides no indication which provisions of a SIP are appropriately considered measures with respect to the control of the air pollutant, so one must turn elsewhere in the statute for guidance. The most logical, and therefore best, place to find context is section 110, which lists the required SIP provisions.

Among the required components of a SIP, section 110 specifically refers to ''control measures.'' [22] Subparagraph (A) requires SIPs to include ''enforceable emission limitations and other control measures, means, or techniques, as may be necessary or appropriate to meet the requirements of the Act.'' *Id.* Later in the list, subparagraph (C) requires the SIP to also include ''a program to provide for the enforcement of the measures described in subparagraph (A), *and regulation of the modification and construction of any stationary source . . . , including a permit program as required in parts C and D of this subchapter.*'' [23] If NNSR was among the control measures in subparagraph (A), the separate reference in subparagraph (C) to Part D (NNSR), in addition to the control measures in subparagraph (A) would be unnecessary. Thus, section 110 does not consider the Part D (NNSR) or Part C (PSD) permit programs to be among the control measures set forth in subparagraph A. Thus, the best reading of the statute is that ''measures with respect to the control of the air pollutant concerned'' in section 175A(d) and the ''control measures'' in section 110(a)(2)(A) are one and the same, and do not include NNSR.

The nature of the NNSR program itself further supports the interpretation that it is not intended to be a contingency measure in section 175A(d). Unlike the contingency measures listed in the Atlanta Area's maintenance plan, which require immediate emission reductions on existing sources and therefore have an immediate effect on air quality in response to a violation of the NAAQS, implementing NNSR has no immediate effect on emissions. Any violation of the NAAQS that occurs after redesignation is the result of emissions by existing sources, and as discussed in Response 2, NNSR is a prospective permit program. Therefore, implementation of NNSR has no effect on those emissions. Unlike the potential contingency measures for the Atlanta Area, which require prompt reductions from existing sources, NNSR cannot promptly correct a violation of the NAAQS.

The EPA agrees that the purpose of NNSR provisions is to serve ''as a means to'' achieving the fundamental goal of controlling ozone pollution so that a *nonattainment* area can attain compliance, while allowing for new or expanded projects in the area. However, once a nonattainment area is redesignated to attainment, an NNSR program is no longer required in the area, even as a contingency measure. Instead, once an area is redesignated to attainment, PSD applies.

The Sixth Circuit upheld the EPA's longstanding interpretation of section 175A(d) in *Greenbaum.* SELC attempts to distinguish *Greenbaum* on multiple grounds, none of which are compelling. The fact that Georgia resides in the Eleventh Circuit does not make the Sixth Circuit's logic any less valid or persuasive. SELC points out that no other court has adopted *Greenbaum's* holding that NNSR is not a ''measure'' under section 175A(d), but this argument is misleading because there are no other published cases addressing this legal question. Notably, SELC cannot point to any opinion holding that NNSR *is* a ''measure'' under section 175A(d). SELC claims that the logic in *Greenbaum* is inapplicable because the Ohio SIP did not contain NNSR at the time of redesignation and the Atlanta Area is currently violating the NAAQS. However, whether a SIP contains NNSR at the time of redesignation and whether an area is violating the NAAQS after redesignation are not relevant to the question of whether NNSR is a ''measure'' within the meaning of section 175A(d).

Although Ohio did not have NNSR in its SIP at the time of redesignation, the *Greenbaum* Court acted ''as if [NNSR] had been'' included in the SIP ''for the purposes of addressing [the] claims regarding § 175A.'' [24] Thus, the outcome in *Greenbaum* did not turn on whether NNSR was in the SIP, and this distinction between the Ohio and Georgia SIPs is immaterial. Instead, the EPA's interpretation of the term ''measure'' under section 175A(d)—and the *Greenbaum* decision upholding that interpretation—are based on a legal evaluation of that term in the context of the CAA as described above. It is also illogical to argue that an area's post-redesignation violations have any impact on the meaning of ''measures'' under section 175A(d). The ''measures'' required by CAA section 175A(d) are the air pollution control measures ''which were contained in the [SIP] before redesignation of the area as an attainment area.'' [25] Thus, the ''measures'' required by CAA section 175A(d) are fixed at the time of redesignation—they are those air pollution control measures that were in the SIP at the time of the redesignation. A post-redesignation violation of the NAAQS has no impact on what is or is not a ''measure.'' Contrary to SELC's suggestion, the fact that ''Atlanta is currently violating the NAAQS'' has no impact on *Greenbaum's* conclusion that NNSR is not a ''measure'' within the meaning of section 175A(d).

The EPA agrees with the SELC-cited statement from *Greenbaum* that it would make little sense for NNSR to have been included in the post-attainment SIP because permitting in attainment areas is governed by the PSD program, but the Agency disagrees with SELC's assertion that PSD cannot function properly and ensure that new or modified sources will not cause or contribute to NAAQS violations in areas failing to meet the NAAQS. It makes little sense to have NNSR in the post-attainment SIP because, as the *Greenbaum* Court points out, the CAA unambiguously requires NNSR only in nonattainment areas and PSD only in attainment areas: ''According to 42 U.S.C. 7502(c)(5), 7503, SIPs governing nonattainment areas must include [N]NSR programs. Under 42 U.S.C. 7471, by contrast, SIPs governing attainment areas must include PSD programs.'' [26] The application depends on the official designation status of an area, not whether air quality is above a NAAQS, and a State cannot simultaneously apply PSD and NNSR programs for new major sources and major modifications in a redesignated area. PSD—not NNSR—is required in

[22] *See* CAA section 110(a)(2)(A).

[23] *Id.* at CAA section 110(a)(2)(C) (emphasis added).

[24] 370 F.3d at 535.

[25] CAA section 175A(d).

[26] 370 F.3d at 536.

the Atlanta Area because the EPA redesignated it to attainment.

Regarding the proper function of the PSD program, again, Congress mandated that PSD apply in attainment and unclassifiable areas regardless of whether air quality in those areas is exceeding a NAAQS and designed contingency measures in approved maintenance plans as the mechanism to address violations of the NAAQS in areas redesignated from nonattainment to attainment. As discussed in Response 2, Georgia's SIP-approved PSD regulations at Rule 391–3–1–.02(7) prevent the construction or modification of major NSR sources whose emissions would, among other things, cause or contribute to air pollution in violation of the NAAQS, as required by CAA section 165(a)(3)(B) and 40 CFR 51.166(k).[27] [28] SELC is wrong in arguing that that permitting ''cannot function properly'' in an attainment area that is ''failing to meet the NAAQS.'' If an area ''is not continuing to meet the standard after redesignation to attainment,'' additional provisions—namely 40 CFR 51.165(b) and/or 40 CFR part 51, appendix S—would apply to a major source that would cause or contribute to a violation of any NAAQS.[29] [30]

SELC further attempts to support its claim by citing the D.C. Circuit's *South Coast* decision, claiming that the court's decision in *South Coast* regarding what qualifies as a ''control'' under CAA section 172(e) calls into question *Greenbaum*'s validity. However, *South Coast* involves a different legal question concerning different parts of the CAA involving different terms. The *South Coast* decision addresses this exact point, stating ''*Greenbaum* involved a different ultimate question, namely, whether [N]NSR is required for *attainment* areas, and required that court to determine the meaning of a different term, 'measures.' Because the term 'measures' was used in the provision providing for redesignation to attainment, the Sixth Circuit found it appropriate to refer to other instances of 'measures' elsewhere in the Act and concluded that [N]NSR was not a 'measure.' This has no bearing on whether [N]NSR is a 'control.' '' [31] SELC's attempt to use a decision regarding the meaning of ''control'' under section 172(e) to inform the meaning of the term ''measure'' under section 175A(d) is directly contrary to the *South Coast* Court's opinion. As discussed above, section 110 is the best place to find context for the term ''measure.''

In its final observation for *Greenbaum,* SELC claims that the decision is on ''uncertain legal footing'' as it was ''premised on deference'' under *Chevron* which was overruled by *Loper Bright.* As an initial matter, *Greenbaum* did not apply *Chevron* deference to reach its conclusion that SIPs governing nonattainment areas must include NNSR and SIPs governing attainment areas must include PSD because the court found the text of the statute unambiguous.[32] It is true that, in interpreting the term ''measure'' under section 175A(d), the Sixth Circuit deferred to the EPA pursuant to *Chevron*.[33] But *Loper Bright* does not make *Greenbaum* any less persuasive and does not change the EPA's analysis because the Agency's interpretation is the best reading of the statute for the reasons described earlier in this Response 3. The EPA's interpretation of ''measure'' is based on the structure and text of the CAA and the context in which the term is used.

Furthermore, ''discarding *Chevron* deference does not mean ignoring agency interpretations.'' [34] While *Loper Bright* requires ''courts to do their ordinary job of interpreting statutes,'' it also directs courts to give ''due respect for the views of the Executive Branch.'' [35] ''The weight of such a judgment in a particular case will depend upon the thoroughness evident in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which give it power to persuade, if lacking power to control.'' [36] As discussed above, the EPA has consistently interpreted the term ''measure'' under CAA section 175A(d) to exclude NNSR, and that interpretation is supported by a thorough, valid reading of the statutory provisions. Thus, even under *Loper Bright,* the EPA's longstanding, consistent interpretation still has the ''power to persuade, if lacking power to control.'' [37]

Comment 4: SELC states that the air quality violations in the Atlanta Area have activated the Tier II trigger in the contingency plan portion of the Area's maintenance plan and that EPD is therefore required to conduct additional analysis and implement one or more contingency measures necessary to re-attain the 2015 ozone NAAQS. SELC states that the NNSR provisions are intended to address the precise situation Atlanta is facing, so it is a ''particularly strange and ill-advised time'' to propose removing these provisions. SELC also states that removing these provisions will complicate and undermine the identification of additional contingency measures currently underway pursuant to the Tier II trigger. SELC asserts that if the NNSR provisions are removed, these new contingency measures will need to address both the air pollution causing the Atlanta Area's current failure to attain and new pollution that would result from permitted new sources under the less stringent PSD program.

Response 4: The EPA disagrees that NNSR provisions are intended to address the situation in the Atlanta Area and that removal of NNSR will complicate and undermine the identification of contingency measures currently underway. As discussed in the responses above, Congress determined that NNSR permitting is only required in areas designated or redesignated as nonattainment. CAA section 175A contingency measures are the statutory mechanism to ''promptly correct any violation of the standard which occurs after the redesignation of the area as an attainment area,'' and NNSR is not a required contingency measure. If Congress had intended NNSR to address a situation such as the one in the Atlanta Area, it would not have made the application of NNSR dependent on designation status or it would have mandated NNSR as a contingency measure.

It is also unclear how the removal of NNSR would complicate and undermine the identification of contingency measures currently underway. First, Georgia's SIP-approved Rules 391–3–1–.02(7) and 391–3–1–.03(8)(a) prevent construction or modification that would interfere with the NAAQS. Second, contingency measures are designed to promptly remedy the NAAQS violation that triggered the application of those measures, and major NSR permitting is

[27] The PSD program requires public participation, and the public can seek judicial review of issued permits at the state level.

[28] *See* Rule 391–3–1–.02(7)(b)(8) (adopting 40 CFR 52.21(k) by reference).

[29] *See* Nichols Memorandum.

[30] 40 CFR 51.165(b) and 40 CFR part 51, appendix S provide compensating protections when the construction or modification of major sources would cause or contribute to a violation of any NAAQS, including in attainment or unclassifiable areas that are violating the NAAQS, and therefore, further support removal of NNSR from Georgia's SIP under CAA section 110(l).

[31] *South Coast,* 472 F.3d at 902 (emphasis in original, citation omitted).

[32] *Greenbaum,* 370 F.3d at 536.

[33] *Greenbaum,* 370 F.3d at 537.

[34] *See Texas* v. *United States EPA,* 137 F.4th 353, 365 (5th Cir. 2025) (*Texas 2025*).

[35] 603 U.S. at 403.

[36] *See Skidmore* v. *Swift & Co.,* 323 U.S. 134, 140, 65 S. Ct. 161, 164 (1944).

[37] 603 U.S. at 402 (*quoting Skidmore,* 323 U.S. at 140).

a lengthy process that impacts the prospective construction and modification of only the largest stationary sources. Any emissions from new major NSR sources or modifications moving forward will therefore be predicted well in advance of construction and can be accounted for in the development of contingency measures. Third, permit conditions issued pursuant to NNSR permits in the Area, along with any associated emissions offsets, will remain in effect.

Comment 5: SELC argues that maintaining NNSR is necessary due to proposed new major sources of NO_X emissions in the Atlanta Area and that it is imperative that these new sources be held to the more rigorous NNSR permitting standards given that the Atlanta Area is out of compliance with the 2015 ozone standard. SELC identifies two proposed new combined cycle natural gas electrical generating units (gas EGUs) at Georgia Power Company's Plant Bowen and two proposed new gas EGUs at Georgia Power Company's Plant Wansley. Plant Bowen is in the Atlanta Area and Plant Wansley is located outside the Area in Carroll County. SELC states that reviewing these and other permit applications under PSD rather than NNSR will dramatically impede the Area's ability to re-attain the 2015 ozone NAAQS and comply with that standard going forward.

Response 5: The EPA disagrees with this comment. As discussed in the responses above, Congress determined that NNSR permitting is only required in areas designated or redesignated as nonattainment. CAA section 175A contingency measures are the statutory mechanism to ''promptly correct any violation of the standard which occurs after the redesignation of the area as an attainment area,'' NNSR is not a required contingency measure, and SIP-approved Georgia Rules 391–3–1–.02(7) and 391–3–1–.03(8)(a) prevent the construction or modification of sources that would interfere with the NAAQS. Any concerns regarding specific proposed new major stationary sources or major modifications to existing major sources in the Atlanta Area are outside the scope of this SIP revision. All proposed PSD permits are subject to a public comment period pursuant to SIP-approved Rule 391–3–1–.02(7)(b)14 (incorporating 40 CFR 52.21(q) by reference), and any comments raised during that period must be submitted to EPD as the permitting authority.

III. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as discussed in Sections I and II of this preamble, the EPA is finalizing the incorporation by reference of Georgia Rule 391–3–1–.02(1), *General Requirement,* which is being revised to change 'nonattainment' to 'non-attainment' for consistency;[38] Rule 391–3–1–.02(2)(nnn), *NO_X Emissions from Large Stationary Gas Turbines,* which is being revised to address a cross-reference impacted by other changes approved in this final rule; Rule 391–3–1–.03(6)(j), *Construction Permit Exemption for Pollution Control Projects,* which is being revised to address a cross-reference impacted by other changes approved in this final rule;[39] Rule 391–3–1–.03(8), *Permit Requirements,* which is being revised to remove NNSR requirements; and Rule 391–3–1–.03(13), *Emission Reduction Credits,* which is being revised to remove wording that allows or refers to the use of emission reduction credits; all of which have a State-effective date of June 19, 2023, into the Georgia SIP. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the State implementation plan, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[40]

IV. Final Action

The EPA is approving the aforementioned Georgia SIP revision consisting of changes to Rule 391–3–1–.02(1), *General Requirement;* Rule 391–3–1–.02(2)(nnn), *NO_X Emissions from Large Stationary Gas Turbines;* Rule 391–3–1–.03(6), *Exemptions,* at subsection (j), *Construction Permit Exemption for Pollution Control Projects;* Rule 391–3–1–.03(8), *Permit Requirements;* and Rule 391–3–1–.03(13), *Emission Reduction Credits.*

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations.[41] Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

[38] The table entry for Georgia Rule 391–3–1–.02(1), at 40 CFR 52.570(c) is revised in this action to correct a typographical error in the Rule's title, by changing it from ''General Requirements'' to ''General Requirement.''

[39] Subparagraphs 391–3–1–.03(6)(a) through (i)—except for 391–3–1–.03(6)(b)16, which is not approved into the SIP—remain in the SIP with a state effective date of July 29, 2020. *See* 87 FR 19643 (April 5, 2022).

[40] *See* 62 FR 27968 (May 22, 1997).

[41] *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a).

governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 7, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements.[42]

List of Subjects in 40 CFR Part 52

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

Dated: September 25, 2026.

Kevin McOmber,

Regional Administrator, Region 4.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart L—Georgia

■ 2. In § 52.570(c), amend table 1 by revising the entries for ''391–3–1–.02(1)'', ''391–3–1–.02(2)(nnn)'', ''391–3–1–.03(6)'', ''391–3–1–.03(8)'', and ''391–3–1–.03(13)'' to read as follows:

§ 52.570 Identification of plan.

* * * * *

(c) * * *

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

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	* *	*	*	* *
391–3–1–.02(1)	General Requirement	6/19/2023	10/8/2026, 91 FR [Insert **Federal Register** page where the document begins].	
*	* *	*	*	* *
391–3–1–.02(2)(nnn)	NO_X Emissions from Large Stationary Gas Turbines.	6/19/2023	10/8/2026, 91 FR [Insert **Federal Register** page where the document begins].	
*	* *	*	*	* *
391–3–1–.03(6)	Exemptions	7/29/2020	4/5/2022, 87 FR 19643 ...	Except for subparagraph 391–3–1–.03(6)(j) which was approved into the SIP on 10/8/2026 with a state effective date of 6/19/2023, and Rule 391–3–1–.03(6)(b)16, which is not approved into the SIP.
*	* *	*	*	* *
391–3–1–.03(8)	Permit Requirements	6/19/2023	10/8/2026, 91 FR [Insert **Federal Register** page where the document begins].	
*	* *	*	*	* *
391–3–1–.03(13)	Emission Reduction Credits.	6/19/2023	10/8/2026, 91 FR [Insert **Federal Register** page where the document begins].	
*	* *	*	*	* *

* * * * *

[FR Doc. 2026–20636 Filed 10–7–26; 8:45 am]

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[42] *See* section 307(b)(2).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2019–0295; EPA–R03–OAR–2025–0267; FRL–12837–02–R3]

Air Plan Approval; Maryland; Reasonably Available Control Technology for Municipal Waste Combustors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is approving state implementation plan (SIP) revisions submitted by the State of Maryland. The SIP revisions consist of a regulation that implements statewide reasonably available control technology (RACT) requirements by limiting air emissions of oxides of nitrogen (NO_X) from municipal waste combustors (MWCs) in Maryland. This action is being taken under the Clean Air Act (CAA).

DATES: This final rule is effective on November 9, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2025–0267. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *www.regulations.gov*, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Ellen Schmitt, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5787. Ms. Schmitt can also be reached via electronic mail at *schmitt.ellen@epa.gov.*

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

CAA Clean Air Act
CBI confidential business information
CEMS continuous emissions monitoring system
CFR Code of Federal Regulations
COMAR Code of Maryland Regulations
CTG control technique guidelines
CRA Congressional Review Act
EPA Environmental Protection Agency
lbs/hr pounds per hour
MCRRF Montgomery County Resource Recovery Facility
MDE Maryland Department of the Environment
MWC municipal waste combustor
NAAQS National Ambient Air Quality Standards
NO_X oxides of nitrogen (nitrogen oxides)
NPRM notice of proposed rulemaking
OTC Ozone Transport Commission
OTR Ozone Transport Region
ppm parts per million
ppmv parts per million by volume
ppmvd parts per million by volume, dry basis
PRA Paperwork Reduction Act
PTE potential to emit
RACM reasonably available control measures
RACT reasonably available control technology
RFA Regulatory Flexibility Act
SCR selective catalytic reduction
SIP state implementation plan
U.S.C United States Code
VOC volatile organic compound(s)
Wheelabrator Wheelabrator Baltimore, Inc. facility

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I. Background

On April 29, 2026, the EPA published a notice of proposed rulemaking (NPRM) for the State of Maryland.[1] In the NPRM, the EPA proposed approval of a portion of Maryland's SIP submittal from July 27, 2018 and the State's full SIP submittal from July 17, 2020. The EPA's action proposed that Maryland had met the CAA's major source NO_X RACT requirement for MWCs for both the 2008 ozone NAAQS and the 2015 ozone NAAQS.

The CAA requires States to address emissions of NO_X and volatile organic compound(s) (VOC) from certain sources in certain parts of the country to limit photochemical reactions that result in ozone formation. RACT is an important strategy for reducing NO_X and VOC emissions from major stationary sources. For purposes of implementing the ozone NAAQS, a ''major source'' is defined based on the source's potential to emit (PTE) NO_X, VOC, or both pollutants.[2] The applicable thresholds differ based on the classification of the nonattainment area in which the source is located.

Areas designated nonattainment for the ozone NAAQS are subject to the general nonattainment area planning requirements of CAA section 172.[3] CAA section 172(c)(1) provides that SIPs for nonattainment areas must include reasonably available control measures (RACM), including emissions reductions from existing sources through adoption of RACT.

RACT is defined as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.[4] CAA sections 182(b)(2) and 182(f)(1) require States with Moderate or higher (Serious, Severe, or Extreme) ozone nonattainment areas to implement RACT controls for any source covered by a control technique guidelines (CTG) document issued by the EPA and for all major sources of VOC and NO_X emissions located in the area.

CAA section 184(a) established the Ozone Transport Region (OTR) comprised of all or portions of 12 eastern states, including all of Maryland. CAA section 184(b)(1)(B) requires RACT to be implemented on all sources in the OTR that are covered by a CTG. Further, CAA section 184(b)(2) requires that any source in the OTR with a PTE of at least 50 tons per year (tpy) of VOC ''be considered a major stationary source and subject to the requirements which would be applicable to major stationary sources if the area were classified as a Moderate nonattainment area.'' As such, RACT applies to all sources of VOC in the OTR with a PTE of at least 50 tpy.

In accordance with both CAA sections 182 and 184, Maryland is required to submit to the EPA revisions to its SIP that demonstrate how it meets RACT

[1] *See* 91 FR 23046 (April 29, 2026).

[2] CAA sections 182, 184, and 302.

[3] Nonattainment areas are areas that do not meet (or that contribute to ambient air quality in a nearby area that does not meet) the NAAQS. Ozone NAAQS nonattainment areas are initially classified based on the design value (or level of ozone) at the time the area was designated as nonattainment.

[4] *See* December 9, 1976 memorandum from Roger Strelow, Assistant Administrator for Air and Waste Management, to Regional Administrators, ''Guidance for Determining Acceptability of SIP Regulations in Non-Attainment Areas.'' *See also* 44 FR 53761, 53762 (September 17, 1979).

requirements under the 2008 and 2015 ozone NAAQS, including requirements for major stationary sources of NO_X located within the State boundaries.

II. Summary of Maryland's SIP Submittals

On July 27, 2018, the Maryland Department of the Environment (MDE) submitted to the EPA a SIP revision (#18–04) which was intended to satisfy certain statewide RACT requirements for sources of NO_X emissions for the 2008 ozone NAAQS, including those related to MWCs.[5] Following that submittal, MDE adopted updated emission limits as RACT for MWCs for the 2008 and 2015 ozone NAAQS and these updated emission limits were submitted to the EPA as a revision to Maryland's SIP on July 17, 2020 (#20–10).

Through the MWC portion of SIP revision #18–04 and SIP revision #20–10, MDE adopted new NO_X RACT standards and requirements for the two large MWCs in Maryland, including individual NO_X 24-hour block average emission rates and 30-day rolling average emission rates. Under MDE's regulations, the Montgomery County Resource Recovery Facility (MCRRF) must meet a NO_X 24-hour block average emission rate of 140 parts per million volume (ppmv) and a 30-day rolling average rate of 105 ppmv. The Wheelabrator Baltimore, Inc. facility must meet a NO_X 24-hour block average emission rate of 150 ppmv and a 30-day rolling average rate of 145 ppmv. The 24-hour block average and the 30-day rolling average emission rates are mathematically adjusted so that the volumetric gas flow rate from the stack is corrected to seven percent oxygen, dry basis. During periods of startup and shutdown, MCRRF must meet a facility-wide NO_X emission limit of 202 pounds per hour (lbs/hr) timed average mass loading over a 24-hour period and the Wheelabrator Baltimore, Inc. facility must meet a facility-wide NO_X emission limit of 252 lbs/hr timed average mass loading over a 24-hour period. The duration of startup and shutdown procedures for a large MWC are not to exceed three hours per occurrence, and the NO_X 24-hour mass emission limits apply during these times. Large MWCs must continuously monitor NO_X emissions with a continuous emissions monitoring system (CEMS) and submit quarterly reports to MDE.

Additionally, under MDE's regulations, small MWCs that were constructed on or before August 30, 1999, will not be in violation of the provisions of 40 Code of Federal Regulations (CFR) part 62 subpart JJJ.[6]

III. The EPA's Evaluation of Maryland's Submittals

The EPA reviewed Maryland's July 27, 2018 and July 17, 2020 SIP submissions containing regulations establishing RACT for MWCs for the 2008 and 2015 ozone NAAQS, and proposed to approve the portions of the submissions in our April 29, 2026 NPRM. A full discussion of the EPA's rationale for proposing approval of the full July 17, 2020 SIP submission and a portion of the July 27, 2018 SIP submission is available in the NPRM, which is in the docket for the action.[7]

IV. The EPA's Response to Comments Received

The initial public comment period for this action was originally scheduled to close on May 29, 2026.[8] On May 28, 2026, the EPA extended the comment period by two weeks to June 12, 2026.[9] The EPA received two sets of comments. All comments received have been placed in the docket for this action.

A summary of the relevant commentsand the EPA's responses thereto are provided below.

Comment 1: One commenter was supportive of the proposed revisions. They note the consistency of the Maryland regulation with other States' MWC regulations as well as with CAA requirements.

Response 1: The EPA thanks the commenter for this supportive comment.

Comment 2: One commenter believes that the EPA should issue a limited approval to incorporate the proposed MWC limits into the Maryland SIP, and simultaneously issue a limited disapproval that would direct Maryland to establish for both large MWCs a 24-hour NO_X average emission limit of 110 parts per million by volume, dry basis (ppmvd) and a 30-day NO_X rolling emission limit of 105 ppmvd, corrected to seven percent oxygen. The commenter notes that the two large MWCs in Maryland are equipped with pollution control technology that the EPA and the Ozone Transport Commission (OTC) have recognized enable such facilities to meet a NO_X 24-hour average of 110 ppm. The commenter states that each facility's actual NO_X emissions are well below what the EPA proposed and that by ''definition . . . the proposed limits submitted by Maryland cannot constitute RACT.'' The commenter asserts that, since in ''every case RACT should represent the toughest controls considering technological and economic feasibility . . .'', Maryland's proposed RACT for large MWCs fails to comply with CAA requirements.[10] Additionally, the commenter states that since the time of MDE's SIP submission, multiple states have adopted 24-hour 110 ppm and lower limits.

Response 2: The EPA disagrees with the commenter that we should issue both a limited approval and a limited disapproval of the submittals. We believe that what Maryland has provided in its SIP submittals meets the major NO_X RACT requirements for large MWCs for the 2008 ozone NAAQS and the 2015 ozone NAAQS and therefore a full approval is appropriate. The EPA does not agree with the commenter's suggestion that we should, at this time, direct Maryland to establish a 24-hour NO_X average emission limit of 110 ppmvd and a 30-day NO_X rolling emission limit of 105 ppmvd for both of its large MWCs. While the EPA agrees that the Wheelabrator facility is currently operating technology that can meet these limits, the facility upgraded its control technology after the State completed its RACT analysis and adopted the regulations referred to in this SIP action into State law, and submitted this SIP revision to the EPA. The commenter acknowledged this as they stated in their comment letter that Maryland ''submitted its proposed SIP revisions in 2018 and 2020 and that [the submissions] predate technological advancements and upgrades which now enable the two facilities at issue to meet lower NO_X emissions.'' [11] As for MCRRF, which uses proprietary Covanta ''Low NO_X'' technology in addition to selective non-catalytic reduction (SNCR) technology, 105 ppmvd is currently the State's 30-day average RACT requirement for the facility. According to the OTC's revised 2023 ''Stationary and Area Sources Committee's Municipal Waste Combustor Workgroup Report,'' MCRRF has been able to typically control its average 24-hour NO_X rate to less than 100 ppm, however there are some periodic spikes in excess of those values

[5] MWC means an incinerator that burns only municipal solid waste. A large MWC is an existing municipal waste combustor that has a capacity greater than 250 tons per day. Code of Maryland Regulations (COMAR) 26.11.08.01.

[6] Small MWCs in Maryland are defined as those with a capacity of at least 35 tons and less than or equal to 250 tons per day.

[7] *See* Docket ID No. EPA–R03–OAR–2025–0267.

[8] *See* 91 FR 23046 (April 29, 2026).

[9] *See* 91 FR 31688 (May 28, 2026).

[10] *See* 91 FR 11811 (March 10, 2026).

[11] *See* Docket ID No. EPA–R03–OAR–2025–0267. Comment submitted by Earthjustice; 2026–0612 RACT Letter; page 1.

caused by process variations that are outside operator control. The OTC Report also refers to a previous publication that concluded that an emissions limitation of 140 ppmvd at seven percent oxygen for a 24-hour average emissions limit, MCRRF's current RACT 24-hour average RACT limit, is reasonable and can be met with good ammonia slip control.[12]

The commenter also indicates that since Maryland's SIP submission, multiple States have adopted 24-hour 110 ppm and lower average limits and the State's MWC RACT determination fails to comply with CAA requirements since it does not represent the ''toughest controls.'' The commenter points to the Virginia Department of Environmental Quality's determination in 2019 that the 110 ppm 24-hour average emissions limit is RACT for two Covanta facilities in the Commonwealth. However, these facilities use proprietary technology to obtain this limit. As such, this technology is unavailable to Wheelabrator. Also, the other States that the commenter provides as examples do not yet have the limits the commenter refers to adopted into a SIP as RACT for their large MWC's or the limits at the facilities are not yet effective. Additionally, the EPA expects States to consider recent information, including controls that have been achieved in practice by other similar sources, at the time they are making RACT determinations.[13] Since the EPA evaluates RACT SIPs based on the information available at the time they were developed, it would be unreasonable for the EPA to expect that the State should have known the information cited by the commenters when it was developing its RACT SIP. However, the EPA's approach to RACT SIPs is not only long-established but also makes sense: a State cannot anticipate each new technological advancement, nor would it be reasonable to expect that their RACT determinations could keep up when technology is evolving so quickly. If the EPA adopted the commenter's approach, then it could result in a situation where the State's SIP submittal could never be approvable as RACT if technology continued to advance. In the EPA's view, it is necessary to have a point in time by which to judge the adequacy of a RACT SIP submittal, rather than requiring States to meet a moving target in terms of technological advancements. Further, RACT is an iterative process. Each time a State is determining RACT under a different ozone standard, if required, the public will have the opportunity to submit to States specific information about controls that are alleged to be reasonably available in light of technological and economic feasibility at that time. States also have the discretion to adopt more stringent limits and controls (*i.e.,* beyond-RACT reductions) in addition to RACT when considering what emissions reductions of NO_X and VOC are necessary for timely attainment of the ozone NAAQS. Overall, we disagree that Maryland's RACT determination, at the time of its SIP submittal, is insufficient for meeting RACT under the 2008 ozone NAAQS and the 2015 ozone NAAQS. Current regulatory proposals in other States are not relevant to the sufficiency of Maryland's RACT determination, because Maryland's determination was based on EPA guidance, regulations, and other information that were available when the RACT SIP was being developed.

V. Final Action

In this final rule, regarding MDE's SIP revision #18–04, the EPA is only approving statewide RACT control regulations and definitions that relate to MWCs. SIP revision #18–04 contains additional elements, including Maryland's certification that the State satisfied all required statewide RACT elements for the 2008 ozone NAAQS. The EPA is not acting on those other elements, including the certification, that comprise the remainder of MDE's SIP revision #18–04. The EPA will take separate action on those other portions of the July 27, 2018 SIP submittal at another time. The EPA approves all portions of MDE's SIP revision #20–10, submitted to the EPA on July 17, 2020. Overall, the EPA is finalizing approval of the above Maryland SIP revisions as meeting the CAA's major source NO_X RACT requirement for municipal waste combustors for both the 2008 ozone NAAQS and the 2015 ozone NAAQS. The EPA is finalizing this approval pursuant to CAA sections 110, 172, 182, and 184.

VI. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Maryland Code of Maryland Administrative Regulations (COMAR) described in section II of this preamble and in the amendments to 40 CFR part 52 in this document. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rule of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[14]

VII. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under

[12] Trinity Consultants, ''Project Report Covanta Alexandria/Arlington, Inc., Reasonably Available Control Technology Determination for NO_X,'' September 2017, and ''Project Report Covanta Fairfax, Inc., Reasonably Available Control Technology Determination for NO_X,'' September 2017.

[13] *See* RACT Qs & As—Reasonably Available Control Technology (RACT): Questions and Answers, William Harnett, Director, Air Quality Policy Division, EPA (May 2006). (''States are encouraged to use the latest information available in making RACT determinations . . . .''; ''The RACT analysis needs to be performed at the time the RACT SIP is being developed and once the RACT SIP is approved there is no additional duty to reconsider this control obligation for a source.''); *see also* 80 FR at 12279 (March 6, 2015) (''The EPA is finalizing the approach where states should refer to the existing CTGs and ACTs for purposes of meeting their RACT requirements, as well as all relevant information (including recent technical information and information received during the public comment period) that is available *at the time* that they are developing their RACT SIPs for the 2008 ozone NAAQS. We believe that there is sufficient information available to States to inform their RACT determinations.'') (emphasis added); Final Rule, Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements, 83 FR 62998, 63007 (December 6, 2018) (in addition to considering ''existing'' CTGs and ACTs, state air agencies should ''consider all other relevant information (including recent technical information and information received during the state's public comment period) that is available at the time they develop their RACT SIPs'').

[14] 62 FR 27968 (May 22, 1997).

Executive Order 12866 (58 FR 51735, October 4, 1993);

- Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 7, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving NO_X RACT for large MWCs may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart V—Maryland

■ 2. Amend § 52.1070, the table in paragraph (c) by:
■ a. Revising the entries for ''10.18.08/26.11.08.01'' and ''10.18.08.02'';
■ b. Adding in numerical order the entries for ''26.11.08.07'' and ''26.11.08.10'' immediately after the entry for ''10.18.08.06''; and
■ c. Revising the entry for ''26.11.09.08''.

The revisions and additions read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP

Citation	Title/subject	State effective date	EPA approval date	Additional explanation/ citation at 40 CFR 52.1100
* *	*	*	* *	*
10.18.08/26.11.08 Control of Incinerators				
10.18.08/26.11.08.01	Definitions	05/04/2020	10/08/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
10.18.08.02	Applicability	12/06/2018	10/08/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
* *	*	*	* *	*
26.11.08.07	Requirements for Small Municipal Waste Combustors.	12/06/2018	10/08/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	Added section.
26.11.08.10	NO_X Requirements for Large Municipal Waste Combustors.	05/04/2020	10/08/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	Added section.
* *	*	*	* *	*
26.11.09 Control of Fuel Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations				

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP—Continued

Citation	Title/subject	State effective date	EPA approval date	Additional explanation/ citation at 40 CFR 52.1100
* *	*	*	* *	*
26.11.09.08	Control of NO_X Emissions for Major Stationary Sources.	12/06/2018	10/08/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	Remove H.
* *	*	*	* *	*

* * * * *

[FR Doc. 2026–20635 Filed 10–7–26; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2025–2270; FRL–13190–02–R6]

Air Plan Approval; Oklahoma; Interstate Transport Requirements for the 2010 SO_2 NAAQS

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the U.S. Environmental Protection Agency (EPA) is approving portions of the State Implementation Plan (SIP) submittal from the State of Oklahoma demonstrating that the State satisfies the interstate transport requirements of the CAA for the 2010 1-hour sulfur dioxide (SO_2) primary National Ambient Air Quality Standard (NAAQS). This provision requires each State's implementation plan to contain adequate requirements prohibiting the interstate transport of air pollution in amounts that will contribute significantly to nonattainment, or interfere with maintenance, of a NAAQS in any other State.

DATES: This rule is effective on November 9, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2025–2270. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Nevine Salem, EPA Region 6 Office, Ozone and Infrastructure SIP Section; telephone number: (214) 665–7222; email address: *salem.nevine@epa.gov.* Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

Section 110(a)(2)(D)(i)(I) of the CAA requires a State's SIP to include provisions prohibiting any source or other type of emission activity in the State from emitting any air pollutant in amounts that will contribute significantly to nonattainment, or interfere with maintenance, of the NAAQS in any other State. EPA has long interpreted this language to enact a ''functional prohibition'' on certain emissions from upwind States, necessitating the EPA's independent assessment whether those emissions will occur or have been adequately controlled in the State where they originate. The EPA often refers to these requirements as Prong 1 (significant contribution to nonattainment of the NAAQS) and Prong 2 (interference with maintenance of the NAAQS).

Additional background for this action is discussed in detail in the **Federal Register** proposal 91 FR 6575 (February 12, 2026). In that document we proposed approval of the portions of the infrastructure SIP submitted by the State of Oklahoma on May 28, 2021, certifying that its SIP meets the transport Prong 1 and 2 infrastructure obligations addressing interstate transport for the 2010 1-hour SO_2 NAAQS.

The EPA provided a 30-day public comment period for the February 12, 2026, proposal, which closed on March 16, 2026 (91 FR 6575, February 12, 2026). We received three comment submissions: one opposed, one in support, and a letter from the Quapaw Nation through its Environmental Office (QNEO). We summarize and respond to these comments in section II of this preamble. The full comments are available in the docket for this rulemaking.

II. Response to Comments

Comment: The commenter opposes EPA's proposed approval, asserting that the record does not sufficiently demonstrate that Oklahoma's emissions will not significantly contribute to nonattainment or interfere with maintenance in downwind States. The commenter argues EPA should not approve the SIP without more comprehensive analysis, given uncertainties in transport modeling and the health significance of 1-hour SO_2. They urge supplemental analysis with updated inventories, worst-case meteorology, and more comprehensive source evaluations.

Response: EPA considered this comment and continues to find that Oklahoma's SIP submission satisfies CAA section 110(a)(2)(D)(i)(I) for the 2010 1-hour SO_2 NAAQS. The EPA has consistently applied a case-specific weight-of-evidence (WOE) approach focused on near-field impacts for SO_2. As explained in detail in the technical supporting document (TSD), because peak 1-hour SO_2 concentrations decrease with distance from the source and are more localized than ozone or $PM_{2.5}$, EPA identifies an ''urban scale'' up to 50 km as appropriate for assessing transport and trends and relies on air quality modeling and/or available monitoring, Data Requirements Rule (DRR) [1]/designation analyses, and source-specific analysis where needed. Consistent with prior SO_2 transport evaluations, the proposal applies this 50-km focus and weight-of-evidence framework to Oklahoma.

[1] 80 FR 51052 (August 21, 2015).

Regarding the data used, the EPA relied on the most recently available, complete, and quality-assured data/information at the time of the rulemaking. The EPA evaluated 2021–2023 certified design values (DVs) at monitors located within 50 km of Oklahoma's borders in adjacent States and found they are below the 75 ppb NAAQS. We also reviewed statewide and source-specific emissions trends and available modeling/DRR analyses. Regarding sources, EPA focused on Oklahoma point sources emitting ≥100 tpy within 50 km of a State line and found five facilities. The EPA then conducted source-specific evaluations of those five sources, using emissions, air quality, wind patterns, controls/retirements, and where available, past modeling analyses. The proposal and TSD summarize these evaluations and the basis for concluding that Oklahoma does not significantly contribute to nonattainment and does not interfere with maintenance in other States.

The record, as reviewed by EPA, shows no downwind receptors within the relevant 50-km ranges recording design values at or above the standard, and the facility-level analyses—including cases with prior modeling (*e.g.,* Choctaw/Kay Counties) and recent emissions reductions—do not indicate plausible cross-state contributions to nonattainment or maintenance issues in other States for this NAAQS under baseline or likely future scenarios.

In these circumstances, additional photochemical modeling or expanded ''worst-case'' air modeling, beyond the WOE approach, is not necessary to support the interstate transport determination for this NAAQS relative to other States, for the State of Oklahoma. Nor does commenter identify with specificity any particular source or emissions activity in Oklahoma that, contrary to EPA's analysis, commenter believes emits or will emit in violation of the interstate transport provision. Finally, EPA notes that this action does not prejudge any future determinations; should new certified data or other evidence arise, EPA can address it as appropriate under the Act (*e.g.,* future transport evaluations or CAA section 126 petitions).

Comment: A commenter supports the EPA's proposal to approve Oklahoma's SIP regarding the 2010 SO_2 NAAQS interstate transport provision, citing Oklahoma Department of Environmental Quality's (ODEQ's) efforts and noting ''finding no issues within 50 km'' indicates compliance with the interstate transport requirement, and urges EPA to move forward with the approval.

Response: The EPA acknowledges this comment. As the proposal explains, focusing on the 50-km distance reflects the appropriate ''urban scale'' for SO_2 as an element of EPA's weight-of-evidence (WOE) approach; but it is not a stand-alone test. EPA's evaluation considers multiple lines of evidence, including certified design values (DVs) at relevant monitors, emissions and trend data, and source-specific analyses for all Oklahoma SO_2 sources emitting ≥100 tons per year (tpy) within 50 km of State borders, as detailed in the technical support document (TSD). Those lines of evidence collectively support approval in this case.

Comment: The Quapaw Nation's Environmental Office (QNEO) requested clarification on whether ''certain areas of Indian Country'' that ODEQ is asserting regulatory authority over, include areas within the Quapaw Reservation, and how ODEQ would meet Tribal engagement/consultation requirements for monitoring/modeling or regulatory assumptions inside Indian country if relying on the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005 (''SAFETEA''). QNEO also asked whether the EPA intends to provide guidance describing how interstate transport SIP rules will apply in Indian country under SAFETEA for this and future revisions, including the limits and safeguards necessary to prevent infringements on Tribal sovereignty. QNEO seeks greater transparency on the technical basis (modeling files, inventories, screening analysis) and clarification of any assumptions involving sources within or near the Quapaw Reservation. QNEO also requests additional information supporting EPA's statement that this action ''poses no significant risk to human health and the environmental conditions in Oklahoma or its Tribal Nations'' for any underlying analyses or regional background concentration data used to reach this conclusion.

Response: As explained in section IV, Impact on Areas of Indian Country, in the February 12, 2026, proposed action (91 FR 6575) and in section III of this final action, the EPA approved the State of Oklahoma request under section 10211(a) of SAFETEA on May 12, 2025, to administer the State's SIP in certain areas of Indian country including within the Quapaw Nation reservation. Neither the May 12, 2025, SAFETEA decision, nor the approval of the State's SIP under the CAA, requires the State to engage with affected Tribes.

However, consistent with longstanding Agency policy, the EPA encourages Tribes and States to coordinate on environmental matters of mutual concern and believes such coordination may be particularly useful in this case, where the State is administering a program in Indian country. The EPA notes that the Quapaw Nation has CAA Treatment as a State (TAS) approval under CAA sections 107(d)(3),[2] 126,[3] and 505(a)(2).[4] The State is required to comply with affected-state status notifications to neighboring States, which includes the Nation.

Additionally, the EPA encourages the Quapaw Nation and other interested Tribes to coordinate with the State on issues relating to implementation of the SIP. EPA appreciates and respects the government-to-government relationship with the Nation. As such, the EPA will continue to engage with and be responsive to the Nation's inquiries and concerns about any program administered by EPA or the State. The EPA will continue to provide guidance, information, and support to Tribal governments and is committed to consultation as appropriate. Specific to this action, EPA is making the determination that the Oklahoma SIP contains adequate provisions to ensure that the air emissions in the State will not significantly contribute to nonattainment or interfere with maintenance of the 2010 SO_2 NAAQS in any other State, thereby protecting public health. In other words, the Oklahoma SIP includes sufficient measures to protect downwind communities in other States from SO_2 pollution. This action does not prejudge future determinations; should new certified monitoring data or other relevant information materially change conditions, EPA may consider and act on such information in a future action as appropriate. No changes have been made to our final rule because of this comment.

Regarding technical transparency, the docket contains our TSD, which provides the details and references for EPA's determination that Oklahoma SO_2 emissions do not significantly impact downwind States based on localized impact analyses. The Quapaw Nation

[2] CAA section 107(d)(3) (Redesignations): Allows a Tribe to receive notices from EPA of the need for redesignation of an area or portion of their approved areas of Indian country.

[3] CAA section 126 (Interstate/Inter-tribal Pollution): Allows a Tribe to receive written notifications of new or modified major stationary sources that may contribute to air pollution in their approved areas of Indian country.

[4] CAA section 505(a)(2) (Permit Review): This gives a Tribe the opportunity to review and provide comments on Clean Air Act Title V permits proposed by other jurisdictions that might affect their Indian country.

Reservation is located near the exterior northwestern boundaries of the State and therefore within the areas that EPA analyzed. Potential 1-hour SO_2 emissions impacts are typically found within 50 km of sources emitting ≥100 tpy. The only SO_2 source in Ottawa County, OK, is the Miami Municipal Airport with SO_2 emissions of 0.14 tpy reported in 2022. There are no other SO_2 sources identified within Ottawa County or the Quapaw Nation.

As the TSD identifies, currently all Oklahoma SO_2 monitors show levels well below the NAAQS. In addition, EPA determined that current SO_2 DVs in neighboring States in the relevant distance ranges are below the NAAQS. The TSD includes the list of the five SO_2 sources evaluated that meet EPA's distance and emissions quantity criteria, the monitoring and DVs reviewed, and source-specific analyses. The docket also identifies all data sources (*e.g.,* National Emissions Inventory (NEI), Emissions Inventory System (EIS)) used and includes a spreadsheet titled ''Breakdown of 2020 NEI SO_2 Emissions from Oklahoma Point Sources Facilities'' for an inclusive list. The proposed rule for this action (91 FR 6575; February 12, 2026) references SO_2 DRR and available designations modeling considered in the analysis. Supporting underlying data and other information is available in the docket.

III. Impact on Areas of Indian Country

As stated in the proposed action (91 FR 6575, February 12, 2026), the EPA approved Oklahoma's request to administer all the State's EPA-approved environmental regulatory programs, including the Oklahoma SIP, in the requested areas of Indian country pursuant to section 10211(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005: A Legacy for Users, Public Law 109–59, 119 Stat. 1144, 1937 (August 10, 2005) (''SAFETEA'').

As requested by Oklahoma, the EPA's approval under SAFETEA does not include Indian country lands, including rights-of-way running through the same, that: (1) qualify as Indian allotments, the Indian titles to which have not been extinguished, under 18 U.S.C. 1151(c); (2) are held in trust by the United States on behalf of an individual Indian or Tribe; or (3) are owned in fee by a Tribe, if the Tribe (a) acquired that fee title to such land, or an area that included such land, in accordance with a treaty with the United States to which such Tribe was a party, and (b) never allotted the land to a member or citizen of the Tribe (collectively ''excluded Indian country lands''). In addition, the State only sought approval to the extent that such approval is necessary for the State to administer a program in light of *Oklahoma Dept. of Environmental Quality* v. *EPA,* 740 F.3d 185 (D.C. Cir. 2014).

As explained earlier in this action, the EPA is addressing the portions of the Oklahoma SIP that address two of the interstate transport requirements for the 2010 1-hour SO_2 NAAQS, as these portions meet the requirements in CAA section 110, and specifically in CAA section 110(a)(2)(D)(i)(I). Consistent with the D.C. Circuit's decision in *ODEQ* v. *EPA* and with the EPA's SAFETEA approval, these SIP revisions will apply to areas of Indian country as follows: (1) pursuant to the SAFETEA approval, the SIP revisions will apply to all Indian country in the State of Oklahoma other than the excluded Indian country lands as described above; and (2) pursuant to the D.C. Circuit's decision in *ODEQ* v. *EPA,* the SIP revisions will also apply to any Indian allotments or dependent Indian communities that are located outside of any Indian reservation over which there has been no demonstration of Tribal authority.

IV. Final Action

The EPA approves the portions of the Oklahoma SIP submitted on May 28, 2021, that address two of the interstate transport requirements for the 2010 1-hour SO_2 NAAQS, as these portions meet the requirements in CAA section 110, and specifically in CAA section 110(a)(2)(D)(i)(I). EPA determines that the Oklahoma SIP contains adequate provisions to ensure that the air emissions in the State will not significantly contribute to nonattainment or interfere with maintenance of the 2010 SO_2 NAAQS in any other State. This action is being taken under section 110 of the Act.

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993);
- Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

This approval of the Oklahoma 2010 SO_2 Interstate Transport applies to certain areas of Indian county throughout Oklahoma as discussed in section III, and therefore has Tribal Implications as specified in E.O. 13175 (65 FR 67249, November 9, 2000). However, this action will neither impose substantial direct compliance costs on federally recognized Tribal governments, nor preempt Tribal law. This action will not impose substantial direct compliance costs on federally recognized Tribal governments because no actions will be required of Tribal governments. This action will also not preempt Tribal law as no Oklahoma Tribe implements a regulatory program under the CAA, and thus does not have applicable or related Tribal laws. Consistent with the EPA Policy on Consultation with Indian Tribes (December 7, 2023), the EPA offered consultation to Tribal governments on February 10, 2026. No Tribes engaged in consultation with EPA on this matter.

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action

is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 7, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Interstate transport of pollution, Sulfur oxide.

Dated: September 30, 2026.

Walter Mason, Regional Administrator, Region 6.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 52 as follows:

PART 52–APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart LL–Oklahoma

■ 2. In § 52.1920(e), the table titled ''EPA-Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Oklahoma SIP'' is amended by adding the entry ''Interstate transport for the 2010 SO_2 NAAQS (contribute to nonattainment or interfere with maintenance)'' at the end of the table to read as follows:

§ 52.1920 Identification of plan.

* * * * *

(e) * * *

EPA-Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Oklahoma SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
*	* *	*	*	* *
Interstate transport for the 2010 SO_2 NAAQS (contribute to nonattainment or interfere with maintenance).	Statewide	05/28/2021	10/8/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	Approval for 110(a)(2)(D) (i)(I). Adequate provisions prohibiting emissions which will contribute significantly to nonattainment in or interfere with maintenance of the 2010 SO_2 NAAQS in any other State.

* * * * *

[FR Doc. 2026–20640 Filed 10–7–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2026–0793, FRL–13420–02–R2]

Approval and Promulgation of State Implementation Plans; New Jersey; RACT Certifications for the 2008 and 2015 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of New Jersey for purposes of certifying and meeting the requirements for Reasonably Available Control Technology (RACT) for the Serious classification of the 2008 and the Moderate classification of the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). The EPA is also approving that the SIP revisions fulfill SIP requirements pertaining to the Ozone Transport Region (OTR) for the 2015 ozone NAAQS. These actions are being taken in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on November 9, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R02–OAR–2026–0793. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Fausto Taveras, Environmental Protection Agency, Air Programs Branch, Region 2, 290 Broadway, New York, New York 10007–1866, at (212) 637–3378, or by email at *Taveras.Fausto@epa.gov.*

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

ACT—Alternative Control Techniques
ASNCR—Advanced Selective Non-Catalytic Reduction
BACT—Best Available Control Technology
CAA—Clean Air Act
CBI—Confidential Business Information
CTG—Control Techniques Guidelines
EG—Emission Guideline
EPA—Environmental Protection Agency
FR—Federal Register
LAER—Lowest Achievable Emission Rate
LN—Low NO_X
MACT—Maximum Achievable Control Technology
MWC—Municipal Waste Combustors
NAA—Nonattainment Area
NAAQS—National Ambient Air Quality Standards
N.J.A.C.—New Jersey Administrative Code
NJDEP—New Jersey Department of Environmental Protection
NO_X—Nitrogen Oxides
NSPS—New Source Performance Standards
NYMA—New York Metropolitan Area
OTC—Ozone Transport Commission
OTR—Ozone Transport Region
PBI—Proprietary Business Information
PPMVD—Parts Per Million by Volume, Dry

RACT—Reasonably Available Control Technology
SIP—State Implementation Plan
TSD—Technical Support Document
VOC—Volatile Organic Compounds

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I. Executive Summary

A. What action is the EPA taking?

The EPA is approving New Jersey's SIP revisions dated November 23, 2021, and March 3, 2025, addressing RACT for: (1) the 2008 8-hour ozone NAAQS in the New Jersey portion of the New York–Northern New Jersey-Long Island Serious nonattainment area, consistent with CAA section 182(c); (2) the 2015 8-hour ozone NAAQS (Moderate classification) in the NYMA, consistent with CAA section 182(b)(2); (3) the statewide 2015 ozone RACT obligation within the OTR, consistent with CAA section 184(b)(1); (4) and the 2015 8-hour ozone NAAQS (Moderate classification) for the New Jersey portion of the Philadelphia-Wilmington-Atlantic City (PA-NJ-MD-DE) Moderate nonattainment area, consistent with CAA section 182(b)(2). The EPA has reviewed New Jersey's RACT certification demonstration and determined that the State's regulatory requirements for Volatile Organic Compounds (VOCs) and Oxides of Nitrogen (NO_X) emissions from major sources accomplish a RACT level of control for both pollutants.

B. What is the legal authority and what are the requirements?

The EPA finds that New Jersey's SIP contains adequate provisions addresses the requirements of CAA sections 172(c)(1), 182(b)(2), 182(c), 182(f), and 184(b)(1)(B).

II. Background

On July 23, 2026, the EPA proposed to approve a SIP revision submitted by the State of New Jersey on November 23, 2021, for purposes of meeting the requirement for RACT [1] for the 2008 8-hour Ozone NAAQS in New Jersey's portion of the New York-Northern New Jersey-Long Island (NY-NJ-CT) nonattainment area (also referred to as the New York Metro Area or NYMA) for the Serious classification.[2] The EPA also proposed to approve that same submittal for meeting New Jersey's RACT requirements for the 2015 8-hour ozone NAAQS in the NYMA and for meeting the State's requirements for statewide RACT for the 2015 8-hour ozone NAAQS within the Ozone Transport Region (OTR). In the July 2026 proposed rulemaking, the EPA also proposed to approve New Jersey's March 3, 2025, RACT certification submitted for the New Jersey portion of the Philadelphia-Wilmington-Atlantic City (PA-NJ-MD-DE) 2015 ozone NAAQS Moderate nonattainment area.[3] The State's January 2021 and March 2025 SIP submittals consisted of a RACT certification demonstration that New Jersey continues to meet the RACT requirements for the two precursors for ground-level ozone, *i.e.,* NO_X and VOCs, set forth by the CAA with respect to the 2008 and 2015 8-hour ozone standards. Therefore, the EPA proposed to approve New Jersey's January 2021 and March 2025 RACT SIP submittals as it applies to non-control technique guideline (non-CTG) major sources of VOCs, Control Technique Guidelines (CTG) sources of VOCs and to major sources of NO_X.

In New Jersey's November 23, 2021, RACT submittal for the Serious classification of the 2008 ozone standard, Moderate classification for the 2015 ozone Standard, and OTR requirements related to the 2015 ozone NAAQS, New Jersey recertified that its previously approved negative declaration for various CTGs remain valid. New Jersey certified that there are no sources located in the State for the following CTGs: (1) Manufacture of Vegetable Oils; [4] (2) Manufacture of Pneumatic Rubber Tires (EPA–450/2–78–030, Dec. 1978); (3) Aerospace Coatings (EPA–453/R–97–004, Dec. 1997); (4) Shipbuilding and Ship Repair Operations; [5] (5) Metal Furniture Coatings (EPA 453/R–07–005, Sep. 2007); (6) Large Appliance Coatings (EPA 453/R–07–004, Sept. 2007); and (7) Auto and Light Duty Truck Original Equipment Manufacturer Assembly Coatings (EPA 453/R–08–006, Sep. 2008). On May 13, 2019, New Jersey Department of Environmental Protection (NJDEP) submitted a SIP revision to EPA consisting of a negative declaration of the October 2016 Oil and Natural Gas Control Techniques Guidelines (EPA–453/B–16–001) (2016 Oil and Gas CTG). On May 18, 2020, EPA issued a final approval of New Jersey's negative declaration for the 2016 Oil and Gas CTG.[6] In the July 23, 2026, notice of proposed rulemaking, the EPA proposed that the State's negative declaration for the CTGs listed above remain valid and satisfies the requirements for the 2008 ozone NAAQS Serious classification, the 2015 ozone standard Moderate classification and requirements associated with the OTR for the 2015 ozone NAAQS. In its March 3, 2025, SIP submission, New Jersey affirms that the negative declarations for the CTGs identified in this section remain valid and applicable to the New Jersey portion of the Philadelphia-Atlantic City (PA–NJ) 2015 ozone NAAQS Moderate nonattainment area. In this action, the EPA is approving the State's negative declaration for the CTGs listed above remains valid and satisfies the requirements for the 2008 ozone NAAQS Serious classification, the 2015 ozone standard Moderate classification and requirements associated with the OTR for the 2015 ozone NAAQS.[7]

III. Summary of New Jersey's Submittal

The specific details of New Jersey's SIP submittals are not restated in this final action. For this detailed information, the reader is referred to the EPA's July 23, 2026, proposed rulemaking.[8]

[1] The EPA has defined RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53762, September 17, 1979).

[2] *See* 91 FR 46351 (July 23, 2026).

[3] On June 4th, 2026, the EPA issued a final rule, under the authority of CAA section 107(d)(3)(D), to approve a request from the States of Maryland and Delaware to revise the Philadelphia nonattainment area. Specifically, the action revises the original Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment area for the 2008 ozone NAAQS and 2015 ozone NAAQS into three separate nonattainment areas that together cover the identical geographic area of the original nonattainment area. This action resulted in New Jersey being included within the revised Philadelphia-Atlantic City, PA-NJ, 2008 and 2015 8-hour ozone nonattainment area (91 FR 33610, June 4, 2026). For the remainder of this notice, only the Philadelphia-Atlantic City, PA-NJ, 2008 and 2015 8-hour ozone nonattainment area consistent with 40 CFR part 81.331 is referenced in regard to New Jersey's RACT certification.

[4] The CTG for the manufacturing of vegetable oils was published in June 1978 (see EPA–450/2–78–035) but in a March 1980 guidance document, entitled ''Guidance for the Control of Volatile Organic Compounds Emitted by Ten Selected Source Categories,'' EPA advised that the ''States are not required, at this time, to develop regulations for the vegetable oil manufacturing industry.'' EPA guidance has not been revised since the March 1980 guidance. At this time, EPA considers the vegetable oil CTG as only guidance for States when they need to develop attainment plans in nonattainment areas.

[5] *See* 61 FR 44050 (August 27, 1996).

[6] *See* 85 FR 29627 (May 18, 2020).

[7] *See* 83 FR 50506 (October 9, 2018), 85 FR 29627 (May 18, 2020), and 40 CFR 52.1582(q).

[8] *See* 91 FR 46351 (July 23, 2026).

IV. The EPA's Evaluation of New Jersey's Submittal

The rationale for the EPA's approval action is explained in the EPA's proposed rulemaking and is not restated in this final action. For this detailed information, the reader is referred to the EPA's July 23, 2026, proposed rulemaking.[9]

V. Comments the EPA Received on its Proposed Action

During the 30-day public period, the EPA received two comments in response to the EPA's July 23, 2026, proposed rulemaking on New Jersey's SIP revision submittal.[10] The EPA received comments from a private citizen that were submitted to strengthen the record in support of approval, rather than to oppose it, and that requested clarification of certain aspects of New Jersey's 2008 and 2015 ozone RACT certifications in the State's November 23, 2021, and March 3, 2025, SIP revisions. Separately, the EPA received consolidated comments from Camden for Clean Air, Center for Environmental Transformation, Ironbound Community Corporation, New Jersey Environmental Justice Alliance, and Earthjustice, that were submitted to oppose the EPA's July 23, 2026, proposed action.[11] Following review of the comments received, the EPA has determined that these comments warrant a response. The relevant comments are summarized below and followed by an EPA response. The specific comments may be viewed under Docket ID Number EPA–R02–OAR–2026–0793 on the *https://regulations.gov* website.

Comment 1

A comment from a private citizen was offered to strengthen the record for the EPA's approval of New Jersey's 2008 and 2015 ozone RACT certification. Separately, the commenter notes that New Jersey's RACT control program is among the more stringent program within the Ozone Transport Region. Specifically, the commenter requests that the EPA provided the following clarifications on New Jersey's 2008 & 2015 Ozone RACT certifications: (1) that the EPA place in the docket a category-by-category table listing each Control Techniques Guidelines/Alternative Control Techniques (CTG/ACT) category, the relevant New Jersey Administrative Code provisions, the date of its last substantive revisions, and a comparison to current recommended control levels, and a verification of State's negative declarations for relevant CTG/ACT document; (2) provide clarity in regards to New Jersey's separate obligations to address RACT requirements for the Severe-classification of the 2008 ozone NAAQS that were due May 7, 2024, and to address RACT requirements for the Serious-classification of the 2015 ozone NAAQS that were due January 1, 2026; and (3) identify where the SIP's monitoring, recordkeeping, and reporting provisions are for New Jersey's RACT regulations for each covered category, and whether these provision address Ozone Transport Region requirements.

Response 1

The EPA acknowledges the commenter's support of the EPA July 23, 2026, proposed rule. To address the commenter's first request, the EPA notes that a Technical Support Document (TSD) was already prepared as part of the proposed rulemaking and is available in the docket for this action. The TSD addresses the commenter's request by providing EPA's technical evaluation of New Jersey's CTG-based VOC RACT regulations. This TSD is available in the docket for this rulemaking.[12] Specifically, the TSD outlines the EPA expanded evaluation of New Jersey's November 23, 2021, and March 3, 2025, RACT certification SIP submittals for the 2008 and 2015 ozone NAAQS, and was developed consistent with the EPA's December 19, 2024, ''Ozone NAAQS Resource Document: Due Diligence Review Framework for Air Agencies Developing RACT SIP Revisions.'' [13] Specifically, the TSD analysis presents tabular comparisons of New Jersey's CTG-based VOC regulations to the underlying CTGs and to analogous rules in New York and Pennsylvania, while also cross-references EPA's RACT/BACT/LAER Clearinghouse and EPA Menu of Control Measures, and identifies related New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants, where applicable. Within this TSD, the EPA identifies occasions where the existing New Jersey VOC regulations feature more stringent emission limits, controls, and/or lower thresholds of applicability than the recommendations contained in the CTG documents and from neighboring OTR States.[14] Separately, Table 2 of the EPA's July 23, 2026, proposed rulemaking identifies the relevant RACT controls regulations that have been promulgated by NJDEP and identifies the corresponding CTG or ACT that the control measure addresses, and the corresponding most recent EPA SIP approval consistent with the commenter's request.[15] In addition to this, in Appendix 11–1 of New Jersey's November 23, 2021, SIP submission, the State performed a state-to-state RACT analysis and compared presumptive NO_X RACT rule limits for major non-CTG sources located throughout the OTR. Results of the State's analysis showed that New Jersey's presumptive NO_X RACT emission limits for sources including boilers, stationary combustion/reciprocating engines, asphalt pavement production plants, glass manufacturing furnaces, municipal solid waste incinerators, and sewage sludge incinerators were either more stringent or consistent with other States within the OTR. Also, results of the State's comparison RACT analysis displayed that New Jersey's RACT emission standards feature more stringent averaging times compared to other States within the OTR. Within Appendix 11–1, New Jersey also presents a technological and economic assessment evaluating whether additional NO_X reductions at various major sources, including Municipal Solid Waste Incinerators and Boilers serving Electric Generating Units, are feasible beyond current implemented and enforced control requirements. A copy of New Jersey's Appendix 11–1 is also provided in the docket of this rulemaking.[16]

Regarding the commenter's second clarification request, the EPA's proposed July 23, 2026, rulemaking proposed to determine that New Jersey has satisfied the following specific Clean Air Act obligations: (1) the 2008 8-hour ozone NAAQS requirements for the New Jersey portion of the New York-Northern New Jersey-Long Island Serious nonattainment area, consistent with CAA section 182(c); (2) the 2015 8-

[9] *Id.*

[10] *Id.*

[11] *Id.*

[12] *See* EPA–R02–OAR–2026–0793.

[13] *https://www.epa.gov/ground-level-ozone-pollution/resource-document-air-agencies-developing-ract-sip-revisions-ozone.*

[14] While developing this TSD, the EPA conducted a thorough assessment of the 2020 National Emission Inventory to verify New Jersey's CTG negative declarations submitted within the State's November 23, 2021, and March 3, 2025, SIP revisions. Following this assessment, the EPA has verified that New Jersey's negative declaration for the CTGs outlined in this action remains valid and satisfies the requirements for the 2008 ozone NAAQS Serious classification, the 2015 ozone standard Moderate classification and requirements associated with the OTR for the 2015 ozone NAAQS. *See https://www.regulations.gov/document/EPA-R02-OAR-2026-0793-0001.*

[15] EPA approval dates for various New Jersey VOC and NO_X regulations revisions vary from 2010, 2018, 2020, and 2023.

[16] *See https://www.regulations.gov/document/EPA-R02-OAR-2026-0793-0005.*

hour ozone NAAQS requirements for the New York Metropolitan Area (Moderate classification), consistent with CAA section 182(b)(2); (3) the statewide 2015 ozone RACT obligation within the Ozone Transport Region, consistent with CAA section 184(b)(1); and (4) the 2015 8-hour ozone NAAQS requirements for the New Jersey portion of the Philadelphia-Atlantic City Moderate nonattainment area, consistent with CAA section 182(b)(2).[17]

As explained in the July 2026 proposal, New Jersey also has outstanding obligations to submit additional RACT certifications for the New Jersey portions of the NY-NJ-CT nonattainment area for the 2008 ozone NAAQS, consistent with CAA section 182(d), and for the NY-NJ-CT and PA-NJ nonattainment areas for the 2015 ozone NAAQS, consistent with CAA section 182(c).[18] The EPA continues to coordinate with NJDEP regarding the status of these outstanding RACT certifications, which will be addressed in future actions once submitted.

Regarding the commenter's third clarification request, the reporting, monitoring, and recordkeeping provisions associated with New Jersey's VOC CTG-based regulations are contained under Title 7, Chapter 27, of New Jersey's Administrative Code (N.J.A.C. 7:27) Subchapter 16.22. The EPA most recently approved revisions of N.J.A.C. 7:27 Subchapter 16 on November 28, 2023.[19] While the reporting, monitoring, and recordkeeping provisions of New Jersey's NO_X non-CTG based regulation are contained under N.J.A.C. 7:27 Subchapters 19.17, 19.18, and 19.19. Similarly, the EPA most recently approved revisions of N.J.A.C 7:27 Subchapter 19, which include revisions to N.J.A.C. 7:27–19.19, on November 28, 2023.[20] During the EPA's thorough review of New Jersey's RACT certification demonstration, which include review of the control strategies, reporting, monitoring, and recordkeeping requirements associated with the State's NO_X/VOC RACT regulations, the EPA determined that these requirements accomplish a RACT level of control for both pollutants and address CAA obligations associated with CAA sections 172(c)(1), 182(b)(2), 182(c), 182(f), and 184(b)(1)(B).

Comment 2

Consolidated comments from Camden for Clean Air, Center for Environmental Transformation, Ironbound Community Corporation, New Jersey Environmental Justice Alliance, and Earthjustice (Commenters) requested that the EPA issue a limited approval of New Jersey's RACT certification, and limited disapproval of New Jersey's existing NO_X emission limit for Municipal Waste Combustors (MWCs). The Commenters argue that New Jersey's existing 150 parts per million volume, dry (ppmvd) calendar-day NO_X limit is no longer RACT and should be updated to reflect lower limits that they contend are achievable with currently available control technologies, including both the proprietary Low NO_X (LN) technology of the Reworld company (formally Covanta) and Advanced Selective Non-Catalytic Reduction (ASNCR).

The Commenters cite the EPA's prior final Good Neighbor Plan for the 2015 ozone NAAQS, in which EPA recognized that both Reworld's LN technology and ASNCR could enable applicable municipal waste combustor units to the Federal Implementation Plan to achieve a 24-hour NO_X limit of 110 ppmvd and a 30-day limit of 105 ppmvd.[21] They note that EPA proposed similar NO_X limits, supported by comparable control technologies, in the EPA's recent CAA section 111(d) Emission Guidelines for existing large MWC codified at 40 CFR part 60, subpart WWWW.[22]

The Commenters also note that the Ozone Transport Commission (OTC) have issued a June 2021 OTC Municipal Waste Combustor Workgroup Report (OTC MWC Report) which determined that the emissions limits of 105 ppmvd on a 30-day rolling average and a 110 ppmvd on a 24-hour block average could be achieved for most large MWCs located within the OTR using several different technologies, or combination of technologies at a reasonable cost.[23] The Commenters note that the OTR, including New Jersey, also submitted supporting comments on the EPA's prior proposed amendments to the NSPS and Emission Guidelines (EG) for large MWC, which at the time included a 24-hour NO_X limit of 110 ppmvd and a 30-day NO_X limit of 105 ppmvd.[24]

Additionally, the Commenters as well note occasions in which of States and Districts like Pennsylvania and California South Coast recently adopting the 110 ppmvd (24-hour) NO_X emission limit within the State's respective MWC NO_X emission control regulations.[25] The commenter also notes an occasion in which the EPA approved a source-specific SIP for a Convanta-owned MWC facilities located in Virginia which utilized its proprietary low NO_X control technology to achieve a NO_X emission limit of 110 ppmvd on a 24-hour average, and an annual average of 90 ppmvd.[26]

The Commenters rely on these actions to support their position that lower NO_X limits are achievable for these sources.

Response 2

On November 6, 2024, the EPA issued a final rule to administratively stay the effectiveness of the 2015 Good Neighbor Plan requirements for all sources covered by that rule as promulgated where an administrative stay was not already in place.[27] This action was taken to comply with a stay order issued by the United States Supreme Court.[28] Essentially, the EPA's administrative stay of the 2015 Good Neighbor Plan indefinitely paused implementation of the Plan's requirements for applicable power plants and other industrial facilities, including the NO_X emission standards for MWCs, in the States covered by the Federal Implementation Plan. Those requirements remain stayed pending the disposition of the applicants' petition for review in the D.C. Circuit while the EPA takes further rulemaking action consistent with the court's merits decisions.

Subsequently, on March 12, 2025, the EPA announced that the Agency would reconsider the 2015 Good Neighbor Plan.[29] Following this, on January 30, 2026, the EPA proposed phase 1 of its reconsideration of the 2015 Good Neighbor Plan, which proposed to approve SIP submissions from eight states regarding interstate transport for the 2015 8-hour ozone NAAQS.[30] In this

[17] *See* 91 FR 46351 (July 23, 2026).

[18] *Id.*

[19] *See* 88 FR 83036 (November 28, 2023).

[20] *Id.*

[21] *See* 88 FR 36654 (June 5, 2023).

[22] *See* 91 FR 11802 (March 10, 2026).

[23] Ozone Transport Commission, *Municipal Waste Combustors Workgroup Report,* 23 (May 2023), *https://otcair.org/upload/Documents/Reports/OTC%20MWC%20report%20revised%205_2023.pdf.*

[24] Letter from Francis C. Steitz, Chair, OTC Stationary & Area Source Committee to Lee Zeldin, Administrator, EPA, *Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Large Municipal Waste Combustors Voluntary Remand Response and 5-Year Review,* 2 (May 30, 2025), *https://otcair.org/upload/Documents/Correspondence/20250530-otc-sas-lmwc-comments-to-epa-final.pdf.*

[25] *See* 25 Pa. Code § 129.112(f) and South Coast Air Quality Management District Rule 1165, Control of Emissions from Municipal Solid Waste Incinerators 12 1165–5 (Sept. 6, 2024).

[26] *See* 84 FR 67196 (December 9, 2019).

[27] *See* 89 FR 87960 (November 6, 2024).

[28] *Ohio* v. *EPA,* 603 U.S. 279 (2024).

[29] *See https://www.epa.gov/newsreleases/trump-epa-announces-plan-work-states-sips-improve-air-quality-and-reconsider-good.*

[30] *See* 91 FR 4026 (January 30, 2026). States included in the EPA's Phase 1 Good Neighbor Plan Reconsideration are Alabama, Arizona, Kentucky, Minnesota, Mississippi, Nevada, New Mexico, and Tennessee.

proposed action, the EPA announced that it would take a separate future rulemaking to address interstate transport obligations for the 2015 8-hour ozone NAAQS for the remaining States covered in the final Good Neighbor Plan, which includes New Jersey.

On March 10, 2026, the EPA issued its rulemaking to finalize the NSPS and EG for the Large Municipal Waste Combustion source category, codified under 40 CFR part 60 Subpart VVVV and WWWW, respectively.[31] Within this action, the EPA ultimately did not finalize the proposed 110 ppmvd (24-hour average) NO_X limit for existing large MWCs based on the more stringent five-year review NO_X limit. Instead, for existing MWC sources, the EPA finalized NO_X emission standards based on reevaluated Maximum Achievable Control Technology (MACT) floor NO_X limits.[32] Additionally, the EPA explained that at proposal the Agency excluded units expected to be covered by the former Good Neighbor Plan from the $257 million capital cost.[33] Inclusion of the compliance cost for those units significantly increased the total estimated capital cost to $412 million, which the agency noted could hinder government funded municipalities' ability to continue to utilize large MWCs for the public disposal needs.[34] For these reasons, the EPA did not finalize the proposed 110 ppmvd (24-hour average) NO_X limit for existing MWC sources and instead finalized NO_X emission limits based on the MACT floor reevaluation rather than the five-year review results proposed in the rule.

The EPA's review of the recently finalized Large MWC Clean Air Act section 111(d) emission guidelines, codified at 40 CFR part 60, subpart WWWW, indicates that New Jersey's currently SIP-approved RACT requirements for MWCs remain more stringent than the NO_X limits finalized in the March 2026 Large MWC emission guidelines. Appendix B of the Ozone Transport Region's June 2021 MWC report identifies the combustor type of each MWC in the OTR, including New Jersey, and shows that all New Jersey MWCs are mass-burn waterwall units. Under 40 CFR part 60, subpart WWWW, existing mass-burn waterwall MWCs must comply with a NO_X limit of 205 ppmvd at 7 percent O2 on a 24-hour average. By contrast, New Jersey's MWC RACT rule, N.J.A.C. 7:27, subchapter 19.12, requires mass-burn waterwall MWCs in the State to meet a more stringent 150 ppmvd at 7 percent O2, 24-hour average limit. Also, the EPA's recent Large MWC EG requires existing affected units to comply as expeditiously as practicable after State Plan approval, which are due March 10, 2027, but no later than three years after approval of the state plan or five years after promulgation of the revised standard, whichever is earlier. Because New Jersey already has federally-approved MWC RACT requirements in place, the affected units are already subject to more stringent NO_X emission limits.

Finally, the commenter notes that States and districts such as Pennsylvania and the South Coast Air Basin in California have recently adopted a 110 ppmvd 24-hour NO_X emission limit in their respective regulations. However, those regulations have not yet been approved into the SIP and were adopted by the States on November 11, 2022, and September 6, 2024, respectively, subsequent to New Jersey's RACT certification for the 2008 Serious and 2015 Moderate classifications.[35] As noted earlier in this action, New Jersey submitted its RACT certification on November 23, 2021, to address Clean Air Act obligations associated with the New York Metropolitan Area for the 2008 ozone Serious classification, the 2015 ozone Moderate classification, and the statewide Ozone Transport Region requirements applicable to the 2015 ozone NAAQS. On March 3, 2025, New Jersey submitted a SIP revision extending its November 23, 2021, RACT certification for the 2015 ozone NAAQS to the New Jersey portion of the PA–NJ nonattainment area, following that area's reclassification to Moderate for the 2015 ozone NAAQS, effective November 7, 2022.[36] The EPA is acting on New Jersey's 2008 and 2015 ozone RACT certifications as they apply to the lower and less stringent classifications addressed in this action. As stated earlier, New Jersey also remains obligated to submit RACT certifications for the Severe and Serious classifications, for the 2008 and 2015 ozone NAAQS respectively, which the EPA will address in a forthcoming action. The EPA will continue to coordinate with NJDEP to ensure that these remaining RACT obligations are addressed and to consider any relevant developments since the State's prior certification submittals.

Additionally, the commenter points to EPA's approval of source-specific SIPs for Covanta-owned MWC facilities in Fairfax and the City of Alexandria, Virginia, where the facilities relied on Covanta's proprietary low-NO_X control technology to achieve a NO_X limit of 110 ppmvd on a 24-hour average and 90 ppmvd on an annual average.[37] As noted in the rulemaking, Virigina's RACT regulations for major sources of NO_X and VOC, under 9VAC5–40–7400 and 7420, do not outline presumptive NO_X emission limits for MWCs and that applicable facilities must conduct a source-specific (or case-by-case) determination of what constitutes RACT.[38] With this approach, what constitutes RACT for one facility may not constitute RACT for another, because the analysis can vary depending on the source's equipment, operations, costs, and surrounding conditions.

Regarding Covanta's implementation of its proprietary Low-NO_X control technology, the EPA acknowledges that other MWCs not operated by Covanta may not be able to use the technology because of its proprietary nature. Based on the EPA's review of recent stack testing data for existing MWCs located in New Jersey, the Agency determined that only the Covanta-operated facilities appear capable of achieving a NO_X emission limit of approximately 110 ppmvd.[39] Furthermore, as the EPA explained in the final large MWC rule, the 110 ppmvd NO_X limit (24-hour average) was associated with the

[31] *See* 91 FR 11802 (March 10, 2026).

[32] A MACT floor is the EPA's minimum technology-based emission standard for a source category. Essentially, it's the emission limit based on the performance achieved in practice by the best performing units in the category. For existing units, the floor is based on the average emission performance achieved by the top 12 percent of the best-performing sources currently operating in the industry.

[33] *See* 89 FR 4243 (January 23, 2024).

[34] *See* 91 FR 11802 (March 10, 2026).

[35] *See* 40 CFR part 52, subpart NN, section 52.2020 and 40 CFR part 52, subpart F.

[36] *See* 87 FR 60897 (October 7, 2022).

[37] *See* 84 FR 67196 (December 9, 2019).

[38] In determining case-by-case RACT determinations, many State Air Agencies utilize the top-down control technology approach: (1) identify all available control alternatives; (2) assess technical feasibility; and (3) evaluate remaining technologies in order of control effectiveness considering: expected emission reduction measured in tons per year (tons/yr), economic impacts measured in dollar per ton of pollutant removed ($/ton), environmental impacts, and energy impacts. If the top control alternative is not selected as RACT, the rationale for rejection must be documented. The next most stringent control alternative is then assessed, and the process continues until RACT is determined.

[39] Appendix 11–1 of New Jersey's November 2021 SIP submission identifies, for various MWC units located statewide, the facility name, location, applicable NO_X controls, current permit limits, and stack test average NO_X emissions. Based on EPA's review, it appears that only the Covanta facilities utilizing proprietary low-NO_X technology are capable of meeting the 110 ppmvd emission limit. Stack testing data for the remaining Wheelabrator facility, which does not employ the proprietary technology, indicate that it is capable of achieving the 150 ppmvd presumptive RACT limit established by NJDEP.

application of ASNCR or Covanta Low-NO_X technology, and the EPA recognized that those controls had been used to achieve that performance level.[40] By contrast, New Jersey's MWC RACT rule, N.J.A.C. 7:27, subchapter 19.12, establishes presumptive emission limits that all applicable units must meet statewide. In the EPA's review of New Jersey's MWC RACT regulation, the agency has determined the State's 150 ppmvd (24-hour average) emission limit is currently either more stringent, or comparable to, the limits adopted by most Ozone Transport Region States.

This concludes our response to the comments received. No changes have been made to the proposed rule as a result of the comments received.

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, Oct. 4, 1993);
- Is not subject to Executive order 14192 (90 FR 9065, Feb. 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, Aug. 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, Apr. 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, Nov. 9, 2000).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 7, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Michael Martucci,

Regional Administrator, Region 2.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart FF—New Jersey

■ 2. In § 52.1570(e), in the table, add entries for ''2008 8-hour Ozone Serious RACT Analysis and Certification'' and ''2015 8-hour Ozone RACT Analysis and Certification'' to the end of the table to read as follows:

§ 52.1570 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NEW JERSEY NONREGULATORY AND QUASI-REGULATORY PROVISIONS

SIP element	Applicable geographic or nonattainment area	New Jersey submittal date	EPA approval date	Explanation
*	*	*	*	*
2008 8-hour Ozone Serious RACT Analysis and Certification.	New Jersey portion of the New York-Northern New Jersey-Long Island NY-NJ-CT 8-hour ozone nonattainment area.	11/23/2021	10/8/2026, [insert **Federal Register** citation].	• Full approval. • Certifies New Jersey has met the RACT requirements as it applies to non-CTG major sources of VOCs, all CTG sources of VOCs, and to major sources of NO_X for the New Jersey portion of the New York-Northern New Jersey-Long Island NY-NJ-CT 2008 8-hour Ozone Serious nonattainment area.

[40] *See* 91 FR 11802 (March 10, 2026).

EPA-APPROVED NEW JERSEY NONREGULATORY AND QUASI-REGULATORY PROVISIONS—Continued

SIP element	Applicable geographic or nonattainment area	New Jersey submittal date	EPA approval date	Explanation
2015 8-hour Ozone RACT Analysis and Certification.	Statewide, New Jersey portion of the New York-Northern New Jersey-Long Island NY-NJ-CT 8-hour ozone non-attainment area, New Jersey portion of the Philadelphia-Atlantic City PA-NJ 8-hour ozone nonattainment area.	11/23/2021	10/8/2026, [insert **Federal Register** citation].	• Full approval. • Certifies New Jersey has met the RACT requirements as it applies to non-CTG major sources of VOCs, all CTG sources of VOCs, and to major sources of NO_X for the New Jersey portions of the New York-Northern New Jersey-Long Island NY-NJ-CT and Philadelphia-Atlantic City PA-NJ 8-hour ozone nonattainment areas. • Certifies New Jersey's commitment to meet RACT statewide within the Ozone Transport Region (OTR) for the 2015 Ozone NAAQS.

■ 3. Amend § 52.1582 by revising paragraph (q)(1) and adding paragraphs (q)(2) through (8) to read as follows:

§ 52.1582 Control strategy and regulations: Ozone.

(q) * * *

(1) Oil and Natural Gas Industry (October 2016).
(2) Manufacture of Pneumatic Rubber Tires (December 1978).
(3) Aerospace Coatings (December 1997).
(4) Shipbuilding and Ship Repair Operations (August 1996).
(5) Metal Furniture Coatings (September 2007).
(6) Large Appliance Coatings (September 2007).
(7) Auto and Light Duty Truck Original Equipment Manufacturer Assembly Coatings (September 2008).
(8) [Reserved]

* * * * *

[FR Doc. 2026–20638 Filed 10–7–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2026–5182; FRL–13486–02–R7]

Air Plan Approval; Missouri; Construction Permit Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is approving revisions to the Missouri State Implementation Plan (SIP) received on February 10, 2026. The submission revises Missouri's regulation on construction permit exemptions in its Minor New Source Review (NSR) program. These revisions refine exemptions for emergency generators, update references to other rules, and update recordkeeping requirements. The EPA's final approval of this rule revision is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective November 9, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2026–5182. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

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

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

CAA Clean Air Act
CBI Confidential Business Information
CFR Code of Federal Regulations
CSR Missouri Code of State Regulations
EPA U.S. Environmental Protection Agency
FR Federal Register
NSR New Source Review
SIP State Implementation Plan
TSD Technical Support Document
U.S.C. United States Code

Table of Contents

I. What is being addressed in this document?
II. Have the requirements for approval of a SIP revision been met?
III. The EPA's Response to Comments
IV. What action is the EPA taking?
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. What is being addressed in this document?

The EPA is approving revisions to the Missouri SIP, Title 10, Division 10 of the Missouri Code of State Regulations (CSR), 10 CSR 10–6.061 ''Construction Permit Exemptions.'' The purpose of the state regulation is to list specific construction or modification projects that are exempt from the requirement to obtain permits to construct under 10 CSR 10–6.060. Missouri's rule revisions are detailed in the EPA's notice of proposed rulemaking, published on July 30, 2026.[1] The EPA finds that these revisions meet the requirements of the CAA and do not impact the State's ability to attain or maintain the National Ambient Air Quality Standards (NAAQS). The full text of the rule revisions as well as the EPA's analysis of the revisions can be found in the technical support document (TSD) included in this docket.

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

The State's submission has met the public notice requirements for SIP

[1] 91 FR 48032 (July 30, 2026).

submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from June 16, 2025, to August 7, 2025, and held a public hearing on July 31, 2025. Missouri received no comments.

In addition, as explained in the notice of proposed rulemaking and in more detail in the TSD, which is part of this docket, the revisions meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations. The EPA concludes that in accordance with CAA section 110(l), the revisions to 10 CSR 10–6.061 will not interfere with any applicable requirement concerning attainment, reasonable further progress, or any other applicable requirement of the CAA.

III. The EPA's Response to Comments

The public comment period on the EPA's proposed rule opened July 30, 2026, the date of its publication in the **Federal Register**, and closed on August 31, 2026. During this period, the EPA received two anonymous comments.

Comment 1: The commenter urged EPA to ensure that the SIP revision does not lead to backsliding in air quality or undermine ozone and particulate matter attainment in Missouri. The commenter also requested that recordkeeping requirements for exempt sources remain clear, transparent, and publicly accessible so that exemptions do not create loopholes. The commenter stated that, while administrative updates and clarification of minor equipment categories may be appropriate, they should not compromise the integrity or enforceability of the CAA.

Response: As stated in the proposal and TSD available in the docket to this action, the revisions that EPA is approving into Missouri's SIP clarify recordkeeping requirements and refine construction permit exemptions in addition to updating cross-references to other rules. The revisions to the rule do not add additional exemptions to construction permitting requirements in Missouri's SIP. For the reasons discussed below, the EPA finds that the revisions do not negatively impact air quality and do not constitute backsliding.

The revisions to the recordkeeping requirements in 10 CSR 10–6.061 were clarified to remove language that could cause confusion to the regulated community and to the public and to add additional clarifying language. The recordkeeping requirements continue to require owners and operators to maintain records that demonstrate compliance with construction permit exemptions and require a demonstration that actual emissions remain below the thresholds in the rule.

The revisions to 10 CSR 10–6.061 also refine exemptions for emergency generators by adding additional criteria that the source must meet to qualify for the exemption and narrow the applicability of the exemption for sources that operate more than one emergency generator. In addition, the revisions to the rule remove language that could be interpreted to allow lead emissions associated with construction or modification of a source to be excluded from the 876 lb/year cap and strengthens the lead compound permit exemption threshold. Because the EPA concludes that the revisions to 10 CSR 10–6.061 strengthen exemptions in Missouri's SIP and clarify language in the rule related to recordkeeping and other requirements of the rule, the EPA finds that these revisions meet the requirements of the CAA, do not interfere with any applicable requirement concerning attainment and reasonable further progress, and do not adversely impact air quality, in accordance CAA section 110(l) (42 U.S.C. 7410(l)).

Comment 2: The commenter states that the EPA should not exempt Missouri from cleaning up its air, and must delete any exemptions, loopholes or ''excuses for polluters'' from the SIP.

Response: To the extent that this comment expresses a general concern with the revision to the construction permit exemptions addressed in the proposal and TSD available in the docket to this action, the commenter is directed to the EPA's response to Comment 1 above. The remainder of the comment regarding the deletion of loopholes, exemptions and ''excuses for polluters'' does not raise a relevant, material objection with specificity that would constitute a significant comment requiring a response. *See* 5 U.S.C. 553(c); 42 U.S.C. 7607(d)(6)(B).

IV. What action is the EPA taking?

The EPA is taking final action to amend the Missouri SIP by approving the State's revisions to 10 CSR 10–6.061 ''Construction Permit Exemptions.'' This final action approves these amendments as part of the SIP.

V. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Missouri rule 10 CSR 10–6.061 discussed in section I. of this preamble and as set forth below in the amendments to 40 CFR part 52. The rule lists specific construction or modification projects that are exempt from the requirement to obtain permits to construct under 10 CSR 10–6.060. The EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region 7 Office. Please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information.

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

VI. Statutory and Executive Order Reviews

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

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

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

Order 13132 (64 FR 43255, Aug. 10, 1999);

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175.[3]

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

Under CAA section 307(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by *December 7, 2026.* Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (*see* section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: September 28, 2026.

James Macy,

Regional Administrator, Region 7.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10–6.061'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	*
10–6.061	Construction Permit Exemptions.	1/30/2026	10/8/2026, 91 FR [insert **Federal Register** page where the document begins].	Sections (3)(A)2.D. and (3)(A)2.E.(II)(c) are not SIP-approved.
*	*	*	*	*

* * * * *

[FR Doc. 2026–20634 Filed 10–7–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2024–0295; FRL–13322–02–R4]

Air Plan Approval; Kentucky; Louisville Area Limited Maintenance Plan for the 1997 8-Hour Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Kentucky through the Energy and Environment Cabinet (Cabinet) on behalf of the Louisville Metro Air Pollution Control District (District) via a letter dated June 3, 2024. The SIP revision consists of a Limited Maintenance Plan (LMP) for the Kentucky portion of the bi-state Louisville, Kentucky-Indiana 1997 8-hour ozone maintenance area (the ''bi-state Louisville Area''). The Kentucky portion of the bi-state Louisville Area is comprised of Bullitt, Jefferson, and Oldham Counties in Kentucky (the ''Louisville Area''). The EPA is

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

approving the Louisville Area's LMP because it provides for the maintenance of the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) within the bi-state Louisville Area through the end of the second 10-year portion of the maintenance period. The effect of this action is to make certain commitments related to maintenance of the 1997 8-hour ozone NAAQS in the Louisville Area federally enforceable as part of the Kentucky SIP.

DATES: This rule is effective November 9, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2024–0295. All documents in the docket are listed on the *regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *https://www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960. The EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nelsha Athauda, Multi-Air Pollutant Coordination Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9360. Ms. Athauda can also be reached via electronic mail at *athauda.nelsha@epa.gov.*

SUPPLEMENTARY INFORMATION: The EPA uses multiple abbreviations and terms in this rule. While this list may not be exhaustive, for ease of reading and for reference purposes, the EPA defines the following terms and acronyms here:

CAA Clean Air Act
EPA Environmental Protection Agency
LMP Limited Maintenance Plan
NAAQS National Ambient Air Quality Standard or Standards
NPRM Notice of Proposed Rulemaking
SIP State Implementation Plan

Table of Contents

I. Executive Summary
II. Background
III. Response to Comments
IV. Statutory and Executive Order Reviews

I. Executive Summary

Under CAA sections 110(k) and 175A, the EPA is approving the Louisville Area LMP for the 1997 8-hour ozone NAAQS, submitted by the Cabinet on June 3, 2024, as a revision to the Kentucky SIP. The EPA is approving the Louisville Area LMP because it includes an acceptable update of the various elements of the 1997 8-hour ozone NAAQS maintenance plan approved by the EPA for the first 10-year period—including an emissions inventory, assurance of adequate monitoring and verification of continued attainment, and contingency provisions.

The EPA finds that the Louisville Area qualifies for the LMP option and that, therefore, the Louisville Area LMP adequately demonstrates maintenance of the 1997 8-hour ozone NAAQS through documentation of monitoring data showing design values well below the NAAQS and continuation of existing control measures. The EPA believes that the Louisville Area's 1997 8-hour ozone LMP is sufficient to provide for maintenance of the 1997 8-hour ozone NAAQS in the bi-state Louisville Area over the remainder of the second 10-year maintenance period, through 2027, and thereby satisfies the requirements for such a plan under CAA section 175A(b).

II. Background

On April 30, 2004, the bi-state Louisville Area—which is comprised of Bullitt, Jefferson, and Oldham Counties in Kentucky; and Clark and Floyd Counties in Indiana—was designated as nonattainment for the 1997 8-hour ozone NAAQS.[1] Subsequently, on September 29, 2006, the Cabinet submitted a redesignation request and the first 10-year maintenance plan for the Louisville Area. In 2007, the EPA approved the maintenance plan and redesignated the Louisville Area to attainment for the 1997 8-hour ozone NAAQS.[2]

Through a notice of proposed rulemaking (NPRM) published on August 27, 2026,[3] the EPA proposed to approve the Louisville Area LMP for the 1997 8-hour ozone NAAQS, which is designed to maintain the 1997 8-hour ozone NAAQS within the Louisville Area through the end of the second 10-year portion of the maintenance period beyond redesignation. The details of the Cabinet's June 3, 2024, submittal as well as the EPA's rationale for approval are described in more detail in the August 27, 2026, NPRM. Comments on the August 27, 2026, NPRM were due on or before September 17, 2026. The EPA received two sets of comments from two separate individuals. The first set of comments provides feedback on the proposal and the plan, and concludes by stating that the feedback is not ''a case against approving Kentucky's submission.'' The second set of comments recommends approval of the LMP but makes some requests for clarification. Overall, EPA acknowledges the comments received and a brief response is provided below. The commenters did not provide new technical data or legal arguments demonstrating that the proposed approach is unreasonable. Consequently, EPA is finalizing the action as proposed without modifications.

III. Response to Comments

Comment 1a: The commenter states that the Louisville Area LMP ''ties its maintenance demonstration to a design-value screening threshold of 85 percent of the ozone NAAQS'' and that one monitor in Jefferson County does not meet this threshold. The commenter alleges that the EPA's ''stress test loses its precision'' by adding the largest area-wide design-value increase, 0.008 parts per million (ppm) recorded at the Clark County, Indiana monitor, to the highest current design value in the area. The commenter states that the math ''is conservative in form, but borrows its volatility figure from a monitor that is not under stress and applies it to one that already shows its own multi-period climb.'' The commenter further states that a projection built from the trajectory of the monitor with the highest design value, ''rather than an area-wide maximum increase pulled from elsewhere, would test the monitor that actually needs testing.''

Response 1a: The EPA evaluates each LMP on a case-by-case basis, taking into consideration the weight of evidence (WOE) of the information presented in the SIP submittal. The EPA evaluated the level of the bi-state Louisville Area's air quality design values as part of its WOE along with a measure of the stability of the ozone design values and concluded that the probability of the bi-state Louisville Area violating the standard during the second maintenance period is low. The EPA's

[1] *See* 69 FR 23858 (Apr. 30, 2004).
[2] *See* 72 FR 36601 (July 5, 2007).
[3] *See* 91 FR 55294 (Aug. 27, 2026).

evaluation is discussed in the NPRM and further described below.

Regarding the comment concerning the ''NPRM's stress test,'' several kinds of analyses can be performed to assess whether an area has had relatively stable or consistently improving air quality levels over the long term such that the probability of the area violating the standard in the future would be low. One approach is to take the most recent design value for the area [4] and add the maximum design value increase, over one or more consecutive years, that has been observed in the area over the past several years.[5] For this maintenance plan, the EPA assessed the design value data to determine whether adding the maximum design value increase over the 14-year timeframe between 2012 and 2025 to the most recent design value for the bi-state Louisville Area would result in a value below the 0.084 ppm threshold to attain the 1997 8-hour ozone NAAQS.

The EPA's analysis showed that adding the maximum design value increase in any monitor over the entire 14-year timeframe—0.008 ppm—to the maximum most recent design value at any monitor in the area—0.075 ppm—would result in a design value attaining the 1997 8-hour ozone NAAQS. According to the commenter, the EPA should have instead considered the trajectory at the monitor with the 0.075 ppm design value. However, the design values at this monitor did not change between 2024 and 2025, and the difference between the highest and lowest design value at this monitor over the 14-year timeframe was lower—0.006 ppm—which would produce a value of 0.081 ppm, which is also below the NAAQS. Thus, when the EPA applies its understanding of the commenter's approach, this appears to reinforce the EPA's conclusion that the probability of the bi-state Louisville Area violating the standard during the second maintenance period is low.

Comment 1b: The commenter points out that deciding which of the ten listed contingency measures to adopt ''rests on the Division's judgment.'' The commenter states that there is no ''minimum stringency floor'' or opportunity for the EPA or public to review the choice before it becomes part of the SIP. The commenter states that ''attaching a stringency standard, or a defined concurrence step, to that selection would let the contingency plan ''provide a prompt, predictable response rather than a discretionary one.''

Response 1b: The EPA acknowledges the comments and offers some clarifications in this response. CAA section 175A(d) only requires that maintenance plans contain contingency provisions that ''the Administrator deems necessary to assure that the State will promptly correct any violation of the standard which occurs after the redesignation of the area as an attainment area.'' The CAA does not specify the requisite nature, scope, specificity, or number of contingency measures to be included in a maintenance plan. It is for the EPA to determine whether a state has given adequate assurance that it can promptly correct a violation. Kentucky submitted contingency measures that the EPA deems adequate, and the commenter does not argue that the contingency measures listed in the June 3, 2024, SIP revision are insufficient. Kentucky has committed to promptly correct any future violation and has identified measures that are sufficiently specific, but which allow for latitude in potential scope. This will enable Kentucky to address a range of potential sources and differing degrees and types of violations. The EPA believes that the contingency measures set forth in the submittal, combined with Kentucky's commitment to an expeditious timeline, provide assurance that they will promptly correct a future potential violation. Given the uncertainty as to timing, degree and nature of any future violation, the EPA believes that the contingency measures set forth adequately balance the need for flexibility in the scope and type of measure to be implemented with the need for expeditious action on the part of the Commonwealth.

The EPA disagrees that the Agency and the public do not have the opportunity to review the selected contingency measure before it becomes part of the SIP. The District and the Commonwealth developed the LMP with public notice and opportunity for a hearing, and the EPA's NPRM provided opportunity for comment on the sufficiency of the contingency plan. As discussed above, the EPA has determined that this contingency plan is sufficient to assure that the District and the Commonwealth will promptly correct any violation of the NAAQS, as required by CAA section 175A(d). Further, CAA section 175A(d) gives the Administrator discretion to ''require[ ] the State to submit a revised [SIP]'' if necessary, and pursuant to CAA section 110(l) and 40 CFR part 51, subpart F, any SIP revision must be subject to public notice at the State level.

Comment 1c: The commenter states that the second 10-year maintenance period runs through 2027, ''close behind any final action on this proposal, and the notice does not describe what happens to the Louisville Area's SIP obligations after that date or whether a third submission is already underway.'' The commenter asserts that the EPA should name ''a submission timeline for the period after 2027 now.''

Response 1c: CAA section 175A only requires States to submit two maintenance plan SIP revisions for areas redesignated from nonattainment to attainment. The first maintenance plan SIP revision must provide for maintenance of the NAAQS ''for at least ten years after the redesignation.'' [6] Effective August 6, 2007, the EPA approved the Louisville Area's first maintenance plan and redesignated that area to attainment. The second maintenance plan SIP revision must provide for maintenance of the NAAQS for 10 years after the expiration of the first 10-year period.[7] Thus, this second maintenance plan for the Louisville Area only provides for maintenance of the NAAQS through 2027—10 years after the expiration of the first 10-year period. No third maintenance plan SIP revision is required; therefore, there is no submission timeline and no such SIP revision is underway.

Comment 2a: This commenter states that EPA should ''approve the LMP, but that the final rule'' should ''specifically address'' the Jefferson County monitor that produced a design value of 0.075 ppm and ''confirm that continued monitoring and contingency triggers are sufficient to catch any upward trend.'' The commenter asserts that the monitor ''warrants explicit attention in the final action rather than being subsumed into the overall weight of evidence'' because the monitor is ''approaching 90 percent of the standard.''

Response 2a: Regarding the comment concerning the design value of 0.075 ppm, see the discussion in *Response 1a,* above. Regarding the comment concerning the detection of an upward trend, the EPA has approved the Cabinet's air quality monitoring network in the Louisville Area as meeting the requirements of 40 CFR part 58, as noted in the NPRM and the EPA's October 28, 2025, response to the 2025 network plan for Kentucky and the

[4] The design value for an area is the highest design value at any monitor in the area.

[5] *See* EPA's Resource Document for 1997 Ozone NAAQS Areas: Supporting Information for States Developing Maintenance Plans, November 20, 2018, pp. 6–7.

[6] *See* CAA section 175A(a).

[7] *See* CAA section 175A(b).

District.[8] Two primary objectives of part 58 monitoring networks are to evaluate compliance with the NAAQS and to identify data trends.[9] Any changes in the part 58 monitoring network must be approved by the EPA.[10] Furthermore, the contingency plan includes tracking and triggering mechanisms to determine when control measures are needed and a process for developing and adopting appropriate control measures. In addition to a violation trigger, the contingency plan also includes a set of ''indicator'' triggers: (1) any 8-hour ozone monitoring reading of 0.085 ppm or greater in the Area, or (2) a periodic emissions inventory for the Area that shows greater than 10 percent growth in either NO_X or VOC emissions over the attainment year inventory. Either of these non-violating, indicator triggers results in Kentucky and the District evaluating existing control measures to see if any further emission reductions measures should be adopted in an effort to avoid a future violation.

Comment 2b: The commenter states that the final rule should ''clarify that the contingency measures [in the LMP] remain available and enforceable through the end of the maintenance period even as the area continues to address the 2015 NAAQS.'' The commenter contends that the contingency measures should ''remain coordinated with any ongoing control strategies for the newer standard so that resources are not diluted.''

Response 2b: The EPA confirms that, with the approval of this SIP revision, the LMP's contingency plan for the entirety of the second maintenance period will be part of the federally enforceable SIP. Regarding the commenter's suggestion that the contingency measures in the LMP should be coordinated with the control measures for the 2015 ozone NAAQS, CAA section 175A requires each State with a maintenance area to submit maintenance plans focused on the specific NAAQS for which the area was redesignated to attainment.[11] In this case, the LMP is appropriately focused on the 1997 ozone NAAQS. The EPA carefully evaluated the LMP's contingency plan and ensured it complies with the requirements of CAA section 175A(d).

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations.[12] Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under CAA section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 7, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements.[13]

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 29, 2026.

Kevin McOmber,

Regional Administrator, Region 4.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart S—Kentucky

■ 2. In § 52.920, in paragraph (e), amend the table by adding an entry for ''1997 8-Hour Ozone Second 10-Year Limited Maintenance Plan for the Kentucky portion of the bi-state Louisville Area'' at the end of the table to read as follows:

§ 52.920 Identification of plan.

* * * * *

[8] The EPA's response letter is included in the docket for this action.

[9] *See* 40 CFR part 58, Appendix D, Section 1.1(a)–(c). *See also* 71 FR 61236, 61260 (Oct. 17, 2006).

[10] *See* 40 CFR 58.10 and 58.14.

[11] *See* CAA section 175A(a) (''Each State which submits a request under section 7407(d) of this title for redesignation of a nonattainment area for any air pollutant as an area which has attained *the national primary ambient air quality standard for that air pollutant* shall also submit a revision of the applicable State implementation plan to provide for the maintenance of *the national primary ambient air quality standard for such air pollutant in the area concerned* for at least 10 years after the redesignation.'') (emphasis added).

[12] *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a).

[13] *See* CAA section 307(b)(2).

(e) * * *

EPA-APPROVED KENTUCKY NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approval date	Explanations
* *	* *	*	* *	*
1997 8-Hour Ozone Second 10-Year Limited Maintenance Plan for the Kentucky portion of the bi-state Louisville Area.	Bullitt, Jefferson, and Oldham Counties.	6/3/2024	10/8/2026, 91 FR [Insert **Federal Register** page where the document begins].	

[FR Doc. 2026–20641 Filed 10–7–26; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

42 CFR Part 136

RIN 0917–AA14

Removal of Obsolete Portion of Regulation Relating to Care and Treatment of Ineligible Individuals

AGENCY: Indian Health Service (IHS), HHS.

ACTION: Final rule.

SUMMARY: The Indian Health Service (IHS) of the Department of Health and Human Services (HHS or ''the Department'') is issuing this final rule to remove obsolete language appearing in the Code of Federal Regulations (CFR). The language refers to an outdated process for determining what the IHS will charge for care to non-IHS-beneficiaries. Eliminating this obsolete language will not change IHS's existing practices or authorities.

DATES: This rule is effective on December 7, 2026.

FOR FURTHER INFORMATION CONTACT: Carl Mitchell, Director, Division of Regulatory and Policy Coordination, Office of Management Services, Indian Health Service, 301–651–0489 (This is not a toll-free number), *Carl.Mitchell@ihs.gov.*

SUPPLEMENTARY INFORMATION: HHS published a notice of proposed rulemaking in the **Federal Register** on June 15, 2020 (85 FR 36182), with a sixty-day comment period, which closed on August 14, 2020. HHS did not receive any public comments.

HHS will remove outdated language appearing in the CFR at 42 CFR 136.14(b). The regulations in this part established general principles and program requirements for carrying out Indian health programs. Regarding the provision of IHS services to ineligible individuals, § 136.14(b) provides that such individuals should be charged ''rates approved by the Assistant Secretary for Health and Surgeon General published in the **Federal Register**.'' The Assistant Secretary for Health and the Surgeon General no longer approve or publish such rates. The Agency therefore will remove this unnecessary language. When the outdated language of § 136.14(b) is removed, § 136.14 in its entirety will read: ''(a) In case of an emergency, as an act of humanity, individuals not eligible under § 136.12 may be provided temporary care and treatment in Service facilities; (b) Charging ineligible individuals. Where the Service Unit Director determines that an ineligible individual is able to defray the cost of care and treatment, the individual shall be charged. Reimbursement from third-party payors may be arranged by the patient or by the Service on behalf of the patient.'' For complete access to background documents or information, go to *http://www.regulations.gov* and search for Docket ID number IHS–FRDOC–0001.

Executive Orders 12866, 13563, and 14192

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives. Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or Tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. A regulatory impact analysis must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). The HHS submits that this final rule is not ''economically significant'' as measured by the $100 million threshold, and hence not a major rule under the Congressional Review Act. This rule has not been designated as a ''significant regulatory action'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB). Executive Order 14192 requires that any new incremental costs associated with significant new regulations ''shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least ten prior regulations.'' This final rule is expected to be an Executive Order 14192 deregulatory action.

Regulatory Flexibility Act

This action will not have a significant economic impact on small entities such as Indian health programs. Therefore, the regulatory flexibility analysis provided for under the Regulatory Flexibility Act is not required.

Paperwork Reduction Act

This action does not affect any information collections.

List of Subjects in 42 CFR Part 136

Care and treatment of ineligible individuals.

For the reasons set forth in the preamble, the Department amends 42 CFR part 136 as follows:

PART 136—INDIAN HEALTH

■ 1. The authority citation for part 136 continues to read as follows:

Authority: 42 U.S.C. 2001 and 2003; 25 U.S.C. 13; and 25 U.S.C. 1621a.

■ 2. Amend § 136.14 by revising paragraph (b) to read as follows:

§ 136.14 Care and treatment of ineligible individuals.

* * * * *

(b) Charging ineligible individuals. Where the Service Unit Director determines that an ineligible individual is able to defray the cost of care and treatment, the individual shall be charged. Reimbursement from third-party payors may be arranged by the patient or by the Service on behalf of the patient.

Robert F. Kennedy, Jr.

Secretary, Department of Health and Human Services.

[FR Doc. 2026–20685 Filed 10–7–26; 8:45 am]

BILLING CODE 4166–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

42 CFR Part 136a

RIN 0917–AA13

Removal of Obsolete/Suspended Regulations

AGENCY: Indian Health Service (IHS), HHS.

ACTION: Final rule.

SUMMARY: The Indian Health Service (IHS) of the Department of Health and Human Services (HHS or ''the Department'') is issuing this final rule to remove regulations appearing in the Code of Federal Regulations (CFR). The regulations duplicate other regulations in the CFR, and have never been implemented by the IHS, and were referred to as ''suspended'' in a 1999 Federal Register Notice. Removing these regulations will not change the IHS's existing practices or authorities.

DATES: This final rule is effective on December 7, 2026.

FOR FURTHER INFORMATION CONTACT: Carl Mitchell, Director, Division of Regulatory and Policy Coordination, Office of Management Services, Indian Health Service, 301–651–0489 (This is not a toll-free number), *Carl.Mitchell@ihs.gov.*

SUPPLEMENTARY INFORMATION: HHS published a notice of proposed rulemaking in the **Federal Register** on June 22, 2020 (85 FR 37414), with a sixty-day comment period, which closed on August 21, 2020. HHS did not receive any public comments.

HHS will remove the regulations appearing at 42 CFR part 136a. These regulations were promulgated as a final rule in 1987 and were intended to replace the regulations appearing in the CFR at 42 CFR part 136. The new regulations, however, were never implemented and have since been referred to as ''suspended'' in the **Federal Register**. In the intervening years, the IHS has continued to follow the regulations appearing at 42 CFR part 136, and the IHS does not propose to alter this practice. Instead, this final rule will remove the duplicative regulations at 42 CFR part 136a from the CFR. Given how much time has passed since these regulations were initially promulgated; the concern on the part of Congress regarding implementation of the regulations; and the confusion caused by having two sets of regulations addressing the same issue published in the CFR, the Agency will suspend the regulations at 42 CFR part 136a and will be deleted in their entirety. For access to background documents or posted comments, go to *https://www.regulations.gov* and search for Docket ID number IHS–FRDOC–0001.

Executive Orders 12866, 13563, and 14192

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives. Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive order. A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year).

HHS submits that this final rule is not ''economically significant'' as measured by the $100 million threshold, and hence not a major rule under the Congressional Review Act. This rule has not been designated as a ''significant regulatory action'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB). Executive Order 14192 requires that any new incremental costs associated with significant new regulations ''shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least ten prior regulations.'' This final rule is expected to be an Executive Order 14192 deregulatory action.

Regulatory Flexibility Act

This action will not have a significant economic impact on small entities such as Indian health programs. Therefore, the regulatory flexibility analysis provided for under the Regulatory Flexibility Act is not required.

Paperwork Reduction Act

This action does not affect any information collections.

List of Subjects in 42 CFR Part 136a

Government procurement, Government programs—education, Grant programs-education, Grant programs-health, Grant programs—Indians, Health care, Health professions, Indians, Penalties, Reporting and recordkeeping requirements, Scholarships and fellowships, Student aid.

Final Rule

PART 136a [Removed]

■ For the reasons set forth above, and under the authority of the Snyder Act (25 U.S.C. 13) and the Transfer Act (42 U.S.C. 2001 *et seq.*), the Department of Health and Human Services removes 42 CFR Part 136a.

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2026–20684 Filed 10–7–26; 8:45 am]

BILLING CODE 4166–14–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 260813–0186; RTID 0648–XG086]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; General Category October Through November Quota Transfer and Adjustment

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

ACTION: Temporary rule; quota transfer and adjustment.

SUMMARY: NMFS is adjusting the Atlantic bluefin tuna (BFT) General category October through November 2026 time period subquota by transferring 70.2 metric tons (mt) of quota from the Reserve category. Simultaneously, NMFS is adding 16.7 mt of subquota remaining from the June through August time period to the General category October through November time period. This action results in a total adjusted General category October through November time period subquota of 192.9 mt and an adjusted Reserve category of 42 mt. This action would affect Atlantic Tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT.

DATES: The quota transfer and adjustment is effective October 6, 2026, through November 30, 2026.

FOR FURTHER INFORMATION CONTACT: Becky Curtis, *becky.curtis@noaa.gov,* or Larry Redd, Jr., *larry.redd@noaa.gov,* by email or phone at 301–427–8503.

SUPPLEMENTARY INFORMATION: Atlantic BFT fisheries are managed under the 2006 Consolidated HMS Fishery Management Plan (FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). HMS implementing regulations are at 50 CFR part 635. Section 635.27(a) divides the U.S. BFT quota, established by the International Commission for the Conservation of Atlantic Tunas (ICCAT), and as implemented by the United States among the various domestic fishing categories, per the allocations established in the HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act at 16 U.S.C. 1854(g)(1)(D) to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

NMFS recently published a final rule to implement the 2025 ICCAT Recommendation 25–05 (91 FR 53526, August 19, 2026). As described in § 635.27(a), the current baseline U.S. BFT quota is 1,509.98 mt (not including the 62.5 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the vicinity of the management area boundary and adjacent areas per § 635.27(a)(3)). The baseline quotas for the General and Reserve categories are 815.4 mt and 43.8 mt, respectively. The General category baseline quota is suballocated to different time periods. Specific to this action, the baseline subquota for the October through November time period is 106 mt. To date, NMFS has published several actions that have adjusted the Reserve category quota (91 FR 5855, February 10, 2026; 91 FR 43571, July 16, 2026; 91 FR 53526, August 19, 2026). The current adjusted Reserve category quota is 112.2 mt. Based on preliminary landings data received to date, NMFS has determined that the General category June through August time period subquota was underharvested by 16.7 mt. Thus, 16.7 mt remains available from previous time periods for use by General category fishermen.

Quota Transfer and Adjustment

Under § 635.27(a)(1)(ii) NMFS has the authority to adjust each period's apportionment based on overharvest or underharvest in the prior period, after considering determination criteria provided under § 635.27(a)(7). Additionally, under § 635.27(a)(8), NMFS has the authority to transfer quota among fishing categories or subcategories after considering the determination criteria provided under § 635.27(a)(7). This section focuses on the calculations involved in transferring quota from the Reserve category to the General category and adjusting the quota available for the General category October through November subquota time period. The consideration of the determination criteria can be found below after this section.

As stated above, the baseline October through November subquota and adjusted Reserve category quotas are 106 mt and 112.2 mt, respectively. Transferring 70.2 mt from the Reserve category to the General category would result in an adjusted October through November subquota and Reserve category quotas of 176.2 mt (106 mt + 70.2 mt = 176.2 mt) and 42 mt (112.2 mt − 70.2 mt = 42 mt), respectively. To date, preliminary landings data indicate that the General category June through August fishery landed 391 mt of the baseline 407.7 mt subquota by the end of the June through August time period, resulting in an underharvest of 16.7 mt (407.7 mt − 391 mt = 16.7 mt). Adding the June through August time period subquota underharvest of 16.7 mt to the October through November time period results in a total adjusted October through November time period subquota of 192.9 mt (176.2 + 16.7 mt = 192.9 mt). The General category quota is available for use by Atlantic Tunas General category (commercial) permitted vessels and HMS Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT.

In summary, these actions result in an adjusted General category October through November time period subquota of 192.9 mt and an adjusted Reserve quota of 42 mt. The General category fishery will remain open until November 30, 2026, or until the adjusted General category October through November subquota is reached, whichever comes first.

Consideration of the Relevant Determination Criteria

NMFS has considered all of the relevant determination criteria and their applicability to this inseason quota transfer and quota adjustment (§ 635.27(a)(7)). These criteria include, but are not limited to, the following:

Regarding the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock (§ 635.27(a)(7)(i)), biological samples collected from BFT landed by General category fishermen and provided by tuna dealers continue provide NMFS with valuable parts and data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. Additional opportunity to land BFT in the General category would support the continued collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS also considered the catches of the General category quota to date and the likelihood of closure of that segment of the fishery if no adjustment is made (§ 635.27(a)(7)(ii) and (ix)). At this time, the fishery is open. However, in the past few years, the October through November subquota has been harvested quickly. Without taking action at this time, the General category October through November time period would very likely reach the available quota and NMFS would have to stop BFT fishing activities even though commercial-sized BFT remain available in the areas where General category permitted vessels operate. A quota transfer and adjustment at this time provides limited additional opportunities to harvest the U.S. BFT quota while avoiding exceeding it.

Regarding the projected ability of the vessels fishing under the General

category quota to harvest the additional amount of BFT quota before the end of the fishing year (§ 635.27(a)(7)(iii)), NMFS considered General category landings over the last several years and landings to date this year. Landings are highly variable and depend on access to commercial-sized BFT and fishing conditions, among other factors. NMFS may adjust each time period's subquota based on overharvest or underharvest in the prior time period and may transfer subquota from one time period to another time period. By allowing for the current quota transfer and adjustment, NMFS anticipates that the General category quota would be used before the end of the fishing year. Additionally this quota transfer and adjustment would allow fishermen to take advantage of the availability of BFT on the fishing grounds and provide a reasonable opportunity to harvest available U.S. BFT quota.

NMFS also considered the estimated amounts by which quotas for other gear categories of the BFT fishery might be exceeded (§ 635.27(a)(7)(iv)) and the ability to account for all 2026 landings and dead discards (§ 635.27(a)(7)(xii) and (a)(7)(xi)). In most of the several years, total U.S. BFT landings have been below the available U.S. quota such that the United States has carried forward the maximum amount of underharvest allowed by ICCAT from one year to the next. When total U.S. BFT landings are above the available U.S. quota, the United States reduces the next year's quota by the overharvest amount (including reducing the various fishing category quotas and subquotas by their respective overharvest amounts), as was necessary in 2025 to account for the 2024 adjusted U.S. quota, consistent with ICCAT recommendations. NMFS will need to account for 2026 landings and dead discards within the adjusted U.S. quota, consistent with ICCAT recommendations, and anticipates having sufficient quota to do so.

NMFS also considered the effects of the transfer and quota adjustment on the BFT stock and on accomplishing the objectives of the HMS FMP (§ 635.27(a)(7)(v) and (vi)). This action would be consistent with ICCAT Recommendations, ATCA, and the objectives of the HMS FMP and amendments. In establishing these quotas and subquotas and associated management measures, ICCAT and NMFS considered the best scientific information available, objectives for stock management and status, and effects on the stock. This action is in line with the established management measures and stock status determinations. Another principal consideration is the objective of providing opportunities to harvest the available General category quota without exceeding the annual quota. This consideration is based on the objectives of the HMS FMP and its amendments, and it includes achieving optimum yield on a continuing basis and optimizing the ability of all permit categories to harvest available BFT quota allocations (related to § 635.27(a)(7)(x)). Specific to the General category, this includes providing opportunities equitably across all time periods. Finally, we note that the amount remaining in the Reserve category is sufficient for anticipated needs.

In summary, this action adjusts the General category October through November subquota and Reserve category quota to 192.9 mt and 42 mt, respectively. This action provides additional fishing opportunities to harvest the General category quota and subquotas, without exceeding them, while maintaining equitable fishing opportunities for General category fishermen. If needed and appropriate, NMFS could take an additional action(s) later in the year to increase or decrease the retention limit, transfer quota, or close the applicable General category time period.

Monitoring and Reporting

NMFS will continue to monitor the BFT fisheries closely. Per § 635.5(b)(2)(i)(A), dealers are required to submit landing reports within 24 hours of receiving BFT. Late reporting by dealers compromises NMFS' ability to timely implement actions such as quota and retention limit adjustments, as well as closures, and may result in enforcement actions. Additionally, and separate from the dealer reporting requirement, General and HMS Charter/Headboat category vessel owners are required per § 635.5(a)(4) to report their own catch of all BFT retained or discarded dead within 24 hours of the landing(s) or end of each trip, by accessing *https://hmspermits.noaa.gov,* using the HMS Catch Reporting app, or calling 888–872–8862 (Monday through Friday from 8 a.m. until 4:30 p.m. E.T.).

Depending on catch rates of BFT and any updated landings information at that time, and after consideration of all the criteria specified at § 635.27(a)(7), NMFS may determine that additional adjustments are necessary to ensure available subquotas are not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments, including quota transfers, will be published in the **Federal Register**. In addition, fishermen may access *https://hmspermits.noaa.gov,* for updates on quota monitoring and inseason adjustments.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act (16 U.S.C. 1855(d)) and regulations at 50 CFR part 635, and this action is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 533(b)(B), there is good cause to waive prior notice of, and opportunity for public comment on, this action because it is impracticable and contrary to the public interest for the following reasons. Specifically, the regulations implementing the HMS FMP and amendments provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Providing prior notice and an opportunity for public comment is impracticable and contrary to the public interest as this fishery is currently underway and, based on the most recent landings information and historical landings trends, the 2026 General category October through November subquota is projected to be reached shortly. Delaying this action could result in BFT landings that exceed the General category October through November subquota. Additionally, a delay in implementing this action would preclude the fishery from harvesting BFT that are currently available on the fishing grounds and that might otherwise become unavailable. This action does not raise conservation and management concerns and would support effective management of the BFT fishery. This action does not affect the overall ICCAT-allocated U.S. BFT quota. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment criteria.

For all of the above reasons, the AA finds that pursuant to 5 U.S.C. 553(d)(3), there is good cause to waive the 30-day delay in effective date.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: October 6, 2026.

Shannon Bettridge,

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

[FR Doc. 2026–20652 Filed 10–6–26; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 260305–0067; RTID 0648–XF996]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels using pot gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2026 total allowable catch (TAC) of Pacific cod allocated to vessels using pot gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), October 7, 2026, through 2400 hours, A.l.t., December 31, 2026.

FOR FURTHER INFORMATION CONTACT: Abby Jahn, 907–586–7228.

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

The annual 2026 Pacific cod TAC allocated to vessels using pot gear in the Central Regulatory Area of the GOA is 5,752 metric tons (mt) as established by the final 2026 and 2027 harvest specifications for groundfish in the GOA (91 FR 11902, March 11, 2026).

The Regional Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the annual 2026 Pacific cod TAC allocated to vessels using pot gear in the Central Regulatory Area of the GOA will be or has been reached. Therefore, in accordance with § 679.20(d)(1)(i) and (d)(1)(ii)(B), the Regional Administrator is establishing a directed fishing allowance of 5,742 mt and is setting aside the remaining 10 mt as incidental catch to support other anticipated groundfish fisheries. The Regional Administrator finds that this directed fishing allowance will be or has been reached. Consequently, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for Pacific cod by vessels using pot gear in the Central Regulatory Area of the GOA to prevent exceeding this sector's allocation of Pacific cod TAC.

While this closure is effective, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data on Pacific cod catch in a timely fashion and would delay the closure of directed fishing for Pacific cod by vessels using pot gear in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on Pacific cod catch by vessels using pot gear in the Central Regulatory Area of the GOA only became available as of October 5, 2026.

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

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

Dated: October 6, 2026.

Shannon Bettridge,

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

[FR Doc. 2026–20637 Filed 10–6–26; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 91, No. 194
Thursday, October 8, 2026

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

[Doc. No. AMS–SC–25–0016]

Almonds Grown in California; Amendment to the Marketing Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and referendum order.

SUMMARY: This rulemaking proposes an amendment to Marketing Order No. 981, which regulates the handling of almonds grown in California. The proposed amendment would establish the authority to borrow funds from a commercial lending institution.

DATES: The referendum will be conducted from November 2 through November 20, 2026. The representative period for the referendum is August 1, 2025, through July 31, 2026.

ADDRESSES: Interested persons are invited to submit written questions and comments to the Docket Clerk, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491.

FOR FURTHER INFORMATION CONTACT: Taylor Johnson, Marketing Specialist, or Matthew Pavone, Chief, Rulemaking Services Branch, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Stop 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, fax: (202) 720–8938, or email: *MarketingOrderComment@usda.gov.*

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, proposes to amend regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rule is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) (the Act), amending Marketing Order No. 981 (7 CFR part 981; the Order), regulating the handling of almonds grown in California. The Almond Board of California (Board) locally administers the Order and is comprised of growers and handlers of almonds operating within California.

This action is exempt from the Office of Management and Budget (OMB) review process required by Executive Order 12866. This rule amends existing Marketing Order No. 981, as amended (7 CFR part 981), Almonds Grown in California, and is necessary for the continued operation of Marketing Order No. 981. Additionally, this action is exempt from the requirements of Executive Order 14192, ''Unleashing Prosperity Through Deregulation,'' pursuant to section 5(c).

This proposed rule has been reviewed under Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' which requires Federal agencies to consider whether their rulemaking actions would have Tribal implications. AMS has determined that this proposed rule is unlikely to 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.

This proposed rule has been reviewed under Executive Order 12988, ''Civil Justice Reform.'' This proposed rule is not intended to have retroactive effect. This proposed rule shall not be deemed to preclude, preempt, or supersede any State program covering almonds grown in California.

Section 8c(17) of the Act (7 U.S.C. 608c(17)) and the supplemental rules of practice at 7 CFR 900.43 authorize the use of informal rulemaking (5 U.S.C. 553) to amend Federal fruit, vegetable, and nut marketing agreements and orders. In determining whether informal rulemaking is appropriate, USDA is required to consider the nature and complexity of the proposed amendments, the potential regulatory and economic impacts on affected entities, and any other relevant matters.

AMS has considered these factors and has determined that the amendment proposed herein is not unduly complex and the nature of the proposed amendment is appropriate for utilizing the formal through informal rulemaking process to amend the Order. A discussion of the potential regulatory and economic impacts on affected entities is discussed later in the ''Initial Regulatory Flexibility Analysis'' section of this proposed rule and referendum order below.

The Board discussed the proposal at length at its meeting held on August 8, 2024. Following that meeting, the Board voted on the proposed amendment to the Order, nine in favor and one opposed, by electronic vote distributed on August 19 and concluded on August 28, 2024.

A proposed rulemaking soliciting public comments on the proposed amendments was published in the **Federal Register** on March 20, 2026 (91 FR 13526). AMS received four comments during the comment period. Two comments supported the proposal and two opposed the proposal. Of the two supportive comments, one emphasized that while there is a clear need to exercise borrowing authority, it should not be the primary or sole solution to address the issue of timing gaps between the Board's spending needs and assessment revenue collection. Instead, the comment recommended the Board undertake additional review of alternative solutions, such as adjustments to the timing of assessment and revenue collection to better match the cash flow needs during the Board's fiscal year. Of the two oppositional comments, one cited concerns about the impacts of overall borrowing costs, such as interest accrual and the need for greater oversight of Board spending. The other comment cited concerns relating to the overall scope of the proposed authority, including a lack of definitive terms, lack of regulation of loan repayment, and lack of borrowing caps. The commenter also noted concerns with the potential for late payments, loan changes, and debt accrual over time.

As noted above, during its discussions, the Board undertook a thorough review of the proposal and identified the suitable parameters of short-term loan duration and maximum borrowing limits not to exceed approved crop year budget ceilings. Such parameters and limitations would promote fiscal responsibility and reduce the risk of debt accumulation because borrowing would be structured around approved expenditures, the timing of those expenses and assessment

collection, and anticipated assessment revenue sufficient to repay funds within the 12-month period specified in the rule. The Board further articulated its commitment to implement monitoring and oversight policies by its finance department to track interest rates and debt levels; parameters and control mechanisms overseeing loan timing, limits, and terms would be discussed and communicated to industry at annual Board meetings open to the public and through other outreach efforts, providing transparency in financial planning and decision-making. In addition, short-term borrowing against a seasonal line of credit from commercial lending institutions is a common practice used by businesses to manage cash flow and is authorized under other marketing orders. Based on all the information available to AMS at this time, including the comments received in response to the proposed rule, no substantive changes will be made to the proposed amendment. AMS made one minor grammatical change to add a hyphen between ''short'' and ''term.''

AMS will conduct a producer referendum to determine support for the proposed amendment. If appropriate, a final rule will then be issued to effectuate the amendment if it is favored by producers in the referendum.

Proposal—Seasonal Line of Credit

Section 981.81 of the Order authorizes the collection of assessments from almond handlers to provide funds to meet authorized Board expenses and the operating reserve requirements. This proposal would establish § 981.81(f), to authorize the Board to borrow funds from a commercial lending institution through a seasonal line of credit. The authority to borrow would provide short-term funds to address cashflow constraints associated with the timing of program expenditures and revenue collection. This would ensure continuity in operations and Board functions, such as during the first few months of the marketing year when new crop is received but no assessment revenue is collected. Borrowed funds would be repaid within a maximum period of 12 months.

The topic of borrowing authority previously appeared before California almond growers as a proposed amendment to the Order during a proposed rulemaking in April 2023 (88 FR 25559) and subsequent referendum order (88 FR 68500) conducted by USDA between October 30 and November 20, 2023. The proposal to add borrowing authority to the Order received the support of 63.59% of almond growers voting, representing 56.15% of the production volume. To be enacted, at least two-thirds of the growers voting, or at least two-thirds of the volume represented by those growers voting, would need to vote in favor of a proposal.

Subsequently, the Board reviewed and discussed borrowing authority over several meetings in 2023 and 2024 to understand and identify the underlying cause of the failed amendment. It was determined the cause of the failed amendment was a combination of grower confusion with the regulatory language that appeared on the ballot and a lack of coordinated communication with stakeholders. Despite the failure, the Board believes that having borrowing authority would allow it to better manage approved expenditures and maintain cash flow. In addition, the Board maintained that any funds borrowed would be carefully monitored in accordance with internal polices modified to ensure fiscal responsibility.

As almond tonnage and assessment revenue have increased since the Order's promulgation, the industry has approved increasingly larger budgets which have year-round financial commitments. However, growers do not necessarily deliver the entire assessable crop at one time, nor do handlers have the facilities to process the entire crop at one time, and handlers instead purchase and market almonds throughout the production cycle. As a result, only about 18 percent of assessment revenue is paid to the Board when the first crop year assessment invoice is sent to handlers in October. Subsequently, the Board invoices for assessments in the second and third quarters of the crop year. Yet, many research activities and marketing programs are initiated early in the crop year, necessitating payment when services are performed, often well before the first assessments are received from October invoices. Although the Board currently maintains a reserve fund to help pay for early expenses, this fund is insufficient to advance some of the necessary payments. Authorizing the Board to borrow from commercial lending institutions would help it manage and sustain program activities during times of cash flow deficiencies.

Board members further noted that the ability to borrow against a line of credit is a common tool authorized in other Federal marketing orders, especially to accommodate expenses when the assessment revenue necessary to pay such expenses is not received until later in the year.

While addressing general business concerns about the potential risks associated with debt financing, the Board agreed that its internal control policies would be revised to reflect the new borrowing authorities. Notably, the Board stressed that these policies would include: monitoring by the finance department to take interest rates, debt levels, and timing of loans into consideration; allowing the lending institution to determine the maximum line of credit available; making the amount of credit needed proportional to the net position; and, ensuring line of credit advances are short term in nature, with preferred lengths and timelines to be decided by the industry-led finance and audit committee. The Board continues to believe that this proposal would make the Board more operationally efficient while not exceeding approved crop year budget ceilings. The Board does not anticipate this amendment to negatively impact California almond growers or handlers of any size.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act are unique in that they are brought about through group action of typically small entities acting on their own behalf.

There are approximately 7,596 almond growers in the production area and 100 handlers subject to regulation under the Order. At the time this analysis was prepared, the Small Business Administration (SBA) defined small agricultural producers of almonds as those having annual receipts equal to or less than $3.75 million (North American Industry Classification System (NAICS) code 111335, Tree Nut Farming). Small agricultural service firms, which include almond handlers, are defined by the SBA as those having annual receipts equal to or less than $34 million (NAICS code 115114, Postharvest Crop Activities) (13 CFR 121.201).

To estimate the number of almond growers that would be considered small businesses per the SBA definition, AMS calculates the acreage required to produce the volume of almonds at an average price to reach the $3.75 million threshold. Due to the alternate-bearing

nature of almonds, a two-year average is used to estimate price and yield, based on the most recent National Agricultural Statistics Service (NASS) data for 2023 and 2024. Based on a two-year average price of $1.93 per pound, shelled, and a two-year average yield of 1,880 pounds per acre, shelled, an almond grower would need more than 1,033 bearing acres to exceed the SBA threshold of $3.75 million ($3.75 million divided by $1.93 per pound, divided by 1,880 pounds per acre). According to the 2022 Census of Agriculture, 134 farms had almond acreage of 1,500 acres or more. This means that of the 7,596 growers in California, at least 98 percent of them would be considered small businesses.

To estimate the number of almond handlers that would be considered small businesses per the SBA definition, AMS calculates total handler revenue using AMS Market News terminal market prices for almonds and for total California almond production, as reported by NASS. The 2024 average terminal market price, used as a proxy for handler price, for almonds grown in California was $2.82 per pound. Total 2024 California production of almonds was 2.73 billion pounds, shelled. Assuming that all California almonds were processed by domestic handlers, total handler revenue in 2024 is estimated to be nearly $7.7 billion ($2.82 per pound multiplied by 2.73 billion pounds). If total handler revenue were evenly distributed among the 100 handlers in the production region, then each handler would have a 2024 annual receipt of nearly $77 million ($7.7 billion divided by 100 handlers), surpassing the $34 million threshold of the SBA definition of a small business. Therefore, based on this analysis, AMS estimates that most almond handlers would not be considered small businesses per the SBA definition.

This proposal would establish § 981.81(f) to authorize the Board to borrow funds from a commercial lending institution through a seasonal line of credit. The authority to borrow funds would provide necessary short-term funds, given cashflow constraints associated with the timing of program expenditures and revenue collection. This amendment would better ensure continuity in operations during periods when neither operating assessments nor reserve funds are sufficient to fund the Board functions. Borrowed funds would be repaid within a maximum period of 12 months.

The Board noted that the ability to borrow against a line of credit is a common tool authorized in other Federal marketing orders, especially to accommodate expenses when the assessment revenue necessary to pay such expenses is not received until later in the year.

While addressing general business concerns about the potential risks associated with debt financing, the Board agreed that its internal control policies would be revised to reflect the new borrowing authority. Notably, the Board stressed that these policies would include: monitoring by the finance department to take interest rates, debt levels, and timing of loans into consideration; allowing the lending institution to determine the maximum line of credit available; making the amount of credit needed proportional to the net position; and, ensuring line of credit advances are short term in nature, with preferred lengths and timelines to be decided by the industry-led finance and audit committee. The Board continues to believe that this proposal would make the Board more operationally efficient while not exceeding approved crop year budget ceilings. The Board does not anticipate this to negatively impact California almond growers or handlers of any size.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0178, Vegetable and Specialty Crops. No changes in those requirements are necessary because of this proposed rule. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would not impose any additional reporting or recordkeeping requirements on either small or large almond handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

AMS has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

The Board's meetings are widely publicized throughout the California almond production area. All interested persons are invited to attend the meetings and encouraged to participate in Board deliberations on all issues. Like all Board meetings, the meeting held on August 8, 2024, was public, and all entities, both large and small, were encouraged to express their views on the proposed amendment.

A proposed rule concerning this action published in the **Federal Register** on March 20, 2026 (91 FR 13526). A copy of the rule was sent via email to Board staff for distribution to all Board members and California almond growers and handlers. The proposed rule was also made available through the internet by AMS and the Office of the Federal Register via *https://www.regulations.gov.* A 60-day comment period ending May 19, 2026, was provided to allow interested persons to respond to the proposal. AMS received four comments during the comment period. Two comments supported the proposal and two opposed the proposal. Of the two supportive comments, one emphasized that while there is a clear need to exercise borrowing authority, it should not be the primary or sole solution to address the issue of timing gaps between the Board's spending needs and assessment revenue collection. Instead, the comment recommended the Board undertake additional review of alternative solutions, such as adjustments to the timing of assessment and revenue collection to better match the fiscal year. Of the two oppositional comments, one cited concerns about the impacts of overall borrowing costs, such as interest accrual and the need for greater oversight of Board spending. The other comment cited concerns relating to the overall scope of the proposed authority, including a lack of definitive terms, lack of regulation of loan repayment, and lack of borrowing caps. The commenter also noted the potential for late payments, loan changes, and debt accrual over time. As noted above, during its discussions, the Board undertook a thorough review of the proposal and identified the suitable parameters of short-term loan duration and maximum borrowing limits not to exceed approved crop year budget ceilings. Such parameters and limitations would promote fiscal responsibility and reduce the risk of debt accumulation because borrowing would be structured around approved expenditures, the timing of those expenses and assessment collection, and anticipated assessment revenue sufficient to repay funds within the 12-month period specified in the rule. The Board further articulated its commitment to implement monitoring and oversight policies by its finance department to track interest rates and

debt levels. Such parameters and control mechanisms overseeing loan timing, limits, and terms would be discussed and communicated to industry at Board meetings open to the public and through other outreach efforts, providing transparency in financial planning and decision-making. In addition, and as previously stated, short-term borrowing against a seasonal line of credit from commercial lending institutions is a common practice used by businesses to manage cash flow and is authorized under other Federal marketing orders. Based on all the information available to AMS at this time, including the comments received in response to the proposed rule, no substantive changes will be made to the amendments as proposed. AMS made one minor grammatical change to add a hyphen between ''short'' and ''term''.

Findings and Conclusions

AMS has determined that the findings and conclusions, and general findings and determinations included in the proposed rulemaking set forth in the March 20, 2026, issue of the **Federal Register** (91 FR 13526) are appropriate and necessary and are hereby approved and adopted.

Marketing Order

Annexed hereto and made a part hereof is the document entitled ''Order Amending the Order Regulating the Handling Almonds Grown in California.'' This document has been decided upon as the detailed and appropriate means of effectuating the foregoing findings and conclusions. It is hereby ordered that this entire proposed rule be published in the **Federal Register**.

Referendum Order

It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400–407) to determine whether the annexed Order amending the Order Regulating the Handling of Almonds Grown in California is approved or favored by growers, as defined under the terms of the Order, who during the representative period were engaged in the production of almonds in the production area. The representative period for the conduct of such referendum is hereby determined to be August 1, 2025, through July 31, 2026.

The agents designated by the Secretary to conduct the referendum are Jeremy Sasselli, Bianca Bertrand, and Abigail Maharaj, West Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA; telephone: (559) 487–5901, or email: *Jeremy.Sasselli@usda.gov, BiancaM.Bertrand@usda.gov,* and *Abigail.Maharaj@usda.gov,* respectively.

Order Amending the Order Regulating the Handling of Almonds Grown in California [1]

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary to the findings and determinations which were previously made in connection with the issuance of Marketing Order 981; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

1. Marketing Order 981 as hereby proposed to be amended and all the terms and conditions thereof, would tend to effectuate the declared policy of the Act;

2. Marketing Order 981 as hereby proposed to be amended regulates the handling of almonds grown in California and is applicable only to persons in the respective classes of commercial and industrial activity specified in the Order;

3. Marketing Order 981 as hereby proposed to be amended is limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several marketing orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

4. Marketing Order 981 as hereby proposed to be amended prescribes, insofar as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of almonds produced or packed in the production area; and

5. All handling of almonds grown or handled in the production area, as defined in Marketing Order 981, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Order Relative to Handling

It is therefore ordered, that on and after the effective date hereof, all handling of almonds grown in California shall be in conformity to, and in compliance with, the terms and conditions of the said Order as hereby proposed to be amended as follows:

The provisions of the proposed marketing order amending the Order contained in the proposed rule issued by the Administrator and published in the **Federal Register** (91 FR 13526) on March 20, 2026, with one minor grammatical change, will be and are the terms and provisions of this order amending the Order and are set forth in full herein.

List of Subjects in 7 CFR Part 981

Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, AMS proposes to amend 7 CFR part 981 as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

■ 1. The authority citation for part 981 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. In § 981.81, add paragraph (f) to read as follows:

§ 981.81 Assessment.

* * * * *

(f) *Seasonal Line of Credit.* To provide short-term funds given cashflow constraints associated with the timing of program expenditures and revenue collection. The Board may borrow money from a commercial lending institution for such purposes; funds will be repaid within a maximum of 12 months.

Erin Morris,

Administrator, Agricultural Marketing Service.

[FR Doc. 2026–20622 Filed 10–7–26; 8:45 am]

BILLING CODE P

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–11799; Project Identifier MCAI–2026–00594–R]

RIN 2120–AA64

Airworthiness Directives; Various Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all helicopters equipped with a radio (also known as radar) altimeter. This proposed AD was prompted by the determination that radio altimeters cannot be relied upon to perform their intended function if they experience interference from wireless broadband operations in the 3.7 to 3.98 GHz frequency band (5G Lower C-Band) while operating in Canadian airspace. This proposed AD would require revising the existing rotorcraft flight manual (RFM) for the helicopter to incorporate limitations prohibiting certain operations requiring radio altimeter data when operating within Canadian airspace. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by November 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. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–11799; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Ken Fairhurst, Continued Operational Safety Technical Advisor, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5390; email: *operationalsafety@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–2026–11799; Project Identifier MCAI–2026–00594–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Ken Fairhurst, Continued Operational Safety Technical Advisor, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5390; email: *operationalsafety@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 2021–23–13, Amendment 39–21811 (86 FR 69992, December 9, 2021), (AD 2021–23–13), for all helicopters equipped with a radio altimeter. AD 2021–23–13 was prompted by a determination that radio altimeters cannot be relied upon to perform their intended function if they experience interference from wireless broadband operations in the 3.7–3.98 GHz frequency band (5G Lower C-Band). AD 2021–23–13 required revising the limitations section of the existing RFM to incorporate limitations prohibiting certain operations requiring radio altimeter data when in the presence of 5G Lower C-Band interference as identified by Notices to Air Missions (NOTAMs). The agency issued AD 2021–23–13 because radio altimeter anomalies that are undetected by the automation or pilot, particularly close to the ground, could lead to loss of continued safe flight and landing.

After the FAA issued AD 2021–23–13, the agency determined that additional limitations were needed due to the continued deployment of new 5G Lower C-Band base stations whose signals were expected to cover most of the contiguous United States at transmission frequencies between 3.7–3.98 GHz. Additionally, the FAA found that radio altimeter anomalies could lead to increased pilot workload and pilot desensitization to warnings. Therefore, the FAA issued AD 2023–11–07, Amendment 39–22453 (88 FR 40685, June 22, 2023) (AD 2023–11–07), to supersede AD 2021–23–13. For rotorcraft that are not radio altimeter tolerant rotorcraft, AD 2023–11–07 maintains the RFM limitations imposed by AD 2021–23–13 in areas identified by NOTAMs until June 30, 2023. After June 30, 2023, for rotorcraft that are not radio altimeter tolerant rotorcraft, AD 2023–11–07 requires revising the RFM to incorporate the same limitations but with expanded coverage for operations in the entire contiguous U.S. airspace instead of only in areas identified by NOTAMs. AD 2023–11–07 also provides an option to modify the rotorcraft to become a radio altimeter tolerant rotorcraft in order to terminate the RFM limitations.

Actions Since AD 2023–11–07 Was Issued

Since the FAA issued AD 2023–11–07, Transport Canada, which is the aviation authority for Canada, issued Transport Canada AD CF–2024–15, dated May 15, 2024 (the MCAI), to correct an unsafe condition for all helicopters equipped with a radio altimeter. The MCAI states that in July 2023, Innovation, Science and Economic Development Canada (ISED), Canada's spectrum regulator, published Standard Radio System Plans (SRSP)-520 Issue 3,[1] and Radio Standard Specifications (RSS)-192 Issue 5,[2] which define the spectrum environment for the 3.45–3.90 GHz frequency band in

[1] *https://ised-isde.canada.ca/site/spectrum-management-telecommunications/en/devices-and-equipment/standard-radio-system-plans/srsp-520-technical-requirements-fixed-andor-mobile-systems-including-flexible-use-broadband-systems.*

[2] *https://ised-isde.canada.ca/site/spectrum-management-telecommunications/en/devices-and-equipment/radio-equipment-standards/radio-standards-specifications-rss/rss-192-flexible-use-broadband-equipment-operating-band-3450-3900-mhz.*

Canada. The MCAI further states that spectrum auctions for the 3.45–3.65 GHz and the 3.65–3.9 GHz band were completed in 2021 and 2023, respectively.

In July 2023, ISED implemented measures to mitigate Lower C-band interference to radio altimeters, which provide the Canadian airspace greater protection from 5G Lower C-band interference to radio altimeters as compared to the Lower C-band environment in the contiguous U.S. airspace. These measures include exclusion and protection zones and airport effective isotropic radiated power (EIRP) elevation mask (a restriction that requires nearby cell tower signals to be angled downward so they do not interfere with aircraft altimeters) at certain airport runways covering the majority of air traffic in Canada, as well as nationwide reduced fundamental power emissions based on the degree of antenna uptilt above the horizon to minimize emissions from 5G base stations toward aircraft.

In late March 2026, Transport Canada notified the FAA that, beginning July 1, 2026, changes in the 5G Lower C-band protection mitigations established by ISED in 2023 would result in a more severe 5G interference environment in the Canadian airspace. Exclusion and protection zones at airports will no longer exist and updates to the airport EIRP elevation mask, nationwide tilt restriction, emitter height limitation, and reduced spurious emissions will only protect rotorcraft that are radio altimeter tolerant. The change in mitigations will result in an unsafe condition in the Canadian 5G interference environment.

Transport Canada determined that radio altimeters cannot be relied upon to perform their intended function if they experience interference from wireless broadband operations in the 3.45–3.98 GHz frequency band. Transport Canada based its determination on the same unsafe condition found by the FAA in AD 2023–11–07. As a result, the MCAI requires revising the limitations section of the existing RFM to incorporate limitations prohibiting certain operations requiring radio altimeter data, due to the presence of 5G Lower C-Band interference, while operating in Canadian airspace.

As terminating action for the operating limitations, the MCAI provides that operators may modify their radio altimeters to demonstrate the tolerances for emissions as specified in the MCAI and AD 2023–11–07. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–11799.

The FAA is proposing this AD because radio altimeter anomalies that are undetected by the automation or pilot, particularly close to the ground, could lead to loss of continued safe flight and landing.

FAA's Determination

The FAA is issuing this NPRM because the agency has determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements in This NPRM

For non-radio altimeter tolerant rotorcraft: Before further flight in Canadian airspace, this proposed AD would require revising the existing RFM for the helicopter to incorporate limitations prohibiting the following when operating in Canadian airspace.

- Performing approaches that require radio altimeter minimums for rotorcraft offshore operations. Barometric minimums must be used for these operations instead.
- Engaging hover autopilot modes that require radio altimeter data.
- Engaging Search and Rescue (SAR) autopilot modes that require radio altimeter data.
- Performing takeoffs and landings in accordance with any procedure (Category A, Category B, or by Performance Class in the Rotorcraft Flight Manual or Operations Specification) that requires the use of radio altimeter data.

This proposed AD provides that modifying the rotorcraft from a non-radio altimeter tolerant rotorcraft to a radio altimeter tolerant rotorcraft terminates the RFM operating limitations.

A rotorcraft that is a radio altimeter tolerant rotorcraft using a method approved by the FAA for AD 2023–11–07 is also a radio altimeter tolerant rotorcraft for the purposes of paragraph (g)(1) of this proposed AD.

Differences Between This Proposed AD and the MCAI

The MCAI specifies the fundamental emissions are in the 3.45–3.98 GHz frequency band, while this proposed AD specifies the 3.7–3.98 GHz frequency band. AD 2023–11–07 identified an unsafe condition from wireless broadband transmissions in the 3.7–3.98 GHz frequency band and this proposed AD is based on that same determination. In addition, rotorcraft determined to be a radio altimeter tolerant rotorcraft for the purposes of AD 2023–11–07, which has demonstrated the performance tolerances for fundamental emissions within the 3.7–3.98 GHz frequency band, would also be a radio altimeter tolerant rotorcraft for purposes of this proposed AD. Frequencies less than 3.7 GHz are further away from the frequency bands used by radio altimeters (4.2 to 4.4 GHz), so rotorcraft determined to be tolerant in the range of 3.7–3.98 GHz are also tolerant to emissions less than 3.7 GHz.

Interim Action

The FAA considers this proposed AD to be an interim action. The FAA may consider further rulemaking if the Canadian 5G C-band interference environment changes or if Canada issues an operational rule to address 5G C-band interference with radio altimeters.

Costs of Compliance

The FAA notes that since operators must comply with this proposed AD before a rotorcraft's first flight in Canadian airspace, rotorcraft that do not operate in Canada will not have to comply and therefore will have no costs under this proposed AD.

The FAA estimates that there are approximately 5,500 helicopters of U.S. registry that are likely to have a radio altimeter installed. The FAA also estimates that 1,128 of the 5,500 helicopters of U.S. registry are equipped to be able to perform the operations prohibited by this proposed AD for non-radio altimeter rotorcraft. While the FAA expects that some of the affected rotorcraft have been modified (either by replacing the radio altimeter or adding radio altimeter filters), the FAA does not have definitive data on how many rotorcraft have been become radio altimeter tolerant rotorcraft since July 2023, and therefore this proposed AD retains the estimates from AD 2023–11–07. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
RFM revision for non-radio altimeter tolerant rotorcraft.	1 work-hour × $85 per hour = $85	$0	$85	$467,500

The FAA estimates the following costs for operators who elect to modify their helicopter to be radio altimeter tolerant:

ESTIMATED COSTS FOR MODIFICATION

Action	Labor cost	Parts cost	Cost per product
Modification (replacement)			Up to $60,000 per helicopter (includes labor and parts).
Modification (filter)	Up to 24 work-hours × $85 per hour = $2,040.	Up to $12,000	Up to $14,040 per filter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Various Helicopters: Docket No. FAA–2026–11799; Project Identifier MCAI–2026–00594–R.

(a) Comments Due Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to all helicopters, certificated in any category, equipped with a radio (also known as radar) altimeter. These radio altimeters are installed on various helicopter models including, but not limited to, the helicopters for which the design approval holder is identified in paragraphs (c)(1) through (20) of this AD.

(1) Airbus Helicopters
(2) Airbus Helicopters Deutschland GmbH
(3) Air Space Design and Manufacturing, LLC
(4) Bell Textron Canada Limited
(5) Bell Textron Inc.
(6) Brantly International, Inc.
(7) Centerpointe Aerospace Inc.
(8) Columbia Helicopters, Inc.
(9) The Enstrom Helicopter Corporation
(10) Erickson Air-Crane Incorporated, DBA Erickson Air-Crane
(11) Helicopteres Guimbal
(12) Siam Hiller Holdings, Inc.
(13) Kaman Aerospace Corporation
(14) Leonardo S.p.a.
(15) MD Helicopters Inc.
(16) PZL-Swidnik S.A.
(17) Robinson Helicopter Company
(18) Schweizer RSG LLC
(19) Scotts-Bell 47 Inc.
(20) Sikorsky Aircraft Corporation

(d) Subject

Air Transport Association (ATA) of America Code 3444, Ground Proximity System.

(e) Unsafe Condition

This AD was prompted by the determination that radio altimeters cannot be relied upon to perform their intended function if they experience interference from wireless broadband operations in the 3.7 to 3.98 GHz frequency band (5G Lower C-Band) while operating in Canadian airspace. The FAA is issuing this AD because radio altimeter anomalies that are undetected by the automation or pilot, particularly while close to the ground, could lead to loss of continued safe flight and landing.

(f) Compliance

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

(g) Definitions

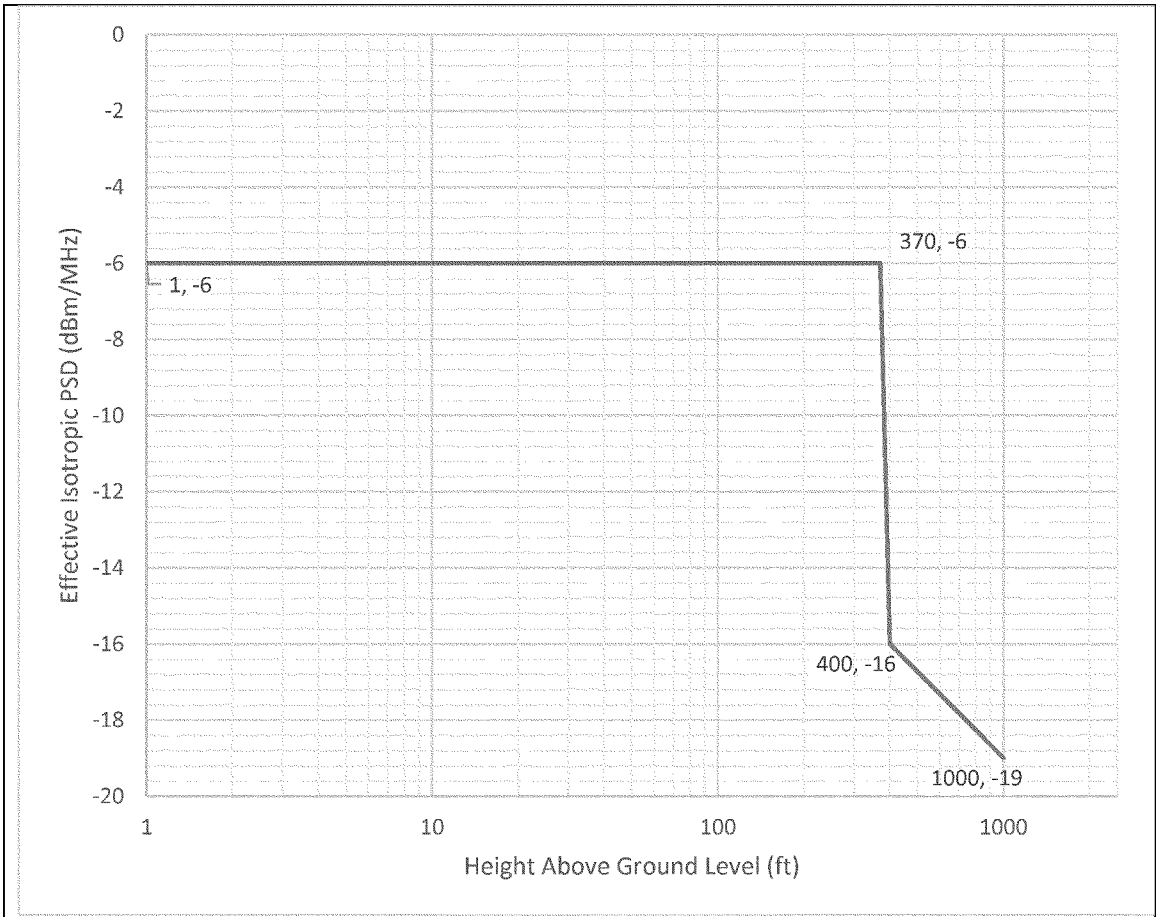
(1) For purposes of this AD, a ''radio altimeter tolerant rotorcraft'' is one for which the radio altimeter, as installed, demonstrates the tolerances specified in paragraphs (g)(1)(i) and (ii) of this AD, using a method approved by the FAA. No actions are required by this AD for radio altimeter tolerant rotorcraft.

(i) Tolerance to radio altimeter interference, for the fundamental emissions (3.7–3.98 GHz), at or above the power spectral density (PSD) curve threshold

specified in figure 1 to paragraph (g)(1)(i) of this AD.

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Figure 1 to paragraph (g)(1)(i) - *Fundamental Effective Isotropic PSD at Outside Interface of Rotorcraft Antenna*

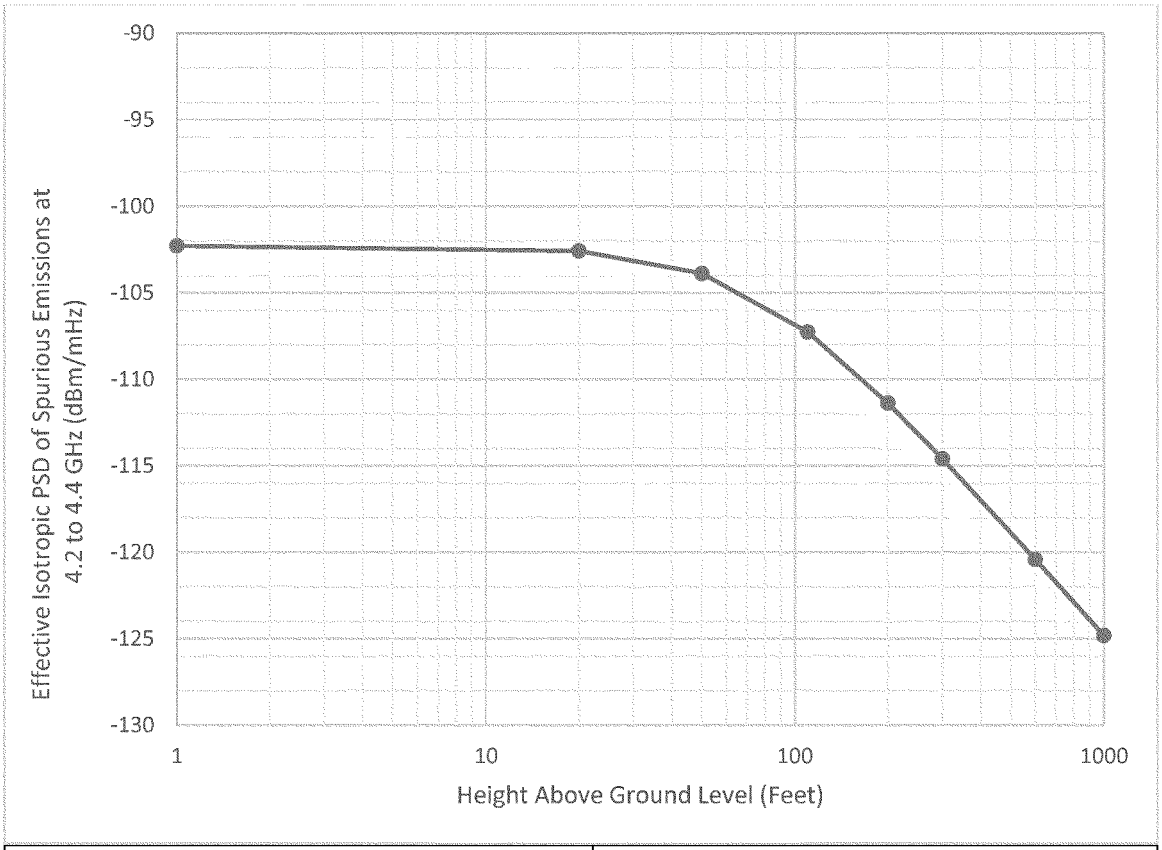


*The notch that occurs in the curve between 370 ft AGL to 1000 ft AGL is due to the impact of the Nationwide EIRP Elevation Mask, 75 ft horizontal minimum separation distance (MSD), and 50 ft vertical MSD for a 5G tower at 350 ft AGL.

Height above ground (ft)	Effective Isotropic PSD (dBm/MHz)
1	-6
370	-6
400	-16
1000	-19

(ii) Tolerance to radio altimeter interference, for the spurious emissions (4.2–4.4 GHz), at or above the PSD curve threshold specified in figure 2 to paragraph (g)(1)(ii) of this AD.

Figure 2 to paragraph (g)(1)(ii): *Spurious Effective Isotropic PSD at Outside Interface of Rotorcraft Antenna*



Height above ground (ft)	Effective Isotropic PSD (dBm/MHz)
1	-102.3
20	-102.6
50	-103.9
110	-107.3
200	-111.4
300	-114.6
600	-120.4
1000	-124.8

BILLING CODE 4910–13–C

(2) For purposes of this AD, a ''non-radio altimeter tolerant rotorcraft'' is one for which the radio altimeter, as installed, does not demonstrate the tolerances specified in paragraphs (g)(1)(i) and (ii) of this AD.

(h) Rotorcraft Flight Manual (RFM) Revision

For non-radio altimeter tolerant rotorcraft: Before further flight in Canadian airspace, revise the Limitations Section of the existing RFM for the helicopter by including the information specified in figure 3 to paragraph (h) of this AD. This may be done by inserting a copy of figure 3 to paragraph (h) of this AD into the existing RFM for the helicopter. The action required by this paragraph may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9(a)(1) through (4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417 or 14 CFR 135.439.

Figure 3 to paragraph (h) - *RFM Revision for Non-Radio Altimeter Tolerant Rotorcraft in Canadian Airspace*

(As Required by AD 20-**-**-**)**

Radio Altimeter Flight Restrictions (Canadian Airspace)

Due to the presence of 5G Lower C-Band wireless broadband interference, when operating in Canadian airspace, the following operations requiring radio altimeter are prohibited:

- Performing approaches that require radio altimeter minimums for rotorcraft offshore operations. Barometric minimums must be used for these operations instead.
- Engaging hover autopilot modes that require radio altimeter data.
- Engaging Search and Rescue (SAR) autopilot modes that require radio altimeter data.
- Performing takeoffs and landings in accordance with any procedure (Category A, Category B, or by Performance Class in the Rotorcraft Flight Manual or Operations Specification) that requires the use of radio altimeter data.

(i) Terminating Action for RFM Limitations

(1) Modifying the rotorcraft from a non-radio altimeter tolerant rotorcraft to a radio altimeter tolerant rotorcraft terminates the limitations in paragraph (h) of this AD for that rotorcraft.

(2) After modifying the rotorcraft to a radio altimeter tolerant rotorcraft, the limitations specified by paragraph (h) of this AD may be removed from the RFM.

(j) Alternative Methods of Compliance (AMOCs):

(1) The Manager, 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 Operational Safety Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: *AMOC@faa.gov.*

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

(k) Additional Information

For more information about this AD, contact Ken Fairhurst, Continued Operational Safety Technical Advisor, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5390; email: *operationalsafety@faa.gov.*

(l) Material Incorporated by Reference

None.

Issued on October 5, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–20677 Filed 10–7–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–11802; Project Identifier MCAI–2025–01451–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A350–941 and –1041 airplanes. This proposed AD was prompted by a girt bar fitting safety hook on an airplane in the production line was found stuck in the upward position due to excessive sealant applied between the girt bar fitting and door mat. This proposed AD would require a detailed inspection of each affected part and applicable corrective actions, and provide additional requirements for maintenance. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by November 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*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–11802; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*. You may find this material on the EASA website at *ad.easa.europa.eu*. It is also available at *regulations.gov* under Docket No. FAA–2026–11802.
- 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: Camille Seay, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5149; email: *camille.l.seay@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–2026–11802; Project Identifier MCAI–2025–01451–T'' at the beginning of your comments. The most helpful comments reference a specific

portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Camille Seay, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5149; email: *camille.l.seay@faa.gov*. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0244, dated October 30, 2025 (EASA AD 2025–0244) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A350–941 and –1041 airplanes. The MCAI states that a girt bar fitting safety hook on an airplane in the production line was found stuck in the upward position due to excessive sealant applied between the girt bar fitting and door mat. Investigations confirmed the root cause as excessive sealant application, causing mechanical interference with the safety hook's range of motion. This condition, if not detected and corrected, could lead to girt bar disengagement from the girt bar fitting assembly with consequent passenger door slide deployment failure during an emergency, possibly preventing safe evacuation of airplane occupants.

The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–11802.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0244 specifies procedures for a detailed inspection of each affected part (passenger/crew door girt bar fitting assembly) for discrepancies and applicable corrective actions, and provides additional requirements for maintenance. Discrepancies include a safety hook that is stuck in the upward position or obstructed by excessive sealant. Corrective action includes removing excessive sealant and applying a thin layer of sealant. The maintenance requirement prohibits the use of certain maintenance procedure (MP) tasks. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0244 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0244 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0244 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0244 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2025–0244. Material required by EASA AD 2025–0244 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–11802 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 38 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	$0	$85	$3,230

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
1 work-hour × $85 per hour = $85 per door	Negligible	$85 per door.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2026–11802; Project Identifier MCAI–2025–01451–T.

(a) Comments Due Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Unsafe Condition

This AD was prompted by a girt bar fitting safety hook on an airplane in the production line was found stuck in the upward position due to excessive sealant applied between the girt bar fitting and door mat. The FAA is issuing this AD to address excessive sealant application. The unsafe condition, if not addressed, could lead to girt bar disengagement from the girt bar fitting assembly with consequent passenger door slide deployment failure during an emergency, possibly preventing safe evacuation of airplane occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0244, dated October 30, 2025 (EASA AD 2025–0244).

(h) Exceptions to EASA AD 2025–0244

(1) Where EASA AD 2025–0244 refers to September 22, 2025 (the effective date of EASA AD 2025–0192, dated September 8, 2025), this AD requires using the effective date of this AD.

(2) Where paragraph (4) of EASA AD 2025–0244 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (2) of EASA AD 2025–0244 specifies ''discrepancies, as identified in the AOT, are detected'', for this AD replace that text with ''any discrepancy of an affected part is detected''.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0244.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0244 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, 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 (k) of this AD and email to: *AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(3) *Required for Compliance (RC):* Except as required by paragraphs (i) and (j)(2) of this AD, if any material referenced in EASA AD 2025–0244 contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph, must be done to comply with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

(k) Additional Information

For more information about this AD, contact Camille Seay, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5149; email: *camille.l.seay@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0244, dated October 30, 2025.

(ii) [Reserved]

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

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

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

Issued on October 5, 2026.

Brian Knaup,

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

[FR Doc. 2026–20701 Filed 10–7–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–11803; Project Identifier MCAI–2025–01392–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A318, A319, A320, and A321 series airplanes. This proposed AD was prompted by a finding that severe corrosion could occur on affected slotted nuts located at the wing thrust spigots. This proposed AD would require repetitive inspections of the affected slotted nuts and applicable corrective actions. This proposed AD would also prohibit the installation of affected parts. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by November 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*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–11803; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2026–11803.
- 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: Camille Seay, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5149; email: *camille.l.seay@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–2026–11803; Project Identifier MCAI–2025–01392–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Camille Seay, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5149; email: *camille.l.seay@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0185, dated August 26, 2025 (EASA AD 2025–0185) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A318, A319, and A321 series airplanes; and Model A320–211, –212, –214, –215, –216, –231, 232, 233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes. Model A320–215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The manufacturer service information states

that following three in-service occurrences of severely corroded slotted nuts that lead to loss of the interfacing portion with the spigot sleeve, a risk of complete migration of the spigot sleeve has been identified. Further, the MCAI states, following these occurrences, it was identified that severe corrosion could occur on slotted nuts having part number (P/N) D57250182200 (*i.e.,* affected parts), located at the wing thrust spigot of both wings. Corrosion of an affected part, if not detected and corrected, could lead to loss or migration of the spigot sleeve. The unsafe condition, if not addressed, could result in degraded pylon and wing structure integrity.

The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–11803.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0185 specifies procedures for conducting repetitive inspections of each slotted nut having P/N D57250182200 on the left-hand and right-hand sides (*i.e.,* repetitive general visual inspections of the wing spigot fitting area of each wing fitted with an affected slotted nut for a migrated or missing spigot sleeve) and corrective actions. Corrective actions include contacting Airbus for repair instructions and accomplishing those instructions accordingly if the spigot sleeve has migrated or is missing. EASA AD 2025–0185 also prohibits the installation of affected parts and requires reporting inspection results.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0185 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0185 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0185 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0185 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2025–0185. Material required by EASA AD 2025–0185 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–11803 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,987 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
2 work-hour × $85 per hour = $170 per inspection cycle ...	$0	$170 per inspection cycle	$337,790 per inspection cycle.

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

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2026–11803; Project Identifier MCAI–2025–01392–T.

(a) Comments Due Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS airplanes, certificated in any category, as identified in paragraphs (c)(1) through (4) of this AD.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, –171N, and –173N airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –253NY, –271N, –271NX, –271NY, –272N, and –272NX airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by a finding that severe corrosion could occur on affected slotted nuts located at the wing thrust spigots. The FAA is issuing this AD to address corrosion of affected slotted nuts located at the wing thrust spigots of both wings, which could lead to loss or migration of the spigot sleeve. The unsafe condition, if not addressed, could result in degraded pylon and wing structure integrity.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0185, dated August 26, 2025 (EASA AD 2025–0185).

(h) Exceptions to EASA AD 2025–0185

(1) Where EASA AD 2025–0185 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0185 defines a serviceable part as ''any slotted nut, eligible for installation in accordance with Airbus approved instructions, that is not an affected part'', this AD requires replacing that text with ''any slotted nut, eligible for installation, that is not an affected part''.

(3) Where paragraph (2) of EASA AD 2025–0185 states ''discrepancies are detected, as defined in the AOT'', this AD requires replacing that text with ''any migrated or missing spigot sleeve is detected''.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0185.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any material referenced in EASA AD 2025–0185 contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph, must be done to comply with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Camille Seay, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5149; email: *camille.l.seay@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0185, dated August 26, 2025.

(ii) [Reserved]

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

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

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

Issued on October 6, 2026.

Brian Knaup,

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

[FR Doc. 2026–20700 Filed 10–7–26; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2026–4654; FRL–13434–01–R9]

Air Quality Plan; Arizona; Maricopa County Air Quality Department; New Source Review; Emission Reduction Credits—Rule 204

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing to approve a revision to the Maricopa County Air Quality Department (MCAQD or ''Department'') portion of the Arizona State Implementation Plan (SIP). This revision establishes a federally enforceable program allowing nonroad engine fleet owners/operators to generate emission reduction credits (ERCs) by either retrofitting their nonroad engines or replacing their nonroad engines with lower-emitting nonroad engines while meeting other Clean Air Act (CAA or ''Act'') requirements. These ERCs are intended for use as offsets for major stationary sources under the Department's Nonattainment New Source Review (NNSR) program. We are proposing to approve a local rule to allow for the generation of ERCs through voluntary nonroad engine emission reductions under the CAA.

DATES: Comments must be received on or before November 9, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2026–4654 at *https://www.regulations.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Elijah Gordon, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; telephone number: (415) 972–3158; email address: *gordon.elijah@epa.gov.*

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

ADEQ—Arizona Department of Environmental Quality
CAA—Clean Air Act
CBI—Confidential Business Information
CFR—Code of Federal Regulations
EIP—economic incentive program
EPA—Environmental Protection Agency
ERC—emission reduction credit
FR—Federal Register
IBR—incorporation by reference
MCAQD—Maricopa County Air Quality Department
NAA—nonattainment area
NAAQS—national ambient air quality standards
NERC—nonroad engine emission reduction credit
NNSR—Nonattainment New Source Review
NO_X—oxides of nitrogen
PM_{10}—particulate matter 10 micrometers or smaller in diameter
RFP—reasonable further progress
ROP—rate of progress
SIP—State Implementation Plan
TSD—technical support document
VOC—volatile organic compound
U.S.C.—United States Code

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I. Executive Summary

A. What action is the EPA taking?

The EPA is proposing to approve the Arizona Department of Environmental Quality's (ADEQ's) November 14, 2025, submittal of MCAQD Rule 204, ''Emission Offsets Generated by Voluntary Nonroad Engine Emission Reductions,'' as revised on November 5, 2025, (''Rule 204'') (''MCAQD Rule 204 submittal'') into the Arizona SIP. As an economic incentive program (EIP), Rule 204 allows for the generation of ERCs from nonroad engines. When nonroad engines are replaced or retrofitted with lower-emitting equipment, the resulting emissions reductions can be banked and credited as ERCs to offset emissions increases elsewhere. ERCs generated by this rule are intended to offset emissions increases at major stationary sources as part of the preconstruction permit process required by the CAA's NNSR program.

If finalized as proposed, Rule 204 would be incorporated into the federally enforceable Maricopa County portion of the Arizona SIP with one exception where the EPA is deferring action on a severable provision of the MCAQD Rule 204 submittal. The provision, section 301.2 b.(3) of Rule 204, relies on and references MCAQD Rule 230, ''General Permits'' (''Rule 230''), a rule that has not previously been approved into the Arizona SIP. The EPA intends to act on this provision when acting on the pending SIP submittal for Rule 230. In the interim, and as described in section III.B of this document, this provision is not otherwise needed to ensure Rule 204 meets CAA requirements.

Additionally, the EPA is proposing to approve the Department's EIP support document [1] into the non-regulatory portion of the Arizona SIP. The Department's EIP support document contains relevant information on how the MCAQD will ensure that the implementation of Rule 204 will meet all CAA requirements.

B. What is the legal authority and what are the requirements?

We are taking this action under CAA section 110. Pursuant to CAA section 110(a), States are required to submit SIPs to the EPA that provide for the implementation, maintenance, and enforcement of the national ambient air quality standards (NAAQS). CAA section 110(k) requires SIPs to meet certain procedural requirements and requires the EPA to approve or disapprove SIP submissions. CAA

[1] The Department's EIP support document is Appendix 18 of the MCAQD Rule 204 submittal.

section 110(l) requires States to provide public notice and an opportunity for public hearing of SIP revisions prior to their submittal and prohibits the EPA from approving any SIP revisions that would interfere with attainment or maintenance of a NAAQS, reasonable further progress, or other CAA applicable requirements. If a SIP submittal meets all the applicable CAA requirements, then the EPA must approve the submittal under CAA section 110(k)(3).

In evaluating the MCAQD Rule 204 submittal, the EPA must also consider whether ERCs generated under the rule would meet the requirements in CAA section 173 and 40 CFR 51.165. CAA section 173(c)(1) requires that emissions increases from a new or modified stationary source ''shall be offset by an equal or greater reduction, as applicable, in the actual emissions of such air pollutant from the same or other sources in the area,'' meaning the emissions reductions must be ''real'' and not a theoretical reduction in the source's potential to emit; in other words, it requires that each offset represents emissions that have been taken out of the air. CAA section 173(c)(2) only allows emissions reductions to be creditable as offsets if they are not otherwise required by the CAA, meaning they must be ''surplus'' to other CAA requirements. Building on this, 40 CFR 51.165(a)(3)(ii)(C)(*1*)(*i*) requires offsets for SIP-approved NNSR programs to be surplus, permanent, quantifiable, and federally enforceable. Collectively, CAA section 173(c) and 40 CFR 51.165 require offsets to be real, surplus, permanent, quantifiable, and federally enforceable. Generally, emissions reductions meet these requirements if they are based on reductions in actual emissions, have not been relied upon in any air quality-related programs under the CAA, can be reliably calculated using methods that can be replicated, will last in the nonattainment area (NAA) for the life of the source utilizing the credits, and are legally and practicably enforceable by the EPA.

As part of our review, we also considered the EPA's 2001 EIP guidance document titled ''Improving Air Quality with Economic Incentive Programs'' (''2001 EIP guidance''), which sets out the EPA's non-binding guidelines on discretionary EIPs.[2] An EIP is a regulatory program that implements market-based strategies to achieve an air quality objective. Rule 204 is considered an EIP because it provides a framework for generating ERCs from nonroad engine sources. The ERCs generated under the EIP may be traded with stationary sources to provide the offsets required under a NNSR program. The 2001 EIP guidance document does not represent final EPA action on the requirements for EIPs, but it identifies several different types of EIPs and proposed elements for each type that, if met, could ensure that the program meets the applicable CAA requirements.

II. Background

The MCAQD is the local air pollution control agency for Maricopa County, Arizona and is responsible for regulating stationary sources of air pollution within its boundaries. Portions of Maricopa County designated nonattainment for the 2008 and 2015 ozone NAAQS are classified as ''Moderate'' and portions of Maricopa County designated nonattainment for the 1987 particulate matter 10 micrometers or smaller in diameter (PM_{10}) NAAQS are classified as ''Serious.'' [3] Therefore, the MCAQD is required to implement a NNSR program, which requires new or modified sources emitting ozone precursors or PM_{10} exceeding specific thresholds to secure surplus emissions reductions to offset the proposed project's projected emissions increases.[4] [5]

The MCAQD states that the quantity of surplus emissions reductions currently available for use as NNSR offsets do not appear sufficient to support current and projected economic growth. The MCAQD developed Rule 204 to generate NNSR offsets for oxides of nitrogen (NO_X) and volatile organic compounds (VOC). Rule 204 creates a regulatory structure for the generation and use of nontraditional ERCs from nonroad engine sources, or nonroad engine ERCs (NERCs), for the Department's NNSR program. The rule allows nonroad engine source fleet owners/operators that permanently reduce NO_X or VOC emissions from their fleets, or ''generators,'' to trade those reductions to stationary sources, or ''credit users,'' who can then use them to offset their proposed NO_X or VOC emissions increases for the purpose of meeting NNSR requirements.

III. Summary of Arizona's Submittal

A. What did Arizona submit?

On November 14, 2025, the ADEQ, the Governor's designee for Arizona SIP submittals, submitted the MCAQD Rule 204 submittal to the EPA on behalf of the MCAQD. Table 1 lists the rule we are proposing for inclusion in the Arizona SIP, which the ADEQ included in the submittal with the Department's technical support materials.

TABLE 1—RULE PROPOSED FOR INCLUSION IN THE ARIZONA SIP

Local agency	Rule No.	Rule title	Revised	Submitted
MCAQD	204, except section 301.2 b.(3).	Emission Offsets Generated by Voluntary Nonroad Engine Emission Reductions.	11/5/25	11/14/25

On May 14, 2026, the MCAQD Rule 204 submittal became complete by operation of law with respect to the completeness criteria in 40 CFR part 51, appendix V.

Rule 204 outlines the requirements a generator must meet before the Department can certify the emissions reductions as meeting the offset requirements specified for NNSR programs. In general, the rule requires the generator to submit certain information in its NERC application; provides procedures for processing an application; provides methodologies to calculate emissions reductions; requires the issuance of NERC certificates; and provides ongoing monitoring, recordkeeping, and reporting requirements for NERC generators. The rule also contains certain requirements for the credit user and the Department. The EPA's technical support document

[2] A discretionary EIP is not subject to the requirements for mandatory EIPs found in 40 CFR part 51, subpart U.

[3] 40 CFR 81.303.

[4] 40 CFR 51.165(a)(1)(iv). The major source threshold for both VOC and NO_X, which are precursors of ozone, is 100 tons per year for the portions of Maricopa designated as Moderate nonattainment for the 2008 and 2015 ozone NAAQS. The major source threshold for the Serious PM_{10} nonattainment areas is 70 tons per year for PM_{10} and PM_{10} precursors.

[5] 40 CFR 51.165(a)(9)(ii). The offset ratio for Moderate ozone nonattainment areas is at least 1.15 to 1. The offset ratio for Serious PM_{10} nonattainment areas is at least 1 to 1.

(TSD) includes more information about this rule.

There are no previous versions of Rule 204 approved in the Arizona SIP; however, the MCAQD adopted an earlier version of this rule on December 11, 2019, and the ADEQ submitted it to the EPA on December 20, 2019 (''2019 submittal''). When the ADEQ submitted Rule 204 for approval into the Arizona SIP, it also withdrew the 2019 submittal, including the December 11, 2019 version of Rule 204.

B. Deferred Action

When acting on ERC applications, Rule 204 requires generators to obtain permits that impose conditions that will make ERCs permanent and enforceable.[6] The rule lists three Maricopa County permit rules that can be used as the mechanism for these permits. The permit rule listed in section 301.2 b.(3) of Rule 204 is Maricopa County Rule 230 and has not yet been approved into the Maricopa County portion of the Arizona SIP.

The EPA is therefore deferring action on section 301.2 b.(3) of Rule 204. We plan to act on this provision when acting on the pending SIP submittal for Rule 230.[7] ERC generators will be able to use the other SIP-approved permitting rules listed in Rule 204 to meet the necessary requirements.

IV. The EPA's Evaluation of Arizona's Submittal

A. Does the submittal meet the evaluation criteria?

The EPA finds that Rule 204, and the Department's accompanying supplemental documents, comply with the applicable CAA requirements and are consistent with relevant guidance. The EPA finds that the rule ensures offsets will meet the offset requirements in CAA section 173 and 40 CFR 51.165, including that offsets be real, surplus, permanent, quantifiable, and federally enforceable. Finally, the EPA finds that the rule meets the substantive requirements for SIPs and SIP revisions set forth in CAA sections 110(a)(2) and 110(l).

Rule 204 is focused on the creation of NO_X and VOC offsets for the NNSR permit program and includes requirements that ensure offsets generated from nonroad engines meet the real, surplus, permanent, quantifiable, and federally enforceable criteria in CAA section 173 and 40 CFR 51.165(a)(3)(ii)(C)(*1*)(*i*). Specifically, Rule 204 requires generators to demonstrate that the captive fleet of nonroad engines used to generate emissions reductions is based, and operates, in the NAA and the fleet's operation inside the NAA is quantifiable.[8] Appendix A of Rule 204 articulates the calculation formulas used to determine the quantity of NERCs that can be generated. Generators must use actual emissions and actual operating data rather than potential emissions when calculating emissions reductions.[9] The calculation method is fuel neutral, meaning any replaced or retrofitted equipment that emits less NO_X or VOC than the original nonroad engine is eligible to generate NERCs. Rule 204's methodology for quantifying emissions reductions is clear, replicable, and enforceable.

Rule 204 also lists the elements that are required to be in a NERC application submittal.[10] For example, information on the methodology for quantifying the surplus reductions in qualifying emissions, including emissions calculations, documentation of rated horsepower and each original nonroad engine's historic hours of operation, and how these rates were determined are required within a NERC application. Once the generator submits the NERC application to the Department, the Department must evaluate it to determine whether the proposed qualifying emissions will result in real, surplus, permanent, quantifiable, and federally enforceable emissions reductions.[11] If the Department determines that the criteria have been met, the generator can then submit a permit application to the Department, in accordance with the SIP-approved requirements of MCAQD Rule 210, ''Title V Permit Provisions,'' as revised on December 11, 2019 (''Rule 210''), or MCAQD Rule 220, ''Non-Title V Permit Provisions,'' as revised on December 11, 2019 (''Rule 220''), seeking a new permit or permit revision that imposes conditions to make the reductions in qualifying emissions permanent and enforceable.[12]

Generators of NERCs must demonstrate permanence through monitoring and recordkeeping requirements that ensure replaced nonroad engines can no longer operate in the NAA and/or that usage is not shifted to other nonroad engines with higher emission factors within the captive fleet. Rule 204 accomplishes this through numerous requirements including the following: limiting the applicability of the rule to ''captive fleet'' [13] nonroad engines; requiring the original baseline nonroad engine to be permanently removed from the NAA or rendered permanently disabled and disposed of; [14] requiring any future replacement of a new or retrofitted nonroad engine in the next 20 years to be with a nonroad engine that is certified to the same or more stringent emission factor; [15] and related monitoring, recordkeeping, and reporting requirements.[16]

Based on these and other requirements in Rule 204, the EPA finds that NERCs issued under Rule 204 will be real, surplus, permanent, quantifiable, and federally enforceable. Since Rule 204 is only focused on the creation of offsets, the Department's existing SIP-approved NNSR program is the predominate mechanism for the issuance of NNSR permits in Maricopa County and for ensuring the permitting requirements in CAA section 173 and 40 CFR 51.165 are met.[17] The EPA finds that the provisions of Rule 204 are also consistent with the Department's existing NNSR program and would not alter how the program is implemented.

Regarding CAA section 110(a)(2) requirements, Rule 204 provides a process for establishing federally enforceable emissions limitations that will be used to generate offsets under the NNSR program. Rule 204 requirements and applicability are clear, and the monitoring, recordkeeping, reporting, and other provisions ensure that compliance can be consistently evaluated and determined. As stated previously, the MCAQD evaluates proposed reductions in qualifying emissions, certifies the reductions if they meet the certification criteria, issues permits or permit revisions to incorporate requirements that make the reductions in qualifying emissions permanent and federally enforceable, and issues NERC certificates for the certified quantity of qualified emissions reductions. Once NERCs are issued, Rule 204 requires continuous monitoring of the fleets of nonroad engines to ensure ongoing compliance.

[6] Rule 204, section 301.2 b.

[7] On July 8, 2026, Rule 230 was submitted to the EPA for SIP approval. The rule does not currently contain provisions for the issuance of ERC general permits.

[8] Rule 204, section 302.1 a.

[9] Rule 204, sections 203 and 210.

[10] Rule 204, section 301.1 a.

[11] Rule 204, section 301.2 a.

[12] Rule 204, section 301.2 b. Rule 210 and Rule 220 were approved into Maricopa County portion of the Arizona SIP on Feb. 15, 2022 (87 FR 8418).

[13] Rule 204, section 204.

[14] Rule 204, section 302.2 d.

[15] Rule 204, section 302.2 e.

[16] *E.g.,* Rule 204, sections 302.2, 401.2, 401.3, 501, 503, 504, and 505.

[17] MCAQD Rule 240, ''Federal Major New Source Review (NSR),'' revised Dec. 11, 2019, contains the majority of the MCAQD's NNSR program (87 FR 8418, Feb. 15, 2022).

Regarding CAA section 110(l) requirements, based on our review of the public process material included in the submittal, the EPA finds that the Department has provided sufficient evidence of public notice and opportunity for comment and public hearings prior to adoption and submittal of Rule 204 to the EPA. Finally, Rule 204 is a new rule that does not relax any existing SIP provisions or interfere with any applicable requirement concerning attainment and reasonable further progress/rate of progress (RFP/ROP) demonstrations or any other CAA requirements.

The EPA's TSD, which is in the docket for this action, contains a detailed and complete evaluation of how Rule 204 and the accompanying supplemental documents satisfy all applicable CAA requirements.

B. Proposed Action and Public Comment

As authorized in CAA section 110(k)(3), the EPA proposes to approve the MCAQD Rule 204 submittal, except for section 301.2 b.(3) of Rule 204, because it fulfills all relevant requirements. We will accept comments from the public on this proposal until November 9, 2026. If we finalize approval of the MCAQD Rule 204 submittal, our final action will incorporate Rule 204, except section 301.2 b.(3), into the federally enforceable Maricopa County portion of the Arizona SIP and add MCAQD's EIP support document into the non-regulatory portion of the Arizona SIP. These revisions would be codified at 40 CFR 52.120.

V. Incorporation by Reference

In this document, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference Maricopa County Air Quality Department Rule 204, except section 301.2 b.(3), ''Emission Offsets Generated by Voluntary Nonroad Engine Emission Reductions,'' revised November 5, 2025, which establishes a program allowing fleet owners/operators to generate ERCs by either retrofitting or replacing existing fleet nonroad engines with lower-emitting nonroad engines and meeting other ongoing requirements. The EPA has made, and will continue to make, these materials available through *https://www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L.104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it proposes to approve a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

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

Dated: October 5, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

[FR Doc. 2026–20612 Filed 10–7–26; 8:45 am]

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Notices

Federal Register
Vol. 91, No. 194
Thursday, October 8, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2021–0081]

Notice of Decision To Deregulate Chrysanthemum White Rust and the Importation of Chrysanthemum spp. Cuttings, and In Vitro Plantlets, and Synonymous Taxa From Certain Countries Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to deregulate Chrysanthemum White Rust and authorize the importation of *Chrysanthemum* spp. cuttings, *in vitro* plantlets, and synonymous taxa from certain countries into the continental United States as described in this notice. Based on the findings of the pest risk analyses, which we made available to the public for review and comment through a previous notice, we modified and updated the commodity import evaluation and pest list documents and determined that the importation of *Chrysanthemum* spp. cuttings, *in vitro* plantlets, and synonymous genera from certain countries does not pose a risk of introducing quarantine pests into the United States.

DATES: Imports may be authorized beginning November 9, 2026.

FOR FURTHER INFORMATION CONTACT: Ms. Heather Coady and Ms. Shannon Jarman, Regulatory Policy Specialist, Plants for Planting Policy, PPQ, APHIS, 5601 Sunnyside Ave., Beltsville, MD 20705; (240) 935–1598; *PPQ.NAPPRA@USDA.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under the regulations in ''Subpart H–Plants for Planting'' (7 CFR 319.37–1 through 319.37–23, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) prohibits or restricts the importation of plants for planting into the United States from certain parts of the world to prevent plant pests from being introduced into or disseminated within the United States.

Section 319.37–4 provides that certain taxa of plants for planting are not authorized for importation into the United States pending pest risk analysis (NAPPRA) to prevent the introductions of quarantine pests into the United States. Paragraph (e) of that section describes the process of removing a taxon from the NAPPRA list. Under that process, APHIS proposes the importation of the taxon into the United States if, based on findings of a pest risk analysis, we determine that taxon-specific restrictions can mitigate the pest risk associated with the importation of that taxon. APHIS then publishes a notice in the **Federal Register** announcing the availability of the pest risk analysis in response to the request to remove taxa from the NAPPRA list. Following the close of the comment period, APHIS will issue a subsequent **Federal Register** notice announcing whether or not we will remove the taxa.

In accordance with that process, we published a notice [1] in the **Federal Register** on April 17, 2023 (88 FR 23390–23391, Docket No. APHIS–2021–0081) in which we announced the availability, for review and comment, of pest risk analyses. One of the analyses evaluated the risks associated with the importation of *Chrysanthemum* (=*Dendranthema*) spp., *Leucanthemella serotina, Nipponanthemum nipponicum* and synonymous taxa cuttings (stems, leaves) and *in vitro* plantlets under a systems approach from Belgium, Bolivia, Brazil, Colombia, Costa Rica, El Salvador, Ethiopia, Germany, Guatemala, Kenya, Mexico, the Netherlands, Nicaragua, Panama, Spain, Tanzania, Tunisia, Uganda, the United Kingdom, and Vietnam into the continental United States. The 20 countries referenced above submitted a request related to the importation of *Chrysanthemum* spp. and synonymous genera cuttings and *in vitro* plantlets. The other analysis evaluated the risk associated with the importation of cuttings, *in vitro* tissue culture plantlets, *in vitro* tissue culture plants with roots, and bare-root plants of the same taxa from Canada under a separate protocol and in response to a request from Canada.

We also made available an economic evaluation (EE) analyzing Chrysanthemum White Rust's (CWR) regulatory status pursuant to biological research that revealed CWR can be systemic and survive in below-ground parts. (The EE was initially completed in 2019; however, APHIS reviewed the document in September 2026 and confirmed that the 2019 data analyzed remains accurate.) Through the EE, APHIS determined that the United States eradication policy for CWR is no longer technically and economically justified. Specifically, APHIS found that efforts to eradicate CWR are costly because the pathogen can overwinter and survive in dormant below-ground parts, with a latency of expression. Additionally, APHIS found that fungicides are available and provide growers with a compliance alternative at a fraction of the cost of the value of a chrysanthemum plant. To that end, APHIS determined that CWR is no longer considered a pest of quarantine significance and should be moved to a management phase.

We solicited comments on the notice for 60 days, ending on June 16, 2023. We received 13 comments by that date.

In response to the initial notice of availability, several commenters noted that we did not delineate ''synonymous genera'' and requested that the intended taxa be included by that term. Based on these comments, APHIS modified and updated the pest lists to clarify and refine references to regulatory taxa, consolidated both pest lists into one list, and revised the Commodity Import Evaluation Document (CIED). In addition, APHIS updated the list of affected nations and genera referenced in these documents to ensure that all descriptions are clear and accurate and in alignment with the regulations. Outside of the 20 countries identified in this notice, NAPPRA still applies to all other countries to prevent the

[1] To view the notice and the supporting documents, go to *www.regulations.gov.* Enter APHIS–2021–0081 in the Search field.

introductions of quarantine pests into the United States. As a result, 7 CFR 319.5 requires the national plant protection organization (NPPO) of such countries to submit a request for possible changes to import requirements for plants for planting from the countries, and § 319.37–4 of the regulations requires APHIS to conduct a pest risk analysis and take public comment using a notice-based process before removing certain taxa of plants for planting for importation into the U.S. from a requesting country.

In accordance with § 319.37–4(ii), on May 27, 2025, we published a subsequent notice in the **Federal Register** (90 FR 22225–22226, Docket No. APHIS–2021–0081) reopening the comment period to allow interested persons time to review the revised supporting documents. We solicited comments on the notice for 30 days, ending on June 26, 2025. We received 21 comments by that date.

APHIS received comments from businesses that import, export, and distribute flowers, trade associations, as well as local and foreign governments. Most commenters supported deregulating CWR and the systems approach for imports. Other commenters opposed to deregulating CWR noted concerns with the pest risks and compliance measures for movement. In addition, a few commenters provided technical comments regarding the CIED and economic comments. The comments are discussed below.

Commenters in support of deregulating CWR stated that deregulation would reduce the impact on growers and stated that the technical basis for maintaining federal quarantine for CWR no longer exists. Others stated that deregulating CWR aligns with U.S. phytosanitary policy.

APHIS agrees with the commenters. As detailed in the EE that accompanied the initial notice, the eradication policy for CWR is no longer technically and economically justified.

General Comments

One commenter stated that deregulating CWR opens trade channels and aligns with international best practices. Specifically, the commenter stated that the current restriction has limited innovation and has placed U.S. growers at a disadvantage in global markets. The commenter added that opening trade channels supports a more dynamic, diverse, and economically resilient ornamental plant industry. In addition, the commenter claimed that it would align with international best practices and reduce unnecessary trade barriers.

APHIS agrees that deregulating CWR opens trade channels and aligns with international best practices. Based on our EE, APHIS determined that CWR is no longer considered to be a quarantine pest and that moving CWR to a management phase is appropriate and aligns with the International Standard for Phytosanitary Measures (ISPM).

On the other hand, some commenters stated that the proposed pathway of regulatory change would encourage a reduction of regulatory harmonization between U.S. and Canada and cause unintended trade disruption. One commenter requested that APHIS consider a working group with APHIS and the Canadian Food Inspection Agency (CFIA) on a coordinated approach to deregulation in order to minimize any potential trade disruptions.

In response to these comments, CFIA has repeatedly indicated to APHIS that they intend to harmonize with the U.S. on the deregulation of CWR. This will include harmonization through the U.S.-Canada Greenhouse-Grown Plant Certification Program (GCP), and requiring a phytosanitary certificate with an additional declaration regarding the pests of concern from the pest list for Canadian origin *Chrysanthemum* (=*Dendranthema*) spp., *Leucanthemella serotina, Nipponanthemum nipponicum* and synonymous taxa being shipped other than under the GCP program or systems approach. As explained in the CIED and in the technical requirements document of the GCP referenced in the CIED, the GCP is a bilateral audit-based export certification program wherein facilities authorized by APHIS or CFIA must meet all of the phytosanitary import requirements of both the U.S. and Canada in addition to completing all requirements of the GCP. A working group with APHIS and CFIA representatives related to this matter already exists and communicates frequently with each other to promote alignment of regulatory approaches between the U.S. and Canada.

Some commenters expressed concerns that deregulation could prove disruptive to U.S. exports to Canada. The commenters stated that the GCP was not designed to address possible deregulation of CWR, and that Canadian exports would thus have to be accompanied by a phytosanitary certificate. The commenters opined that the implementation of the proposed deregulation would result in additional restrictions on U.S. exporters of chrysanthemums to Canada due to their plants being deemed ineligible for entry into Canada under the GCP or under a phytosanitary certificate.

As noted above, Canada has indicated to APHIS that they intend to harmonize with the U.S. on deregulation of CWR, including within the GCP. As noted in the CIED, APHIS has determined that the measures and requirements of the GCP are equivalent to the systems approach required for the above-specified NAPPRA countries. The minimum standards for the places of production in the GCP meet most requirements in the systems approach program above. Furthermore, these GCP facilities have a minimum of two audits annually, which encourages compliance.

Three commenters opposed to deregulating CWR on imported plants for planting stated concerns with the biological security of U.S. ornamental and agricultural industries and the impact on domestic producers work towards pathogen-free propagation systems. For example, according to the commenters, CWR is very contagious within a mum planting, and can be spread to other plantings by wind during rainy weather. One of these commenters indicated that the domestic chrysanthemum industry has done an effective job under the current domestic eradication protocols at controlling outbreaks of CWR and managing its spread. Another commenter stated that CWR should remain regulated in order to protect native chrysanthemum species within the United States.

For reasons set forth in the EE that accompanied the initial notice, we disagree that the current domestic eradication-based protocols are proving effective. As noted in the EE, chrysanthemum cuttings imported for propagation have largely been from South America, Europe and Africa; however, the sources of outbreaks in Eastern States were likely from California rather than from imports. The EE also noted that the linked genotypes between the West Coast and East Coast appear to indicate that CWR is endemic within the United States.

We acknowledge CWR has limited host range and spore survival with limited natural distribution. However, as noted in the EE, CWR spores can overwinter in below-ground parts, such as roots, and the disease can become systemic but asymptomatic in affected plants. Provided that CWR is likely already established in the environment, APHIS' position remains that the removal of the CWR eradication policy may be the most efficient option from society's benefit-cost point of view. To that end, best management practices are available for growers to manage disease

occurrences economically. Similarly, we disagree that Federal control of CWR is warranted. The ability of *P. horiana* to overwinter and survive in plants renders it costly to eliminate in accordance with the current domestic eradication protocols, and available fungicides are effective and economical alternatives to compliance with the current domestic eradication protocols. APHIS is aware of six fungicides that are labeled for general use for CWR, however the total number of fungicides in use varies among States. Finally, while the commenter did not specify which purportedly native species of chrysanthemum they had in mind, *Chrysanthemum arcticum,* in northern, coastal Alaska, is the only known native species within the United States. Due to climatic conditions in northern, coastal Alaska, this species will not be significantly impacted by deregulation of CWR due to the limited distribution of *Chrysanthemum arcticum* in northern coastal Alaska.

Two commenters expressed concern that overseas production systems for chrysanthemums may not be equivalent to domestic production systems for chrysanthemums, and relaxing import restrictions could, the commenters indicated, result in the introduction of other pests and diseases into the domestic production system.

The systems approach that we proposed for chrysanthemum imports is designed to have equivalent safeguards to those used by U.S. ornamental and agricultural industries. The mitigations proposed for imports would control many pests, not just CWR and the pests identified in the pest list, and the justification for their efficacy, which the commenters did not directly challenge, was detailed at length in the revised CIED that we issued. Additionally, with respect to Canada, as noted above, the GCP program is a bilateral program ran jointly by CFIA and APHIS, and all import requirements of both Canada and the U.S. must be met for authorized facilities to import.

One commenter stated that, instead of deregulation of CWR, additional resources should be devoted to hiring and training additional resources as identifiers and eradicators of CWR.

The EE indicates that eradication under the current protocol would be increasingly costly and resource intensive with limited feasibility of success. As stated above, fungal pathogens like *P. horiana* can infect plants systemically, even when they appear asymptomatic, which provides a mechanism for overwintering and long-term survival in the environment. This undermines eradication efforts because plants can harbor early-stage infections that are unable to be visually detected. Furthermore, CWR is likely already endemic throughout the United States, which further complicates the current eradication protocol. As noted in the EE, many potted plants are sold for landscape use in local U.S. areas. As a result, the number of backyards and other sites that would require inspections to effectively eliminate the disease would be burdensome. Additionally, chrysanthemum hobbyists often exchange cuttings. This swapping has created another pathway for spreading CWR making it difficult to regulate. To that end, APHIS maintains that the EE's conclusions are correct and that CWR should not be considered a quarantine pest subject to Federal eradication protocols.

With that being said, we do acknowledge that maintaining technical expertise in diagnostic capabilities in the identification and management of plant pathogens is important, and APHIS devotes both Federally appropriated and user-fee funds to this purpose. We will also continue to collaborate with State agencies, industry partners, and diagnostic networks to ensure robust early response to new plant pest outbreaks.

The same commenter expressed the opinion that CWR deregulation would directly contribute to increased fungicide usage, which the commenter considered to have a negative environmental impact.

APHIS acknowledges that there could potentially be an increase in fungicide usage, provided that the usage varies by State. However, fungicide usage remains subject to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA, 7 U.S.C. 136–136y) which allows for the registration of pesticides if it is determined that the product will not cause ''unreasonable adverse effects on the environment.'' [2] To that end, APHIS is confident that any increased fungicide usage will not cause substantial economic and environmental costs.

Finally, the commenter encouraged USDA to develop policy to support farmers who grow native and heirloom varieties, rather than non-native species such as *Chrysanthemum* spp.

This comment is outside the scope of this notice.

[2] 7 U.S.C. 136(bb) defines the term ''unreasonable adverse effects on the environment'' to mean: ''(1) any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or (2) a human dietary risk from residues that result from a use of a pesticide in or on any food inconsistent with the standard under section 346a of title 21.''

Systems Approach Comments

Several commenters noted concerns with the proposed systems approach. APHIS proposed that a written agreement, known as an Operational Work Plan (OWP), would have to be established and signed by APHIS and the National Plant Protection Organization (NPPO) of the exporting country to outline the conditions for producing and monitoring plant production.

Some commenters stated that the importation of *Chrysanthemum* spp. and related genera should be regarded as normal trade, and therefore not subject to an OWP but rather treated equivalently to cuttings or in-vitro material from other admissible plant commodities, which are not subject to an OWP requirement.

The commenters misunderstand the manner in which the initial notice was developed. As long as CWR remained of quarantine significance, the importation of *Chrysanthemum* spp. and related genera from CWR-affected countries remained subject to CWR-specific restrictions and prohibitions.

Based on the findings of our EE, we determined that CWR should no longer be considered of quarantine significance. This allowed for possible analysis of the plant pest risks associated with the importation of *Chrysanthemum* spp. and related genera other than those posed by CWR, and predicated on the possible removal of CWR-specific restrictions and prohibitions. This, in turn, made other sections of the regulations operative.

Section 319.37–20 of the regulations provides restrictions on the importation of specific types of plants for planting. As described in this section, changing the import status of taxa involves pest risk analysis and measures related to the pests found. The PRA identified several pests which require specific mitigations that must be adhered to within the exporting country in a standardized manner that aligns with the CIED. Based on this information, APHIS found that a systems approach program, subject to an OWP, is required to ensure that every grower adheres to the requirements outlined in the CIED.

On the other hand, commenters in support of the systems approach stated that CWR needs to move from a quarantine and eradication phase to a management phase. Supporters noted that the systems approach focuses on high phytosanitary standards to prevent infection, with appropriate auditing and inspection by APHIS, as well as pathogen prevention and control on part of the U.S. grower. Others noted that

they have confidence in the industry's ability to safely manage the importation of the cuttings and plantlets under the systems approach. The commenters also noted that both domestic and offshore growers have access to new and effective fungicides with systemic activity, capable of controlling CWR and other pathogens. It is their belief that CWR falls into the management category and should no longer be considered a pathogen of quarantine concern.

APHIS agrees with these commenters. The systems approach recommended is in accordance with the integrated pest risk management measures (IPRMM) in § 319.37–21 of the regulations. To that end, APHIS is confident that the systems approach of moving CWR to a management phase is appropriate for the reasons described in the CIED.

Some commenters raised issues with source cuttings from a third country subsequently sold or finished in the United States. It is general APHIS policy that all third-country origin chrysanthemum are required to meet the same requirements when re-exported from outside the United States as they would directly into the United States. Below, we discuss different scenarios related to this issue.

For clarity, shipment among approved facilities is permissible under the systems approach, pursuant to certain conditions. Production that entails movement of the commodity among approved facilities within the same country is permissible because, if the chrysanthemums are from within the same country, the pest mitigations would be the same for all facilities. On the other hand, facilities in different countries are not guaranteed to have the same pest risk profile. In these situations, APHIS would consider requests to ship between countries with APHIS-approved facilities growing *Chrysanthemum (=Dendranthema) spp., Leucanthemella serotina, Nipponanthemum nipponicum* and synonymous taxa on a case-by-case basis through the OWPs for the receiving countries. This would include identifying appropriate pest mitigation strategies to ensure the phytosanitary security of the plants moving between approved facilities in the different countries.

Though Canada currently restricts chrysanthemum import from countries other than the U.S., in the future if that status changes, APHIS would consider allowing Canada to re-export chrysanthemum to the United States if the plants met U.S. requirements when they entered Canada and the plants are shipped to the United States through the GCP.

Pest/Pest List Comments

Some commenters noted issues with specific pests and the PRA. One commenter stated that the supporting documents are insufficient and not ready for implementation. Specifically, the commenter stated that the proposed changes to the current chrysanthemum cuttings regulations will increase disease risks beyond CWR. The commenter further stated that there is a potential increase in two key viroid diseases, Chrysanthemum Stunt Viroid (CSVd) and Chrysanthemum Chlorotic Mottle Viroid (CChMVd), which are both mechanically transmissible and can spread easily through vegetative propagation.

CSVd is not a candidate for risk management because it occurs in the U.S. and is not under official control and CChMVd does not occur in any of the countries assessed.

Another commenter noted specific concerns about pest risk. The commenter requested the removal of the two lepidopterans, *Mamestra brassicae* and *Phlogophora meticulosa,* stating that they were not associated with the *Chrysanthemum* spp. and related genera and are also visually identifiable.

APHIS has determined that there is evidence that chrysanthemum and related species are hosts for *Mamestra brassicae* and *Phlogophora meticulosa,* as cited in the pest list document. So long as *Chrysanthemum* (=*Dendranthema*) spp., *Leucanthemella serotina, Nipponanthemum nipponicum* and synonymous taxa propagative material are a potential pathway for the two lepidopterans to enter the U.S., APHIS is unable to remove the pests from the pest list as requested. Furthermore, the ability of a pest to be visually identified on a host commodity may impact the assigned risk rating; however, it has no impact on whether it is a pest of concern.

One commenter had concerns regarding the implementation and timeline of the program. Specifically, the commenter questioned how the OWP would be created, implemented and enforced; whether the plan would be incorporated into the existing Offshore Greenhouse Certification Program (OGCP); whether growers will be permitted to grow chrysanthemums in the same greenhouse as other genera; and whether media sterilized by steaming or other sanitation methods will be allowed.

Due to the systems approach requirements, *Chrysanthemum (=Dendranthema) spp., Leucanthemella serotina, Nipponanthemum nipponicum* and synonymous taxa plants will not be eligible for the OGCP, which operates under different requirements, and APHIS has no intentions to incorporate the OWP into the existing OGCP.

OWPs are created with the NPPOs for each country as requested. The OWP must describe the parties responsible for implementation and enforcement pursuant to § 319.37–21 of the regulations. Currently only plants that are generally admissible are eligible for the OGCP. *Chrysanthemum* (=*Dendranthema*) spp., *Leucanthemella serotina, Nipponanthemum nipponicum* and synonymous taxa are not eligible for the OGCP due to being restricted taxa.

Next, more than one commodity may be grown in the same greenhouse provided that all import restrictions are met for all taxa being grown. This has no impact on the requirements in the CIED, specifically requirement 6, which states that ''plants must be grown in approved greenhouses used solely for plants grown in compliance with the requirements outlined in the OWP.'' The Agency's intent is to address the requirements for growing other taxa in the greenhouse in the OWP on a case-by-case basis, as opposed to a general restriction. The language ''plants in the greenhouse'' refers to the plant listed in the OWPs, in this case *Chrysanthemum (=Dendranthema) spp., Leucanthemella serotina, Nipponanthemum nipponicum* and synonymous taxa plants. Finally, growing media is not permitted if previously used; however, some sterilization methods may be considered, if requested, and would need APHIS' approval and inclusion in the OWP.

A few commenters provided technical comments for the CIED. Some commenters mentioned concerns with quarantine-designated pests that conflict with international standards. Commenters stated that data for *Puccinia horiana, Liriomyza huidobrensis,* and *Thrips palmi* do not fulfill all criteria required to be designated as quarantine pests under international standards, which require the pest either to not be present in the United States or be present only in limited distribution and under official control. Specifically, they argued that *Puccinia horiana* is no longer considered a regulated pest for the U.S. and therefore no phytosanitary measures or additional declarations should be required. Furthermore, they argued that *Liriomyza huidobrensis* and *Thrips palmi* are not expected to follow the *in vitro* plant propagation pathway and therefore should be removed from the list of pests to be regulated for *in vitro* plants.

In the pest list, APHIS provided the reasons for the inclusion of the pests. *Pucciana horiana* was included to capture its quarantine significance at the time the pest list was finalized and prior to this deregulation. Contrary to the commenters' concerns, APHIS determined that there is a reasonable likelihood of *Liriomyza huidobrensis* and *Thrips palmi* following the *in vitro* plant propagation pathway from the countries those plant pests have been reported in as listed in the pest list. The comments suggesting the removal of *Liriomyza huidobrensis* and *Thrips palmi* do not meet the criteria for removal.

APHIS acknowledges that there are historic records of the presence of *Liriomyza huidobrensis* in California. However, molecular analysis [3] shows that *L. huidobrensis* was misidentified, and only *L. langei* occurs there. APHIS found no other substantiated references for the presence of this pest in the U.S; therefore, no changes to the pest list are needed.

Finally, *Thrips palmi* remains a quarantine pest for the United States and is therefore actionable at ports of entry. *Thrips palmi* is on the regulated pest list and is captured in the web-based database, the Agricultural Risk Management (ARM) system, which is used by APHIS and Customs and Border Protection to track agricultural imports, inspections, and pest quarantines. Currently, APHIS has no intention to change, and the scientific literature and port-of-entry pest interception used in formulating the Pest List do not warrant a change in, the status of the *Thrips palmi.* Additionally, the mitigations listed in the CIED would remain the same with the removal of *Thrips palmi* provided that the mitigations would apply to other arthropod pests on the pest list.

The Colombian NPPO raised an issue with regard to *Maconellicoccus hirsutus.* Their concern was that the pest is widespread in the United States and not under official control. Additionally, they noted that *M. hirsutus* has not been recorded affecting chrysanthemum production systems in Colombia and therefore should be removed from the list of pests to be regulated for trade in chrysanthemum propagating material of Colombian origin.

Other commenters noted concerns with the International Standards for Phytosanitary Measures (ISPMs); specifically, ISPM No. 1 and ISPM No. 5. One commenter stated that in accordance with the principle of transparency established in ISPM No. 1, since *M. hirsutus* is only present in the state of Florida, the detailed distribution of this pest in the U.S. should be included. Another commenter stated that *M. hirsutus* should not be a quarantine pest according to ISPM No. 5, which defines a quarantine pest as ''a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled.''

As stated above, *M. hirsutus* is a quarantine pest and is therefore regulated at ports of entry. APHIS reviewed the States and references that were sent and determined that we are unable to confirm establishment of this species in many of the referenced States. However, APHIS agrees the distribution of *M. hirsutus* in the U.S. is likely wider than in the previous version of the pest list. To that end, APHIS revised the pest list to include additional States in the description of the distribution of *M. hirsutus* in the U.S.

With regard to the Colombian NPPO's comments about its absence in Colombia, there is evidence of *Chrysanthemum* and related species as hosts of *M. hirsutus* cited in the pest list document. Regardless of whether *M. hirsutus* has been reported on *Chrysanthemum* in Colombia, *Chrysanthemum* propagative material is still a potential pathway for *M. hirsutus* to enter the United States from other countries covered by the provisions of the revised CIED.

Other commenters, including the Netherlands, stated that there are viruses that are classified as quarantine pests in the CIED but are currently absent in their territory. The viruses mentioned were Carnation Italian Ringspot Virus (CIRV), Chrysanthemum stem necrosis virus (CSNV), and Tomato leaf curl New Delhi virus (ToLCNDV).

While addressing the comment from the Netherlands on CIRV, APHIS reevaluated the evidence of chrysanthemum as a host of this species. In 2015, a viral species termed CIRV was identified,[4] however, this species had only 88% identity to a reference isolate of CIRV, which is below the 95% threshold normally used for considering isolates. As a result, we considered the association between CIRV and chrysanthemum to be tenuous and removed CIRV from the pest list.

For those viruses that are classified as quarantine pests in the CIED but absent in a territory, specifically CSNV and ToLCNDV, the pest list describes which of the 21 countries where the pest is present. For example, CSNV is only listed as being present in Brazil and Belgium and ToLCNDV is only listed as being present in Spain and Tunisia. Accordingly, testing for CSNV will only be required for parental stock used in Brazil and Belgium and testing for ToLCNDV will only be required for parental stock plants used in Spain and Tunisia as specified in the NPPO's respective OWPs.

Finally, some commenters noted some economic concerns with the proposed deregulation. One commenter stated that foreign imports should be capped at current levels to mitigate oversupply. Another commenter stated that the costs of the current eradication policy outweigh the economic consequences.

APHIS' authority under the Plant Protection Act, as amended 7 U.S.C. 7701, *et seq.,* to prohibit or restrict imports is limited to when the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of a plant pest or noxious weed in the U.S., APHIS' authority does not extend to the control for market supply. To that end, APHIS agrees with the latter commenter in that the costs associated with deregulating CWR outweigh any economic consequences.

Therefore, in accordance with paragraph (e) of § 319.37–4 and paragraph (c)(2) of § 319.37–20, we are announcing that APHIS is revising conditions governing the importation of *Chrysanthemum* (=*Dendranthema*) spp., *Leucanthemella serotina, Nipponanthemum nipponicum* and synonymous taxa cuttings (stems, leaves) from Belgium, Bolivia, Brazil, Canada, Colombia, Costa Rica, El Salvador, Ethiopia, Germany, Guatemala, Kenya, Mexico, the Netherlands, Nicaragua, Panama, Spain, Tanzania, Tunisia, Uganda, the United Kingdom, and Vietnam into the continental United States in accordance with conditions specified in the final CIED that accompanies this notice. Additionally, we are providing public notification that we are no longer considering CWR a pest of quarantine significance either domestically or on imported products.

Congressional Review Act and Executive Order 12866

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this action as not a major rule, as defined by 5 U.S.C. 804(2). This action has been designated not significant pursuant to Executive Order 12866.

[3] For more information on the analysis see journal article here: *https://doi.org/10.1603/EC13279.*

[4] For more information on the first report of CIRV see journal article here: *https://doi.org/10.1094/PDIS-03-15-0267-PDN.*

Authority: 7 U.S.C. 1633, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 29th day of September 2026.

Kelly Moore,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–20631 Filed 10–7–26; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Alaska Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement of public briefings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a public briefing of the Alaska Advisory Committee to the U.S. Commission on Civil Rights will hold a series of public briefings via Zoom. The purpose of the public briefings is to gather testimony on the Committee's chosen topic.

DATES:

Wednesday, October 21, 2026, from 10:30 a.m.–12:30 p.m. AKDT.

Tuesday, October 27, 2026, from 10:30 a.m.–12:30 p.m. AKDT.

ADDRESSES: The meetings will be held via Zoom.

- *October 21st Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_jj5RU2S4Sbm4RzpXQDEHoA.*

Join by Phone (Audio Only): 1–833 435 1820 USA Toll Free; Webinar ID: 165 748 4967.

- *October 27th Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_fHFQQJYwQY2hC-IeTridVg.*

Join by Phone (Audio Only): 1–833 435 1820 USA Toll Free; Webinar ID: 165 886 4405.

Agenda: https://usccr.app.box.com/s/5bjsvzads12cnevf37248zm13geu2cib.

(Note: a final briefing agenda will be available prior to the briefing date).

FOR FURTHER INFORMATION CONTACT: Kayla Fajota, Designated Federal Officer (DFO) at *kfajota@usccr.gov,* or (434) 515–2395.

SUPPLEMENTARY INFORMATION: This virtual committee meeting is available to the public through the registration link above. Any interested member of the public may join at the link to listen to this meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting ''CC'' in the Zoom meeting platform. To request additional accommodations, please email Angelica Trevino, Support Services Specialist at *atrevino@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received within 30 days following the meeting. Written comments may be emailed to Kayla Fajota, Designated Federal Officer at *kfajota@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (434) 515–2395.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via the file sharing website: *https://usccr.app.box.com/folder/315009541404?s=4jyyw1lvvkvthdqp3sas9h0d3kdgkssi* as well as at: *www.facadatabase.gov* under the Commission on Civil Rights, selecting the Advisory Committee of interest. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at the above phone number.

Dated: October 6, 2026.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026–20662 Filed 10–7–26; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Oklahoma Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of virtual business/briefing meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the Oklahoma Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold virtual business/briefing meetings via ZoomGov on Thursday, October 22nd from 3:00 p.m.–4:00 p.m. CT, Thursday, December 3rd from 2:00 p.m.–3:00 p.m. CT, Monday December 7th from 2:00 p.m.–3:00 p.m. and Thursday December 17, 2026 from 2:00 p.m.—3:00 p.m. CT. For the purpose of planning their upcoming panels on the death penalty and hearing from Panel IV and V.

DATES: The meetings will take place on Thursday, October 22, 2026 from 3:00 p.m.–4:00 p.m. CT; Thursday, December 3, 2026 from 2:00 p.m.–3:00 p.m. CT, Monday, December 7, from 2:00 p.m.–3:00 p.m. CT and Thursday, December 17, 2026 from 2:00 p.m.–3:00 p.m.

ADDRESSES:

Thursday, October 22, 2026 (Business Meeting)

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_pEAM1frzQYqyf9p7D5KcmA.

- *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: # 165 642 7696.

Thursday, December 3, 2026 (Briefing Panel IV Meeting)

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_CcYfBW_5Sqi6xqwDj3oJZA.

- *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: #165 788 6924.

Monday, December 7, 2026 (Briefing Panel V Meeting)

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_i5bvke_WRSySL2IptE0zLQ.

- *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: #165 761 4803.

Thursday, December 17, 2026 (Business Meeting)

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_syB-8aHxTCu32QjyjphBmw.

- *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: #165 630 8536.

Agendas: (*note: final meeting agendas will be available prior to the meeting dates)*

(October 22, 2026) *https://usccr.box.com/s/fkl6w3azq4tke7awgadxvw6od5ygqeo0*

(December 3, 2026) *https://usccr.box.com/s/0nsoumt7nhbkaa0whbzl5v09hzwo9k5i*

(December 7, 2026) *https://usccr.box.com/s/hhp6rdgqdfxjvtt3mvv7l7vgl32x8a0f*

(December 17, 2026) *https://usccr.box.com/s/g6nr206nficmz8dthr239jk5cjhh9lvr*

FOR FURTHER INFORMATION CONTACT: Brooke Peery, Designated Federal Officer (DFO) at *bpeery@usccr.gov* or by phone at (202) 701–1376.

SUPPLEMENTARY INFORMATION: Committee meetings are available to the public through the videoconference link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Corrine Sanders, Support Services Specialist, *csanders@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments can be sent via email to Brooke Peery (DFO) at *bpeery@usccr.gov*.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Oklahoma Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *csanders@usccr.gov.*

Dated: October 6, 2026.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026–20653 Filed 10–7–26; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–874]

Certain Steel Nails From the Republic of Korea: Preliminary Results and Rescission, in Part of Antidumping Duty Administrative Review; 2024–2025

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that producers/exporters subject to this review made sales of subject merchandise at less than normal value (NV) during the period of review (POR), July 1, 2024, through June 30, 2025. In addition, we are rescinding the review with respect to three companies. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable October 8, 2026.

FOR FURTHER INFORMATION CONTACT: Allison Hollander or Bushra Bani-Salman, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2805 or (202) 482–9170, 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 certain steel nails (steel nails) from the Republic of Korea (Korea).[1] On September 29, 2025, Commerce selected Je-il Wire Production Co., Ltd. (Je-il) and Korea Wire Co., Ltd. (KOWIRE) 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 May 8, July 22, and September 25, 2026, Commerce extended the deadline for these preliminary results.[5] Accordingly, the deadline for Commerce to issue these preliminary results is now no later than October 5, 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 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 directly at *https://access.trade.gov/frnotices.*

Scope of the Order

The merchandise subject to the *Order* is steel nails from Korea. 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)(1), 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

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 41043 (August 22, 2025); *see also Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders,* 80 FR 39994 (July 13, 2015) (Order).

[2] *See* Memorandum, ''Respondent Selection,'' dated September 29, 2025.

[3] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[4] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[5] *See* Memorandum, ''Extension of Deadline for Preliminary Results of 2024–2025 Antidumping Duty Administrative Review,'' dated May 8, 2026; *see also* Memorandum, ''Extension of Deadline for Preliminary Results of 2024–2025 Antidumping Duty Administrative Review,'' dated July 22, 2026; and Memorandum, ''Extension of Deadline for Preliminary Results of 2024–2025 Antidumping Duty Administrative Review,'' dated September 25, 2026.

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Certain Steel Nails from the Republic of Korea; 2024–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

merchandise during the POR.[7] Normally, upon completion of an administrative review, the suspended entries are liquidated at the AD assessment rate for the review period.[8] 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.[9]

Commerce notified all interested parties of its intent to rescind the instant review regarding Inmax Industries Sdn. Bhd. (Inmax), Jinsco International Corp. (Jinsco), and Peace Korea Co., Ltd. (Peace Korea) because there were no reviewable, suspended entries of subject merchandise from these companies during the POR and invited interested parties to comment.[10] 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 three companies listed above, 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.

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, *de minimis* (*i.e.,* less than 0.5 percent), or determined entirely on the basis of facts available. Where the weighted-average dumping margin for each of the individually examined companies is zero, *de minimis,* or based entirely on facts available, section 735(c)(5)(B) of the Act 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.''

For these preliminary results, because the rate calculated for KOWIRE is *de minimis,* we are preliminarily assigning to the companies under review that were not selected for individual examination a dumping margin based on the rate calculated for Je-il.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following estimated weighted-average dumping margins exist for the period July 1, 2024, through June 30, 2025:

Producer/exporter	Weighted-average dumping margin (percent)
Je-il Co., Ltd	3.07
Korea Wire Co., Ltd	0.00
Companies Not Selected for Individual Review[11]	3.07

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.[12] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[13] Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[14] 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.[15] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[16]

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

[8] *See* 19 CFR 351.212(b)(1).

[9] *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'').

[10] *See* Memorandum, ''Notice of Intent to Rescind Review, in Part,'' dated February 23, 2026.

[11] The exporters/producers not selected for individual examination are listed in Appendix II.

[12] *See* 19 CFR 351.309.

[13] *See* 19 CFR 351.309(d)(1); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[14] *See* 19 CFR 351.309(c)(2) and (d)(2).

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

[16] See APO and Service Final Rule.

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 and time for the hearing.[17]

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 Je-il's and KOWIRE'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 reach 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.[18] To determine whether an import-specific, per-unit assessment 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 either Je-il's or KOWIRE'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.[19]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Je-il or KOWIRE 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.[20]

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 this review and for future deposits of estimated duties, where applicable.[21]

For Inmax, Jinsco, and Peace Korea 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)(l)(i). Commerce intends to issue these 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 Je-il, KOWIRE, and the companies not selected for individual review 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 companies listed above will be equal to the weighted average dumping margin 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 in 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 recently completed segment for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 11.80 percent, the all-others rate established in the LTFV investigation.[22] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice 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 doubled antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h) and 19 CFR 351.221(b)(4).

Dated: October 5, 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. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

[17] *See* 19 CFR 351.310(d).

[18] *See* 19 CFR 351.310(d).

[19] 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).

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

[21] *See* section 751(a)(2)(C) of the Act.

[22] *See Order.*

Appendix II

Companies Not Selected for Individual Examination

1. Daejin Steel Co.
2. Hanmi Staple Co., Ltd.
3. Koram Inc.
4. Nailtech Co., Ltd.

[FR Doc. 2026–20694 Filed 10–7–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Scope Ruling Applications Filed in Antidumping and Countervailing Duty Proceedings

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

SUMMARY: The U.S. Department of Commerce (Commerce) received scope ruling applications, requesting that scope inquiries be conducted to determine whether identified products are covered by the scope of antidumping duty (AD) and/or countervailing duty (CVD) orders and that Commerce issue scope rulings pursuant to those inquiries. In accordance with Commerce's regulations, we are notifying the public of the filing of the scope ruling applications listed below in the month of August 2026.

DATES: Applicable October 8, 2026.

FOR FURTHER INFORMATION CONTACT: Yasmin Bordas, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–3813.

Notice of Scope Ruling Applications

In accordance with 19 CFR 351.225(d)(3), we are notifying the public of the following scope ruling applications related to AD and CVD orders and findings filed in or around the month of August 2026. This notification includes, for each scope application: (1) identification of the AD and/or CVD orders at issue (19 CFR 351.225(c)(1)); (2) concise public descriptions of the products at issue, including the physical characteristics (including chemical, dimensional and technical characteristics) of the products (19 CFR 351.225(c)(2)(ii)); (3) the countries where the products are produced and the countries from where the products are exported (19 CFR 351.225(c)(2)(i)(B)); (4) the full names of the applicants; and (5) the dates that the scope applications were filed with Commerce and the name of the Antidumping and Countervailing Duty Electronic Service System (ACCESS) scope segment where the scope applications can be found.[1] This notice does not include applications which have been rejected and not properly resubmitted. The scope ruling applications listed below are available on Commerce's online e-filing and document management system, ACCESS, at *https://access.trade.gov.*

Scope Ruling Applications

Disposable Aluminum Containers, Pans, Trays, and Lids from the People's Republic of China (China) (A–570–170/C–570–171); Aluminum Drip Liners;[2] produced in and exported from China; submitted by Traeger Pellet Grills LLC (''Traeger''); August 11, 2026; ACCESS scope segment ''SCO—Traeger Drip Liners''

Disposable Aluminum Containers, Pans, Trays, and Lids from China (A–570–170/C–570–171); Aluminum Bucket Liners;[3] produced in and exported from China; submitted by Traeger Pellet Grills LLC (''Traeger''); August 11, 2026; ACCESS scope segment ''SCO—Traeger Bucket Liners''

Notification to Interested Parties

This list of scope ruling applications is not an identification of scope inquiries that have been initiated. In accordance with 19 CFR 351.225(d)(1), if Commerce has not rejected a scope ruling application nor initiated the scope inquiry within 30 days after the filing of the application, the application will be deemed accepted and a scope inquiry will be deemed initiated the following day—day 31.[4] Commerce's practice generally dictates that where a deadline falls on a weekend, Federal holiday, or other non-business day, the appropriate deadline is the next business day.[5] Accordingly, if the 30th day after the filing of the application falls on a non-business day, the next business day will be considered the ''updated'' 30th day, and if the application is not rejected or a scope inquiry initiated by or on that particular business day, the application will be deemed accepted and a scope inquiry will be deemed initiated on the next business day which follows the ''updated'' 30th day.[6]

In accordance with 19 CFR 351.225(m)(2), if there are companion AD and CVD orders covering the same merchandise from the same country of origin, the scope inquiry will be conducted on the record of the AD proceeding. Further, please note that pursuant to 19 CFR 351.225(m)(1), Commerce may either apply a scope ruling to all products from the same country with the same relevant physical characteristics, (including chemical, dimensional, and technical characteristics) as the product at issue, on a country-wide basis, regardless of the producer, exporter, or importer of those products, or on a company-specific basis.

For further information on procedures for filing information with Commerce through ACCESS and participating in scope inquiries, please refer to the Filing Instructions section of the Scope Ruling Application Guide, at *https://www.trade.gov/file-scope-ruling.* Interested parties, apart from the scope ruling applicant, who wish to participate in a scope inquiry and be added to the public service list for that segment of the proceeding must file an entry of appearance in accordance with 19 CFR 351.103(d)(1) and 19 CFR

[1] *See Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws,* 86 FR 52300, 52316 (September 20, 2021) (*Final Rule*) (''It is our expectation that the **Federal Register** list will include, where appropriate, for each scope application the following data: (1) identification of the AD and/or CVD orders at issue; (2) a concise public summary of the product's description, including the physical characteristics (including chemical, dimensional and technical characteristics) of the product; (3) the country(ies) where the product is produced and the country from where the product is exported; (4) the full name of the applicant; and (5) the date that the scope application was filed with Commerce.'').

[2] The products are aluminum components of Traeger's grease management system. The products are typically rectangular with rounded corners and are formed from aluminum alloy 8011 foil. They are dimensioned to conform to the drip tray of a specific Traeger grill model. The products do not have raised or rigid sidewalls; instead, the perimeter is rolled solely to provide structural integrity and prevent tearing.

[3] The products are aluminum grease bucket liners. The products are made from aluminum alloy 8011 foil. While capacity, dimensions, and packaging may vary, all bucket liners are consumable components of Traeger's wood pellet grill grease and ash management system. The products are generally cylindrical or slightly tapered in shape with an open top and a rolled or reinforced rim. The product is designed to conform to a collection bucket that is a durable component of a grill. The product serves as a disposable insert for a durable component.

[4] In accordance with 19 CFR 351.225(d)(2), within 30 days after the filing of a scope ruling application, if Commerce determines that it intends to address the scope issue raised in the application in another segment of the proceeding (such as a circumvention inquiry under 19 CFR 351.226 or a covered merchandise inquiry under 19 CFR 351.227), it will notify the applicant that it will not initiate a scope inquiry, but will instead determine if the product is covered by the scope at issue in that alternative segment.

[5] *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[6] This structure maintains the intent of the applicable regulation, 19 CFR 351.225(d)(1), to allow day 30 and day 31 to be separate business days.

351.225(n)(4). Interested parties are advised to refer to the case segment in ACCESS as well as 19 CFR 351.225(f) for further information on the scope inquiry procedures, including the timelines for the submission of comments.

Please note that this notice of scope ruling applications filed in AD and CVD proceedings may be published before any potential initiation, or after the initiation, of a given scope inquiry based on a scope ruling application identified in this notice. Therefore, please refer to the case segment on ACCESS to determine whether a scope ruling application has been accepted or rejected and whether a scope inquiry has been initiated.

Interested parties who wish to be served scope ruling applications for a particular AD or CVD order may file a request to be included on the annual inquiry service list during the anniversary month of the publication of the AD or CVD order in accordance with 19 CFR 351.225(n) and Commerce's procedures.[7]

Interested parties are invited to comment on the completeness of this monthly list of scope ruling applications received by Commerce. Any comments should be submitted to Scot Fullerton, Acting Deputy Assistant Secretary for AD/CVD Operations, Enforcement and Compliance, International Trade Administration, via email to *CommerceCLU@trade.gov.*

This notice of scope ruling applications filed in AD and CVD proceedings is published in accordance with 19 CFR 351.225(d)(3).

Dated: October 6, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–20693 Filed 10–7–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–944]

Chromium Trioxide From India: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that chromium trioxide from India is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2024, through June 30, 2025.

DATES: Applicable October 8, 2026.

FOR FURTHER INFORMATION CONTACT: Katerina Katsiadas, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4929.

SUPPLEMENTARY INFORMATION:

Background

On May 22, 2026, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of chromium trioxide from India, and invited interested parties to comment on the *Preliminary Determination.*[1] No interested parties submitted comments on the *Preliminary Determination.* Accordingly, the final determination remains unchanged from, and hereby adopts, the *Preliminary Determination,* and no decision memorandum accompanies this notice. The deadline for this final determination is October 5, 2026.[2]

Scope of the Investigation

The product covered by this investigation is chromium trioxide from India. For a complete description of the scope of this investigation, *see* the appendix to this notice.

Scope Comments

We received no comments from interested parties on the scope of the investigation as it appeared in the *Preliminary Determination.*[3] Therefore, we made no changes to the scope of the investigation.

Verification

Because the mandatory respondent in this investigation, did not provide information requested by Commerce, Commerce did not conduct a verification in this investigation.

Use of Adverse Facts Available

As discussed in the *Preliminary Determination,* Commerce assigned to mandatory respondent Vishnu Chemicals Limited (Vishnu Chemicals) an estimated weighted-average dumping margin on the basis of adverse facts available (AFA), pursuant to sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act). There is no new information, or new arguments, on the record that warrant reconsideration of the *Preliminary Determination.* Thus, we made no changes to our analysis or to the estimated weighted-average dumping margins for the final determination. For a full description of the methodology underlying Commerce's final determination, *see* the *Preliminary Determination.*

All-Others Rate

Section 735(c)(5)(A) of the Act, and Commerce's regulations at 19 CFR 351.109(f)(1), provide that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act.[4] When there is no individually-calculated estimated weighted-average dumping margin that is not zero, *de minimis,* or based entirely on facts available, section 735(c)(5)(B) of the Act directs Commerce to ''use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated.''[5] In an LTFV investigation, when the estimated-weighted-average dumping margins for all individually investigated companies are determined entirely on the basis of AFA, Commerce's practice is to calculate the all-others rate as an average of the dumping margins alleged in the petition.[6]

[7] *See Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions,* 86 FR 53205 (September 27, 2021).

[1] *See Chromium Trioxide from India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 91 FR 30276 (May 22, 2026) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See Preliminary Determination,* 91 FR 30278.

[3] *Id.*

[4] *See* section 735(c)(5)(A) of the Act.

[5] *See* section 735(c)(5)(B) of the Act; *see also* 19 CFR 351.109(f)(2)(iii); and *Albemarle Corp.* v. *United States,* 821 F.3d 1345, 1352 (Fed. Cir. 2016) (''. . . when all individually examined respondents are assigned *de minimis* margins, Commerce is expected to calculate the separate rate by taking the average of those margins. Commerce may use 'other reasonable methods,' but only if Commerce reasonably concludes that the expected method is 'not feasible' or 'would not be reasonably reflective of potential dumping margins.' (internal citations omitted)'').

[6] *See, e.g., Certain Preserved Mushrooms from Spain: Final Determination of Sales at Less Than Fair Value,* 88 FR 18120 (March 27, 2023) (''In cases where no weighted-average dumping margins other than zero, *de minimis,* or those determined entirely under section 776 of the Act have been established for individually examined entities {. . .} Commerce typically calculates a simple average of the margins alleged in the petition and applies the result to all other entities not individually examined.'').

In the *Preliminary Determination,* we assigned an estimated weighted-average dumping margin of 14.44 percent (*i.e.,* the sole dumping margin alleged in the petition) to all other exporters and producers, pursuant to section 735(c)(5)(B) of the Act.[7] As noted above, we received no comments in opposition to the all-others rate established in our *Preliminary Determination,* which is derived from the only reliable information available from which to establish an all-others rate in the absence of an individually-calculated dumping margin that is not zero, *de minimis,* or based entirely on facts available. Therefore, we continue to assign an estimated weighted-average dumping margin of 14.44 percent to all other exporters and producers for this final determination.

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate adjusted for export subsidies (percent)
Vishnu Chemicals	14.44*	11.82
All Others	14.44	11.82

* This rate is based on facts available with adverse inferences.

Disclosure

Normally, Commerce will disclose to interested parties the calculations performed in connection with a final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the final determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because we made no changes from the *Preliminary Determination,* there are no calculations to disclose.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of entries of subject merchandise, as described in the appendix to this notice, which were entered, or withdrawn from warehouse, for consumption on or after May 22, 2026, the date of publication of the *Preliminary Determination* in the **Federal Register**.

Pursuant to section 735(c)(1)(B) of the Act and 19 CFR 351.210(d), upon the publication of this notice, Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondent listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other exporters and producers will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

To determine the cash deposit rates in LTFV investigations, Commerce normally adjusts the estimated weighted-average dumping margins by the amount of export subsidies countervailed in the companion countervailing duty (CVD) investigation. Accordingly, where Commerce has made a final affirmative determination of countervailable export subsides, Commerce offsets the estimated weighted-average dumping margins in the LTFV investigation by the appropriate export subsidy rate from the companion CVD investigation.[8] Commerce has continued to adjust the cash deposit rate for export subsidies found in the companion CVD investigation by the appropriate export subsidy rate;[9] however, the suspension of liquidation of provisional measures in the companion CVD case has been discontinued. Therefore, we are not instructing CBP to collect cash deposits based on the adjusted estimated weighted-average dumping margin for export subsidies at this time. If the U.S. International Trade Commission (ITC) makes a final affirmative determination of injury due to both dumping and subsidies, then the cash deposit rate will be revised effective on the date of publication of the ITC's final affirmative determination in the **Federal Register** to be the company-specific estimated weighted-average dumping margin adjusted for export subsidies.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, Commerce will notify the ITC of our final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with sections 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation, of chromium trioxide from India no later than 45 days after this final determination. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, all cash deposits posted will be refunded or canceled, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed in the ''Continuation of Suspension of Liquidation'' section above.

Administrative Protective Order (APO)

This notice will serve as the final reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO, in accordance with 19 CFR 351.305(a)(3). Timely

[7] *See Preliminary Determination,* 91 FR at 30277.

[8] *Id.,* 91 FR at 30277.

[9] *See Chromium Trioxide from India: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination,* 91 FR 27244 (May 14, 2026).

written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This final determination and notice are issued and published in accordance with sections 735(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: October 5, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

Scope of the Investigation

The merchandise subject to this investigation is chromium trioxide (Chemical Abstracts Services (CAS) registry number 1333–82–0), regardless of form (dry or solution). Chromium trioxide is an inorganic compound with the molecular formula CrO_3 in dry form and H_2CrO_4 in solution form. All relevant formulas refer to same product with one unit of Chromium (as Cr+6) and three units of Oxygen, such as Cr_4O_{12}; and $Cr_{0.25}O_{0.75}$.

The product in dry form is generally referred to as chromium trioxide, which is the acidic anhydride of chromic acid. Chromium trioxide in solution form may be referred to as chromic acid. However, the dry form may also be marketed under the name chromic acid.

A non-exhaustive list of other names used for the subject merchandise includes: chromic anhydride, chromic trioxide, chromium (VI) oxide, monochromium trioxide, chromia, chromium (VI) trioxide, trioxochromium, and chromtrioxid. A non-exhaustive list of trade names for the subject merchandise includes: 11910080KROMSAV–ANHIDRID IP, Aktivkohle, imprägniert, Typ PLWK, Chromsaure, and Chroomzuur.

All chromium trioxide is covered by the scope of this investigation irrespective of purity, particle size, or physical form. Chromium trioxide is generally imported in dry form, including in the form of pellets, flakes, powders, or beads, but the scope includes chromium trioxide in solution form.

Chromium trioxide that has been blended with another product or products other than water is included in the scope if the resulting mix contains 90 percent or more of chromium trioxide by total formula weight, such as chromium trioxide mixed with a catalyst to make the product ready for use in metal finishing applications. If chromium trioxide is imported blended with another product, only the chromium trioxide content of the blend is included within the scope.

Subject merchandise also includes chromium trioxide that has been processed in a third country into a product that otherwise would be within the scope of this investigation, *i.e.,* if any such further processing would not otherwise remove the merchandise from the scope of the investigation it is included in the scope of the investigation, including blending, flaking, mixing with water, or packaging. For example, the dry form of the subject merchandise may be imported into a third country and then processed into solution before shipment to the United States. Such a solution would be subject to the scope.

The subject merchandise is provided for in subheading 2819.10.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). In addition to 1333–82–0, import documentation may also reflect CAS registry numbers 12324–05–9, 12324–08–2, and 1362947–20–3. Although the HTSUS subheading and CAS registry numbers are provided for convenience and customs purposes, the written description of the scope is dispositive.

[FR Doc. 2026–20695 Filed 10–7–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–235]

N-Cyclohexylbenzothiazole-2-Sulfenamide From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, and Alignment of Final Determination With Final Antidumping Duty Determination

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of N-Cyclohexylbenzothiazole-2-Sulfenamide (CBS) from the People's Republic of China (China). The period of investigation is January 1, 2025, through December 31, 2025. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable October 8, 2026.

FOR FURTHER INFORMATION CONTACT: Brendan Santschi, 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) 482–4141.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on June 2, 2026.[1] On July 8, 2026, Commerce postponed the preliminary determination of this investigation and the revised deadline is now October 5, 2026.[2]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), which is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Investigation

The product covered by this investigation is CBS from China. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice.*

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that

[1] *See N-Cyclohexylbenzothiazole-2-Sulfenamide from the People's Republic of China: Initiation of Countervailing Duty Investigation,* 91 FR 32946 (June 2, 2026) (*Initiation Notice*), and accompanying Initiation Checklist.

[2] *See N-Cyclohexylbenzothiazole-2-Sulfenamide from the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation,* 91 FR 42176 (July 8, 2026).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination in the Countervailing Duty Investigation of N-Cyclohexylbenzothiazole-2-Sulfenamide from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[5] *See Initiation Notice.*

gives rise to a benefit to the recipient, and that the subsidy is specific.[6]

Commerce notes that, in making these findings, it relied on facts available and, because it finds that Shandong Derek New Materials Co., Ltd (Derek), Shandong Yanggu Huatai International Co., Ltd (Huatai), and the companies that did not respond to Commerce's quantity and value questionnaire, which include Alchemy Trading Shanghai Limited, Kemai Chemical Company Limited, SAIC Motor Corporation Limited, Shandong Sunsine Chemical Co., Ltd., and Yingtai International Trading Co. (collectively, non-responsive companies), did not act to the best of their ability to respond to Commerce's requests for information, it drew an adverse inference where appropriate in selecting from among the facts otherwise available.[7] For further information, *see* the ''Use of Facts Otherwise Available and Adverse Inferences'' section in the Preliminary Decision Memorandum.

Preliminary Affirmative Determination of Critical Circumstances

In accordance with section 703(e)(1) of the Act, Commerce preliminarily determines that critical circumstances exist with respect to imports of CBS from China for Derek, Huatai, the non-responsive companies, and all other exporters or producers not individually examined. For a full description of the methodology and results of Commerce's analysis, *see* the Preliminary Decision Memorandum.

Alignment

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final countervailing duty (CVD) determination in this investigation with the final determination in the companion antidumping duty (AD) investigation of CBS from China based on a request made by LANXESS Corporation (the petitioner).[8] Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than January 11, 2027, unless postponed.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

Pursuant to section 705(c)(5)(A)(ii) of the Act, if the individual estimated countervailable subsidy rates established for all exporters and producers individually examined are zero, *de minimis,* or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated subsidy rate for all other producers or exporters.

Commerce has preliminarily determined the individually estimated subsidy rate for the individually examined respondent under section 776 of the Act. Thus, this rate is the only rate available in this proceeding for deriving the all-others rate. Consequently, pursuant to sections 703(d)(1)(A)(i) and 705(c)(5)(A)(ii) of the Act, Commerce has established the all-others rate by using the countervailable subsidy rate assigned to the companies listed below. For a full description of the methodology underlying Commerce's analysis, *see* the Preliminary Decision Memorandum.

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent *ad valorem*)
Shandong Derek New Materials Co., Ltd	*107.57
Shandong Yanggu Huatai International Co., Ltd	*107.57
Alchemy Trading Shanghai Limited	*107.57
Kemai Chemical Company Limited	*107.57
SAIC Motor Corporation Limited	*107.57
Shandong Sunsine Chemical Co., Ltd.	*107.57
Yingtai International Trading Co.	*107.57
All Others	107.57

*Rate is based on facts available with adverse inferences.

Suspension of Liquidation

In accordance with section 703(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 703(d)(1)(B) of the Act and 19 CFR 351.107(e), Commerce will instruct CBP to require a cash deposit equal to the estimated company-specific countervailable subsidy rate or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondents listed above will be equal to the company-specific estimated individual countervailable subsidy rate determined in this preliminary determination; (2) if both the producer and exporter of the subject merchandise have company-specific estimated subsidy rates determined in this preliminary determination, and their rates differ, then the applicable cash deposit rate will be the higher of these two rates; (3) if either the producer or the exporter, but not both, of the subject merchandise have a company-specific estimated subsidy rate determined in this preliminary determination, the applicable cash deposit rate will be that company's company-specific rate; and (4) the cash deposit rate for all other producers and exporters will be equal to the estimated all-others subsidy rate.

Section 703(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the later of: (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered; or (b) the date on which notice of initiation of the investigation was published. Commerce preliminarily finds that critical circumstances exist for imports of subject merchandise produced and/or exported by Derek, Huatai, the non-responsive companies, and all other producers and/or exporters. In accordance with section 703(e)(2)(A) of the Act, the suspension of liquidation shall apply to unliquidated entries of merchandise from the exporters/producers identified in this paragraph that were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the publication of this notice.

[6] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[7] *See* sections 776(a) and (b) of the Act.

[8] *See* Petitioner's Letter, ''Request for Alignment of the Countervailing Duty Investigation with the Concurrent Antidumping Duty Investigation,'' dated September 16, 2026.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in a preliminary determination within five days of any public announcement, or if there is no public announcement, within five days of the date of publication of the notice of preliminary determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily applied adverse facts available to the individually-examined companies Derek and Huatai, in this investigation, in accordance with section 776 of the Act, there are no calculations to disclose.

Verification

Because the examined respondents in this investigation did not provide information requested by Commerce and Commerce preliminarily determines each of the examined respondents to have been uncooperative, it will not conduct verification.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of the preliminary determination. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[9] 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.[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 executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[12]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain (1) the party's name, address, and telephone number; (2) the number of participants, whether any participant is a foreign national; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

U.S. International Trade Commission (ITC) Notification

In accordance with section 703(f) of the Act, Commerce will notify the ITC of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of CBS from China are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act, and 19 CFR 351.205(c).

Dated: October 5, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

Scope of the Investigation

The product subject to this investigation is N-Cyclohexylbenzothiazole-2-sulfenamide (CBS), an organic compound also known as N-cyclohexyl-2-benzothiazolesulfenamide, N-(1,3-benzothiazol-2-ylsulfanyl) cyclohexanamine and N-cyclohexylbenzothiazol-2-sulphenamide. It may additionally be termed Accelerator CZ, CBTS, Thiohexam, HIP4, Curax, DURAX, Conaca, Conach, Conacs, or Celacs. A CBS assay or sample most commonly reflects a concentration of 94 to 99 percent.

CBS is most commonly in the form of an off-white or light gray powder, oiled powder, or granule, though CBS imported in a different color or form is included in the scope. CBS typically has a melting point of 90 to 110°C and a molecular weight of 264.4 g/mol. CBS may be imported in a solution of benzene, ethanol, or acetone. CBS has the chemical formula C13H16N2S2 and is assigned the Chemical Abstract Service (CAS) registry No. 95–33–0.

The scope also includes CBS that is commingled with CBS from sources not subject to this investigation.

CBS powder, oiled powder, and granules are classified under subheading 2934.20.8000, Harmonized Tariff Schedule of the United States (HTSUS). Imports of CBS may also be classified under subheadings 3812.10.1000 and 3812.10.5000, HTSUS. Although the HTSUS and CAS numbers are provided for convenience and customs purposes, the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Injury Test
IV. Analysis of China's Financial System
V. Diversification of China's Economy
VI. Use of Facts Otherwise Available and Adverse Inferences
VII. Critical Circumstances
VIII. Recommendation

[FR Doc. 2026–20692 Filed 10–7–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–872]

Certain Paper Shopping Bags From Taiwan: 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) is conducting an administrative review of the antidumping duty (AD) order on certain paper shopping bags (paper bags) from Taiwan for the period of review (POR) January 3, 2024, through June 30, 2025. Commerce preliminarily finds that Haur Tyi Paper Bag Co., Ltd (Haurtyi) did not make sales of subject merchandise at prices below normal value (NV) during the POR. Additionally, we are rescinding this review, in part, with respect to five companies for which all

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

[10] *See* 19 351.309(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 APO and Service Final Rule.*

requests for review were withdrawn. We invite interested parties to comment on these preliminary results.

DATES: Applicable October 8, 2026.

FOR FURTHER INFORMATION CONTACT: Nathan James, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5305.

SUPPLEMENTARY INFORMATION:

Background

On August 22, 2025, Commerce initiated an administrative review of the AD order on paper bags,[1] in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).[2] This review covers six producers/exporters of subject merchandise.[3] Commerce selected one mandatory respondent for individual examination, Haurtyi.[4]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[5] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[6] Further, on May 28, 2026, we extended the deadline for completing the preliminary results of this review by 113 days, until September 30, 2026.[7]

For a complete description of the events that followed the initiation of the review, *see* the Preliminary Decision Memorandum.[8] A list of the topics discussed in the Preliminary Decision Memorandum is included as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS, which is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order

The product covered by the scope of the *Order* is paper bags from Taiwan. For a full description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Rescission of Administrative Review, in Part

In accordance with 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if all parties that requested the review withdraw their requests within 90 days of the date of publication of the notice of initiation of the requested review. Commerce received timely filed withdrawal requests with respect to Chung Tai Bag King Corporation, Chyan Tay International Corp, Toolsworks International Ltd., Xiamen Yasili Trade Co., Ltd., and Zheng Da Paper Industry Co., Ltd., pursuant to 19 CFR 351.213(d)(1).[9] Because the withdrawal requests were timely filed, and no other parties requested a review of these companies, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding this administrative review with respect to these five companies.

Methodology

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

Preliminary Results of the Review

Commerce preliminarily determines that the following estimated weighted-average dumping margin exists for the period January 3, 2024, through June 30, 2025:

Exporter/producer	Weighted-average dumping margin (percent)
Haur Tyi Paper Bag Co., Ltd	0.00

Disclosure

Commerce intends to disclose the 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.[10] 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.[11] Interested parties who submit case briefs or rebuttal briefs in this administrative review must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[12] 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.[13] 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

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

[3] *Id.*

[4] *See* Memorandum, ''Respondent Selection,'' dated September 30, 2025.

[5] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[6] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[7] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2024–2025,'' dated May 28, 2026.

[8] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Certain Paper Shopping Bags from Taiwan; 2024–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[9] *See* Petitioner's Letters, ''Withdrawal of Request for Administrative Review,'' dated January 27, 2026 (two filings).

[10] *See* 19 CFR 351.309(c)(1)(ii).

[11] *See* 19 CFR 351.309(d)(1); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[12] *See* 19 CFR 351.309(c)(2) and (d)(2).

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

that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[14]

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 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.[15]

Assessment Rates

Upon completion of the final results of this administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. If a respondent's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer-specific 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). We intend to instruct CBP to take into account the ''provisional measures deposit cap,'' in accordance with 19 CFR 351.212(d). If a respondent's weighted-average dumping margin is zero or *de minimis* in the final results of review, or if an importer-specific assessment rate is zero or *de minimis,* Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties, where applicable.[16]

For entries of subject merchandise during the POR produced by the individually examined respondent for which it did not know that the merchandise was destined to the United States, we will instruct CBP to liquidate these entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[17] Commerce intends to issue assessment instructions regarding Haurtyi to CBP no earlier than 35 days after the publication date 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).

For the companies listed above 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 regarding these five companies to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Cash Deposit Requirements

The following cash 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 751(a)(2)(C) of the Act: (1) the cash deposit rate for the company listed in the final results of this review will be equal to the weighted-average dumping margin 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 merchandise exported by a company not covered in this review, but covered in a prior segment of the proceeding, the cash deposit rate will be the company-specific rate published for the most recently-completed segment in which it was examined; (3) if the exporter is not a firm covered in this review or in the original less-than-fair-value (LTFV) investigation, but the producer is, then the cash deposit rate will be the rate established for the most recently-completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 4.74 percent, the all-others rate established in the LTFV investigation.[18] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

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 the liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

Commerce is issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h)(2) and 351.221(b)(4).

Dated: October 2, 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. Partial Rescission of Review
IV. Scope of the *Order*
V. Discussion of the Methodology
VI. Currency Conversion
VII. Recommendation

[FR Doc. 2026–20691 Filed 10–7–26; 8:45 am]

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[14] *See APO and Service Final Rule.*

[15] *See* 19 CFR 351.310(d).

[16] *See* section 751(a)(2)(C) of the Act.

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

[18] *See Order,* 89 FR at 58338.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–878]

Certain Corrosion-Resistant Steel Products From the Republic of Korea: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2024–2025

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that producers/exporters subject to this review made sales of subject merchandise at less than normal value (NV) during the period of review (POR), July 1, 2024, through June 30, 2025. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable October 8, 2026.

FOR FURTHER INFORMATION CONTACT: Noah Wetzel, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7466.

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 corrosion-resistant steel products (CORE) from the Republic of Korea (Korea).[1] On March 20, 2026, Commerce selected KG Dongbu Steel Co., Ltd. (Dongbu) and Dongkuk Coated Metal Co., Ltd./Aju Steel Co., Ltd. (Dongkuk) [2] as the mandatory respondents in this review.[3]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days. 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. On May 12, 2026, we extended the deadline for the preliminary results of this review to no later than September 30, 2026.[4] On September 25, 2026, we extended the deadline for the preliminary results of this review to no later than October 5, 2026.[5]

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 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 directly at *https://access.trade.gov/frnotices.*

Scope of the Order

The merchandise subject to the *Order* is CORE from Korea. 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.[7] Normally, upon completion of an administrative review, the suspended entries are liquidated at the AD assessment rate for the review period.[8] 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.[9] 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.[10] 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 administrative 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.

Rate for Non-Individually Examined Companies

The Act does not address the establishment of a rate to apply to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. However, Commerce's regulation at 19 CFR 351.109(g) states that Commerce will determine the rate for non-selected companies by following the process set

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 41043 (August 22, 2025); *see also Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016) (*Order*); and *Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea, and Taiwan: Notice of Correction to the Antidumping Duty Orders,* 81 FR 58475 (August 25, 2016).

[2] Commerce preliminarily determines that Dongkuk Coated Metal Co., Ltd. and Aju Steel Co., Ltd. are a single entity. *See* Memorandum, ''Preliminary Affiliation and Collapsing Memorandum for Dongkuk Coated Metal Co., Ltd.,'' dated concurrently with this notice.

[3] *See* Memorandum, ''Respondent Selection,'' dated March 20, 2026.

[4] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated May 12, 2026.

[5] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated September 25, 2026.

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Certain Corrosion-Resistant Steel Products from the Republic of Korea; 2024–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

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

[8] *See* 19 CFR 351.212(b)(1).

[9] *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'').

[10] *See* Memorandum, ''Notice of Intent to Rescind Review, in Part,'' dated August 5, 2026.

forth in 19 CFR 351.109(f)(1)–(2), which generally parallels the process for determining the all-others rate in an investigation under section 735(c)(5) of the Act.

Under section 735(c)(5)(A) of the Act and 19 CFR 351.109(f)(1), the all-others rate is normally an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any rates that are zero, *de minimis* (*i.e.,* less than 0.5 percent), or determined entirely on the basis of facts available. Where the weighted-average dumping margin for each of the individually examined companies is zero, *de minimis,* or based entirely on facts available, section 735(c)(5)(B) of the Act and 19 CFR 351.109(f)(2)(iii) 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, Dongkuk and Dongbu, 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 estimated weighted-average dumping margins calculated for Dongkuk and Dongbu, consistent with 19 CFR 351.109(g).[11]

Preliminary Results

We preliminarily determine the following weighted-average dumping margins for the period July 1, 2024, through June 30, 2025:

Exporter/producer	Weighted-average dumping margin (percent)
KG Dongbu Steel Co., Ltd	23.40
Dongkuk Coated Metal Co., Ltd./ Aju Steel Co., Ltd	19.43
Companies Not Selected for Individual Review[12]	20.58

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 at a later date specified by Commerce. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[13] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[14] 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.[15] 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).[16]

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.[17]

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 Dongbu's and Dongkuk'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.[18] 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 Dongbu's or Dongkuk'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

[11] 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* 19 CFR 351.109(f)(2)(ii); *see also* Memorandum, ''Calculation of the Dumping Margin for Respondents Not Selected for Individual Examination,'' dated concurrently with this notice.

[12] The exporters or producers not selected for individual review are listed in Appendix II.

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

[14] *See* 19 CFR 351.309(c)(2) and (d)(2).

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

[16] *See APO and Service Procedures.*

[17] *See* 19 CFR 351.310(d).

[18] *See* 19 CFR 351.212(b)(1).

appropriate entries without regard to antidumping duties.[19]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Dongbu and Dongkuk 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, as amended,[20] if there is no rate for the intermediate company(ies) involved in the transaction.[21]

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.[22]

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

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent, and therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered by this review, the cash deposit will continue to be the company-specific 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 and exporters will continue to be 8.31 percent, the all-others rate established in the LTFV investigation (as amended).[23] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing 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 and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Notification to Interested Parties

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

Dated: October 5, 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. Hyundai Steel Company
2. POSCO
3. POSCO International Corporation
4. SeAH Coated Metal
5. SeAH Steel Corporation

Appendix III

Companies With No Reviewable Entries

1. Dongbu Incheon Steel Co., Ltd.
2. Dongkuk Steel Mill Co., Ltd.
3. POSCO Coated & Color Steel Co., Ltd.
4. TCC Steel Corp.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–938, C–533–939]

Oleoresin Paprika From India: Antidumping Duty Order and Countervailing Duty Order

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

SUMMARY: Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC), Commerce is issuing antidumping duty (AD) and countervailing duty (CVD) orders on oleoresin paprika from India.

DATES: Applicable October 8, 2026.

FOR FURTHER INFORMATION CONTACT: Elizabeth Russ (AD) at (202) 482–5516; or Charles Doss (CVD) at (202) 482–4474, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

[19] *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).

[20] *See Order; see also Certain Corrosion-Resistant Steel Products from the Republic of Korea: Notice of Court Decision Not in Harmony with Final Determination of Investigation and Notice of Amended Final Results,* 83 FR 39054 (August 8, 2018) (*Timken and Amended Final Results*).

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

[22] *See* section 751(a)(2)(C) of the Act.

[23] *See Order,* as amended by *Timken and Amended Final Results.*

Background

In accordance with sections 705(d) and 735(d) of the Tariff Act of 1930, as amended (the Act), on August 21, 2026, Commerce published in the **Federal Register** and its affirmative final determination that countervailable subsidies are being provided to producers and exporters of paprika from India and its affirmative final determination of sales at less than fair value (LTFV) of paprika from India.[1]

On October 5, 2026, pursuant to sections 705(d) and 735(d) of the Act, the ITC notified Commerce of its final affirmative determinations that an industry in the United States is materially injured by reason of subsidized imports of oleoresin paprika from India, and dumped imports of oleoresin paprika from India, within the meaning of sections 705(b)(1)(A)(i) and 735(b)(1)(A)(i) of the Act.[2]

Scope of the Orders

The product covered by these orders is oleoresin paprika from India. For a full description of the scope of these orders, *see* the appendix to this notice.

AD Order

On October 5, 2026, in accordance with section 735(d) of the Act, the ITC notified Commerce of its final determination that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of imports of oleoresin paprika from India that is sold in the United States at LTFV.[3] Therefore, in accordance with sections 735(c)(2) and 736 of the Act, Commerce is issuing this AD order. Because the ITC determined that an industry in the United States is materially injured by reason of imports of oleoresin paprika from India, unliquidated entries of such merchandise from India, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise on all relevant entries of oleoresin paprika from India. Antidumping duties will be assessed on unliquidated entries of oleoresin paprika entered, or withdrawn from warehouse, for consumption on or after April 2, 2026, the date of publication of the *LTFV Preliminary Determination,*[4] but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination under section 735(b) of the Act, as further described in the ''Provisional Measures—AD'' section of this notice.

Suspension of Liquidation and Cash Deposits—AD

Except as noted in the ''Provisional Measures—AD'' section of this notice, in accordance with section 736 of the Act, Commerce intends to instruct CBP to reinstitute the suspension of liquidation and continue the suspension of liquidation, as applicable, on all relevant entries of oleoresin paprika from India, effective the date of publication of the ITC's final affirmative injury determination in the **Federal Register**.[5]

Commerce also intends to instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins indicated in the tables below, adjusted by the relevant export subsidy offsets. Accordingly, effective on the date of publication in the **Federal Register** of the notice of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated customs duties on subject merchandise, a cash deposit equal to the rates listed in the table below. The all-others rate applies to all producers or exporters not specifically listed, as appropriate. These instructions suspending liquidation and cash deposit requirements will remain in effect until further notice.

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as follows:

Exporter or producer	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets)
Synthite Industries Pvt. Ltd	5.78	0.00
Mane Kancor Ingredients Private Ltd	4.24	0.00
All Others	5.08	0.00

Provisional Measures—AD

Section 773(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request that Commerce extend the four-month period to no more than six months. At the request of exporters that account for a significant proportion of oleoresin paprika from India, Commerce extended the four-month period to six months.[6]

In the underlying investigation, Commerce published the *LTFV Preliminary Determination* on April 2, 2026. Therefore, the six-month period beginning on the date of the publication of the *LTFV Preliminary Determination* ended on September 28, 2026. Pursuant to section 737(b) of the Act, the collection of cash deposits will resume on the date of publication of the ITC's final injury determination. Therefore, in accordance with section 733(d) of the

[1] *See Oleoresin Paprika from India: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, in Part,* 91 FR 54300 (August 21, 2026) (*CVD Final Determination*); *see also Oleoresin Paprika from India: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances,* 91 FR 54302 (August 21, 2026) (*AD Final Determination*) (collectively, *Final Determinations*).

[2] *See* ITC's Letter, ''Chairman Transmittal of Determination,'' dated October 5, 2026 (ITC Notification Letter).

[3] *See* ITC Notification Letter.

[4] *See Oleoresin Paprika from India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures,* 91 FR 16636 (April 2, 2026) (*LTFV Preliminary Determination*).

[5] *See ITC Final Determination.*

[6] *See LTFV Preliminary Determination,* 91 FR at 16638.

Act and our practice, Commerce will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of oleoresin paprika from India entered, or withdrawn from warehouse, for consumption on or after September 29, 2026, the first day provisional AD measures were no longer in effect, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**.[7] Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determinations in the **Federal Register**.

CVD Order

As stated above, on October 5, 2026, the ITC notified Commerce of its final determination that an industry is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act by reason of subsidized imports of oleoresin paprika from India.[8] Therefore, in accordance with sections 705(c)(2) and 706 of the Act, Commerce is issuing this CVD order. Because the ITC determined that an industry in the United States is materially injured by reason of subsidized imports of oleoresin paprika from India, unliquidated entries of such merchandise from the countries, entered or withdrawn from warehouse for consumption, are subject to the assessment of countervailing duties.

Therefore, in accordance with section 706(a) of the Act, Commerce will direct CBP to assess, upon further instruction by Commerce, countervailing duties on all relevant entries of oleoresin paprika from India, which are entered, or withdrawn from warehouse, for consumption on or after February 6, 2026, the date of publication of the *CVD Preliminary Determination,*[9] but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination under section 705(b) of the Act, as further described in the ''Provisional Measures—CVD'' section of this notice.

Critical Circumstances—CVD

In the *CVD Final Determination,* Commerce found that critical circumstances exist with respect to Synthite Industries Pvt. Ltd. (Synthite).[10] The ITC found that critical circumstances do not exist with respect to Synthite's imports of oleoresin paprika from India. As a result, we intend to instruct CBP to lift the suspension of liquidation and to refund all cash deposits for estimated countervailing duties with respect to Synthite's entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after November 8, 2025 (*i.e.,* 90 days prior to the date of publication of the affirmative *CVD Preliminary Determination*), but before February 6, 2026 (*i.e.,* the date of publication of the *CVD Preliminary Determination*).[11]

Suspension of Liquidation and Cash Deposits—CVD

In accordance with section 706 of the Act, Commerce intends to instruct CBP to reinstitute the suspension of liquidation and continue the suspension of liquidation, as applicable, on all relevant entries of oleoresin paprika from India, effective the date of publication of the ITC's final affirmative injury determination in the **Federal Register**,[12] and to assess, upon further instruction by Commerce, countervailing duties on each entry of subject merchandise in an amount based on the net countervailable subsidy rates below.

Commerce also intends, pursuant to section 706(a)(1) of the Act, to instruct CBP to require cash deposits equal to the amounts indicated in the tables below. Accordingly, effective on the date of publication in the **Federal Register** of the notice of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated customs duties on subject merchandise, a cash deposit equal to the rates listed in the tables below. The all-others rate applies to all producers or exporters not specifically listed, as appropriate. These instructions suspending liquidation and cash deposit requirements will remain in effect until further notice.

Estimated CVD Subsidy Rates

The estimated CVD subsidy rates, as published in Commerce's *CVD Final Determination,* are as follows:

Company	Subsidy rate (percent *ad valorem*)
Mane Kancor Ingredients Private Limited	18.67
Synthite Industries Pvt. Ltd	25.42
All Others	21.90

Provisional Measures—CVD

Section 703(d) of the Act states that the suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months. Commerce published the *CVD Preliminary Determination* on February 6, 2026. Therefore, the four-month period beginning on the date of the publication of the *CVD Preliminary Determination* ended on June 5, 2026, so that entries made after this date, and prior to the date of publication of the ITC's final determination in the **Federal Register**, are not subject to the assessment of countervailing duties due to Commerce's discontinuation of the suspension of liquidation.

Therefore, in accordance with section 703(d) of the Act and our practice, Commerce instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, unliquidated entries of oleoresin paprika from India entered, or withdrawn from warehouse, for consumption on or after June 6, 2026, the first day provisional measures were no longer in effect, until and through the day preceding the date of publication of the ITC's final injury determinations in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's affirmative final injury determination in the **Federal Register**.

Establishment of the Annual Inquiry Service List

On September 20, 2021, Commerce published the *Final Rule* in the **Federal Register**.[13] On September 27, 2021, Commerce also published the *Procedural Guidance* in the **Federal Register**.[14] The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for

[7] *See ITC Final Determination.*

[8] *See* ITC Notification Letter.

[9] *See Oleoresin Paprika from India: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, In Part, and Alignment of Final Determination with Final Antidumping Duty Determination,* 91 FR 5427 (February 6, 2026) (*CVD Preliminary Determination*).

[10] *See CVD Final Determination,* 91 FR at 54300.

[11] *See CVD Preliminary Determination.*

[12] *See ITC Final Determination.*

[13] *See Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws,* 86 FR 52300 (September 20, 2021) (*Final Rule*).

[14] *See Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions,* 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.[15]

In accordance with the Procedural Guidance, for orders published in the **Federal Register** after November 4, 2021, Commerce will create an annual inquiry service list segment in Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), available at *https://access.trade.gov,* within five business days of publication of the notice of the order. Each annual inquiry service list will be saved in ACCESS, under each case number, and under a specific segment type called ''AISL-Annual Inquiry Service List.'' [16]

Interested parties who wish to be added to the annual inquiry service list for an order must submit an entry of appearance to the annual inquiry service list segment for the order in ACCESS within 30 days after the date of publication of the order. For ease of administration, Commerce requests that law firms with more than one attorney representing interested parties in an order designate a lead attorney to be included on the annual inquiry service list. Commerce will finalize the annual inquiry service list within five business days thereafter. As mentioned in the *Procedural Guidance,*[17] the new annual inquiry service list will be in place until the following year, when the *Opportunity Notice* for the anniversary month of the order is published.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website.

[15] *Id.*

[16] This segment will be combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A–000–000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as ''AISL-January Anniversary.'' Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

[17] *See Procedural Guidance,* 86 FR at 53206.

Special Instructions for Petitioners and Foreign Governments

In the *Final Rule,* Commerce stated that, ''after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow.'' [18] Accordingly, as stated above, the petitioners and foreign governments should submit their initial entry of appearance after publication of this notice in order to appear in the first annual inquiry service list. Pursuant to 19 CFR 351.225(n)(3), the petitioners and foreign governments will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioners and foreign governments are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

Notification to Interested Parties

This notice constitutes the AD and CVD orders with respect to oleoresin paprika from India, pursuant to sections 706(a) and 736(a) of the Act. Interested parties can find a list of AD and CVD orders currently in effect at *https://www.trade.gov/data-visualization/adcvd-proceedings.*

These orders are published in accordance with sections 706(a) and 736(a) of the Act, and 19 CFR 351.211(b).

Dated: October 5, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

The merchandise covered by the scope of these orders is the coloring additive oleoresin paprika. Oleoresin paprika is a viscous, highly colored liquid in various shades of red or orange made from the extract of Capsicum peppers. Covered merchandise includes all oleoresin paprika, regardless of pepper variety, with an American Spice Trade Association (ASTA) value of at least 500 or a color unit (CU) value of at least 20,000 as determined by spectrophotometric measurement. The Chemical Abstracts Service (CAS) Registry numbers for oleoresin paprika are 68917–78–2 and 84625–29–6; the Center for Food Safety and Applied Nutrition (CFSAN) number is 977006–45–3; the Flavoring Extract Manufacturers' Association (FEMA) number is 2834; and the E number is E160c. Subject oleoresin paprika may also be referred to by other product names, including, but not limited to, paprika oleoresin, oleoresin of paprika, paprika extract, extract of paprika, paprika oil, or paprika essential oil.

Subject oleoresin paprika may be blended with oil or water prior to importation or may be imported in its crude or unstandardized form. Subject oleoresin paprika may also be blended with emulsifiers or preservatives. The scope includes all oleoresin paprika meeting the specifications above regardless of whether or not blended with or soluble in oil or water, and regardless of weight, pungency, quality, solvent content, or additives. Further, the scope includes crude or unstandardized oleoresin paprika that has been blended, finished, packaged, or otherwise processed in a third country, if the blending, finishing, packaging, or processing performed would not otherwise remove the merchandise from the scope. Oleoresin paprika that is otherwise subject to these orders is not excluded when commingled with oleoresin paprika from sources not subject to these orders, or when commingled with other oleoresins. Only the subject component of such commingled products is covered by the scope of these orders.

The merchandise subject to these orders is classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 3203.00.8000 and 3301.90.1010. Subject merchandise may also enter under HTSUS subheading 1301.90.9190, 1302.19.9140, and 3205.00.0500. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

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BILLING CODE 3510–DS–P

[18] *See Final Rule,* 86 FR at 52335.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–847]

Forged Steel Fluid End Blocks From Germany: Final Results of the Antidumping Duty Administrative Review; 2024

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that BGH Edelstahl Siegen GmbH did not make sales of certain forged steel fluid end blocks (fluid end blocks) from Germany at less than normal value during the period of review (POR), January 1, 2024, through December 31, 2024.

DATES: Applicable October 8, 2026.

FOR FURTHER INFORMATION CONTACT: Ines Martinand, 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) 482–0379.

SUPPLEMENTARY INFORMATION:

Background

On April 8, 2026, Commerce published the *Preliminary Results* of the 2024 administrative review of the antidumping duty order on fluid end blocks from Germany in the **Federal Register**, and invited parties to comment on the *Preliminary Results*.[1] On April 27, 2026, we suspended the briefing schedule.[2] On July 1, 2026, we re-instated the briefing schedule.[3] We received timely case and rebuttal briefs from Ellwood City Forge Company, Ellwood National Steel Company, and A. Finkl & Sons (collectively, the petitioners) and BGH Edelstahl Siegen GmbH (BGH).[4] On July 16, 2026, we extended the deadline for issuing the final results by 53 days.[5] On September 25, 2026, we extended the deadline for issuing the final results by 7 days.[6] Accordingly, the deadline for these final results is October 5, 2026.

A summary of the events that occurred since Commerce published the *Preliminary Results,* as well as a full discussion of the issues raised by parties for these final results, are discussed in the Issues and Decision Memorandum.[7] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), which is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order[8]

The merchandise subject to the *Order* is fluid end blocks from Germany. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are listed in the appendix to this notice and addressed in the Issues and Decision Memorandum.

Final Results of Review

Commerce determines that the following estimated weighted-average dumping margins exist for the period January 1, 2024, through December 31, 2024:

Producer/exporter	Weighted-average dumping margin (percent)
BGH Edelstahl Siegen GmbH	0.00

Disclosure

Normally, Commerce will disclose the calculations performed in connection with the final results to parties in a proceeding within five days of the date of public announcement or publication of the final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because we have made no changes from the *Preliminary Results,* there are no new calculations to disclose.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce has determined, 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. Because we calculated a zero percent margin in the final results of this review for BGH, in accordance with 19 CFR 351.212, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by the respondent and the respondent did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate entries not reviewed at the all-others rate established in the original less-than-fair-value (LTFV) investigation (*i.e.,* 4.79 percent)[9] if there is no rate for the intermediate company(ies) involved in the transaction.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these *Final Results* 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 cash deposit requirements will be effective upon publication of this notice in the **Federal Register** 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 BGH will be zero, the rate established in the final results of this review; (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, a prior review, or the original LTFV investigation, but the producer has been covered in a prior completed segment of this proceeding, then the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 4.79 percent, the all-others rate established in the LTFV investigation.[10] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties

[1] *See Forged Steel Fluid End Blocks from Germany: Preliminary Results of Antidumping Duty Administrative Review; 2024,* 91 FR 17788 (April 8, 2026) (*Preliminary Results*).

[2] *See* Memorandum, ''Suspension of Briefing Schedule,'' dated April 27, 2026.

[3] *See* Memorandum, ''Updated Briefing Schedule,'' dated July 1, 2026.

[4] *See* Petitioners' Letter, ''Portioners' Case Brief,'' dated July 13, 2026; *see also* BGH's Letter, ''Rebuttal Brief,'' dated July 21, 2026.

[5] *See* Memorandum, ''Extension of Deadline for the Final Results of Antidumping Administrative Review,'' dated July 16, 2026.

[6] *See* Memorandum, ''Extension of Deadline for the Final Results of Antidumping Duty Administrative Review,'' dated September 25, 2026.

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Forged Steel Fluid End Blocks from Germany; 2024,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[8] *See Forged Steel Fluid End Blocks from the Federal Republic of Germany and Italy: Amended Final Antidumping Duty Determination for the Federal Republic of Germany and Antidumping Duty Orders,* 86 FR 7528 (January 29, 2021) (*Order*).

[9] *See Order,* 86 FR at 7530.

[10] *See Order,* 86 FR at 7530.

has occurred and the subsequent assessment of double antidumping duties,

Notification Regarding Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: October 5, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes from the *Preliminary Results*
V. Discussion of the Issues
Comment 1: Whether to Apply Adverse Facts Available
Comment 2: Whether to Adjust BGH's General and Administrative Expenses
VI. Recommendation

[FR Doc. 2026–20689 Filed 10–7–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–945]

Chromium Trioxide From India: Final Affirmative Countervailing Duty Determination

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of chromium trioxide from India during the period of investigation (POI), January 1, 2024, through December 31, 2024.

DATES: Applicable October 8, 2026.

FOR FURTHER INFORMATION CONTACT: Stefan Smith, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5075.

SUPPLEMENTARY INFORMATION:

Background

On May 14, 2026, Commerce published in the **Federal Register** the *Preliminary Determination* and invited comments from interested parties.[1] For a complete description of the events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for this final determination, *see* the Issues and Decision Memorandum.[2] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), which is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Investigation

The product covered by this investigation is chromium trioxide from India. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

We received no comments from interested parties on the scope of the investigation as it appeared in the *Preliminary Determination*.[3] Therefore, we made no changes to the scope of the investigation.

Verification

Commerce conducted verification of the information relied upon in making its final determination in this investigation, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Specifically, we conducted on-site verifications of the subsidy information reported by the Government of India (GOI) and Vishnu Chemicals Ltd. (VCL) in July 2026 using standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by respondents.[4]

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation, and the issues raised in the case and rebuttal briefs that were submitted by parties in this investigation, are discussed in the Issues and Decision Memorandum. For a list of the issues raised by parties, and to which we responded in the Issues and Decision Memorandum, *see* Appendix II to this notice.

Methodology

Commerce conducted this investigation in accordance with section 701 the Act. For each of the subsidy programs found to be countervailable, Commerce determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[5] In making this final determination, Commerce relied, in part, on facts available and, because we found that one or more respondents did not act to the best of their ability to respond to Commerce's requests for information, we drew an adverse inference where appropriate in selecting from among the facts otherwise available.[6] For a full description of the methodology underlying our final determination, *see* the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our analysis of the information received during verification and comments received from interested parties, for this final determination, we made certain changes to the countervailable subsidy rate calculations for VCL and for all other producers/exporters. For a discussion of these changes, *see* the Issues and Decision Memorandum.

[1] *See Chromium Trioxide from India: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination,* 91 FR 27244 (May 14, 2026) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Countervailing Duty Investigation of Chromium Trioxide from India,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See Preliminary Determination,* 91 FR at 27246.

[4] *See* Memorandum, ''Verification of the Questionnaire Responses of Vishnu Chemical Limited,'' dated August 21, 2026; *see also* Memorandum, ''Verification of the Questionnaire Responses of the Government of India,'' dated August 24, 2026.

[5] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; *see also* section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[6] See sections 776(a) and (b) of the Act.

All-Others Rate

Pursuant to section 705(c)(5)(A)(i) of the Act, Commerce will determine an all-others rate equal to the weighted average countervailable subsidy rates established for those exporters and/or producers individually investigated, excluding any zero and *de minimis* countervailable subsidy rates, and any rates based entirely under section 776 of the Act.

In this investigation, Commerce calculated an individual estimated countervailable subsidy rate for VCL, the only individually examined exporter/producer in this investigation. Because the only individual calculated rate is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average rate calculated for VCL is the rate assigned to all other producers and exporters, pursuant to section 705(c)(5)(A)(i) of the Act.

Final Determination

Commerce determines that the following estimated countervailable subsidy rates exist for the period January 1, 2024, through December 31, 2024:

Company	Subsidy rate (percent *ad valorem*)
Vishnu Chemicals Limited[7] ..	29.35
All Others	29.35

Disclosure

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

Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination,* and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, we instructed U.S. Customs and Border Protection (CBP) to collect cash deposits and suspend liquidation of entries of subject merchandise, as described in the scope of the investigation section, that were entered, or withdrawn from warehouse, for consumption on or after May 14, 2026, the date of publication of the *Preliminary Determination* in the **Federal Register**, for entries produced and/or exported by VCL and all other producers and exporters. In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation of all entries of subject merchandise entered or withdrawn from warehouse, on or after, September 11, 2026, but to continue the suspension of liquidation of all entries of subject merchandise that were subject to suspension of liquidation between May 14, 2026, and September 10, 2026.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a countervailing duty order, reinstate the suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above, in accordance with section 706(a) of the Act. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its final affirmative determination that countervailable subsidies are being provided to producers and exporters of chromium trioxide from India. Because the final determination is affirmative, in accordance with section 705(b) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of chromium trioxide from India no later than 45 days after this final determination. In addition, we are making available to the ITC all non-privileged and nonproprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a countervailing duty order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Administrative Protective Order

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO, in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: October 5, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

Scope of the Investigation

The merchandise subject to this investigation is chromium trioxide (Chemical Abstracts Services (CAS) registry number 1333–82–0), regardless of form (dry or solution). Chromium trioxide is an inorganic compound with the molecular formula CrO_3 in dry form and H_2 CrO_4 in solution form. All relevant formulas refer to same product with one unit of Chromium (as Cr+6) and three units of Oxygen, such as Cr_4 O_{12}; and $Cr_{0.25}$ $O_{0.75}$.

The product in dry form is generally referred to as chromium trioxide, which is the acidic anhydride of chromic acid. Chromium trioxide in solution form may be referred to as chromic acid. However, the dry form may also be marketed under the name chromic acid.

A non-exhaustive list of other names used for the subject merchandise includes: chromic anhydride, chromic trioxide, chromium (VI) oxide, monochromium trioxide, chromia, chromium (VI) trioxide, trioxochromium, and chromtrioxid. A non-exhaustive list of trade names for the subject merchandise includes: 11910080KROMSAV–ANHIDRID IP, Aktivkohle, imprägniert, Typ PLWK, Chromsaure, and Chroomzuur.

All chromium trioxide is covered by the scope of this investigation irrespective of purity, particle size, or physical form. Chromium trioxide is generally imported in dry form, including in the form of pellets, flakes, powders, or beads, but the scope includes chromium trioxide in solution form.

[7] Commerce has found Vishnu Life Sciences Limited to be cross-owned with VCL.

Chromium trioxide that has been blended with another product or products other than water is included in the scope if the resulting mix contains 90 percent or more of chromium trioxide by total formula weight, such as chromium trioxide mixed with a catalyst to make the product ready for use in metal finishing applications. If chromium trioxide is imported blended with another product, only the chromium trioxide content of the blend is included within the scope.

Subject merchandise also includes chromium trioxide that has been processed in a third country into a product that otherwise would be within the scope of this investigation, *i.e.,* if any such further processing would not otherwise remove the merchandise from the scope of the investigation it is included in the scope of the investigation, including blending, flaking, mixing with water, or packaging. For example, the dry form of the subject merchandise may be imported into a third country and then processed into solution before shipment to the United States. Such a solution would be subject to the scope.

The subject merchandise is provided for in subheading 2819.10.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). In addition to 1333- 82–0, import documentation may also reflect CAS registry numbers 12324–05–9, 12324–08–2, and 1362947–20–3. Although the HTSUS subheading and CAS registry numbers are provided for convenience and customs purposes, the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Subsidies Valuation
IV. Use of Facts Otherwise Available and Application of Adverse Inferences
V. Analysis of Programs
VI. Discussion of the Issues
Comment 1: Whether to Apply Total Adverse Facts Available (AFA) to VCL Due to Errors in VCL's Affiliation Reporting Discovered at Verification
Comment 2: Whether to Find that VCL Received Assistance Under an Unreported Input for Less Than Adequate Remuneration (LTAR) Program
Comment 3: Whether to Apply AFA to VCL with Respect to an Unreported Loan Program Discovered at Verification
Comment 4: Whether to Apply AFA to the Benefits Received By VCL Under the Advance Authorization Scheme (AAS)
Comment 5: Whether to Countervail the Coal for LTAR Program and Whether the Application of Facts Available (FA) is Warranted
Comment 6: Whether to Revise Commerce's Benefit Methodology for the Coal for LTAR Program
Comment 7: Whether the Remission of Duties and Taxes on Export Products (RoDTEP) Program Is Countervailable
Comment 8: Whether the AAS Program Is Countervailable
Comment 9: Whether to Change the Ocean Freight Benchmark
Comment 10: Whether to Revise the Benchmark Used Under the Coal for LTAR Program
Comment 11: Whether the Coal Cess Refund Is Countervailable
Comment 12: Whether to Attribute Benefits Received by Vishnu Barium Private Limited (VBPL) to VCL Under the Coal for LTAR Program
Comment 13: Whether to Correct the Coal for LTAR Rate Listed in the VCL Calculation Memorandum to Reflect the Rate Stated in the Post-Preliminary Calculations and Analysis
Comment 14: Whether VCL Used Other Programs or Benefited from Non-Measurable Programs
VII. Recommendation

[FR Doc. 2026–20696 Filed 10–7–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–856]

Chromium Trioxide From the Republic of Türkiye: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that chromium trioxide from the Republic of Türkiye (Türkiye) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2024, through June 30, 2025.

DATES: Applicable October 8, 2026.

FOR FURTHER INFORMATION CONTACT: Monica Gillis, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6384.

SUPPLEMENTARY INFORMATION:

Background

On May 22, 2026, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of chromium trioxide from Türkiye, and invited interested parties to comment on the *Preliminary Determination*.[1] We received comments only from American Chrome & Chemicals, Inc. (the petitioner), who submitted a letter in support of the *Preliminary Determination*.[2] Accordingly, the final determination remains unchanged from, and hereby adopts, the *Preliminary Determination,* and no decision memorandum accompanies this notice.

On June 16, 2026, Commerce postponed the final determination to no later than 135 days after the date of publication of the *Preliminary Determination* and extended the provisional measures from a four-month period to a period of not more than six months.[3] Accordingly, the deadline for this final determination is now October 5, 2026.

Scope of the Investigation

The product covered by this investigation is chromium trioxide from Türkiye. For a complete description of the scope of this investigation, *see* the appendix to this notice.

Scope Comments

We received no comments from interested parties on the scope of the investigation as it appeared in the *Preliminary Determination.* Therefore, we made no changes to the scope of the investigation.

Verification

Because the mandatory respondent in this investigation did not provide information requested by Commerce, Commerce did not conduct a verification in this investigation.

Use of Adverse Facts Available

Consistent with the *Preliminary Determination,* Commerce continues to find, pursuant to sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act), that the use of facts otherwise available with adverse inferences (AFA), is warranted in determining the estimated weighted-average dumping margin for Türkiye Şişe ve Cam Fabrikaları A.Ş. (Sisecam). For this final determination, there is no new information or arguments on the record that would warrant reconsideration from the *Preliminary Determination.* Accordingly, for this final determination, we continue to find that the application of AFA, pursuant to sections 776(a) and (b) of the Act, is warranted with respect to Sisecam in this investigation. For a full description of the methodology underlying Commerce's final determination, *see* the *Preliminary Determination.*

[1] *See Chromium Trioxide from the Republic of Türkiye: Preliminary Affirmative Determination of Sales at Less Than Fair Value,* 91 FR 30280 (May 22, 2026) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See* Petitioner's Letter, ''Letter in Lieu of Case Brief,'' dated June 5, 2026.

[3] *See Chromium Trioxide from the Republic of Türkiye: Postponement of Final Determination of Sales at Less-Than-Fair-Value Investigation and Extension of Provisional Measures,* 91 FR 36119 (June 16, 2026).

All-Others Rate

Section 735(c)(5)(A) of the Act and Commerce's regulations at 19 CFR 351.109(f)(1) provide that Commerce shall determine an estimated all-others rate for all other exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually examined, excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act.[4] When there is no individually calculated estimated weighted-average dumping margin that is not zero, *de minimis,* or based entirely on facts available, section 735(c)(5)(B) of the Act directs Commerce to ''use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated.'' [5] In an LTFV investigation, when the estimated-weighted-average dumping margins for all individually investigated companies are determined entirely on the basis of adverse facts available, Commerce's practice is to calculate the all-others rate as a simple average of the dumping margins alleged in the petition.[6]

In the *Preliminary Determination,* we assigned an estimated weighted-average dumping margin of 40.88 percent to all other producers and exporters, the sole dumping margin alleged in the petition, pursuant to section 735(c)(5)(B) of the Act.[7] As noted above, we received no comments in opposition to the all-others rate established in our *Preliminary Determination.* Therefore, we continue to assign an estimated weighted-average dumping margin of 40.88 percent to all other producers and exporters for this final determination.

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Weighted-average dumping margin (percent)
Türkiye Şişe ve Cam Fabrikaları A.Ş	*40.88
All Others	40.88

*This rate is based on facts available with adverse inferences.

Disclosure

Normally, Commerce will disclose to interested parties the calculations performed in connection with a final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the final determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because we made no changes from the *Preliminary Determination,* there are no calculations to disclose.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of subject merchandise, as described in the appendix to this notice, entered, or withdrawn from warehouse, for consumption on or after May 22, 2026, the date of publication of the *Preliminary Determination* in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), where appropriate, Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondent listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

U.S. International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, Commerce will notify the ITC of our final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation, of chromium trioxide from Türkiye no later than 45 days after this final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated, all cash deposits will be refunded or canceled, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instructions by Commerce, antidumping duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Administrative Protective Order (APO)

This notice serves as the final reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This final determination and notice are issued and published in accordance with sections 735(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: October 5, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

Scope of the Investigation

The merchandise subject to this investigation is chromium trioxide (Chemical Abstracts Services (CAS) registry number 1333–82–0), regardless of form (dry or solution). Chromium trioxide is an inorganic compound with the molecular formula CrO_3 in dry form and H_2CrO_4 in solution form. All relevant formulas refer to same product with one unit of Chromium (as Cr+6) and three units of Oxygen, such as Cr_4O_{12}; and $Cr_{0.25}O_{0.75}$.

The product in dry form is generally referred to as chromium trioxide, which is

[4] *See* section 735(c)(5)(A) of the Act.

[5] *See* section 735(c)(5)(B) of the Act and 19 CFR 351.109(f)(2)(iii); *see also Albemarle Corp.* v. *United States,* 821 F.3d 1345, 1352 (Fed. Cir. 2016) (''. . . when all individually examined respondents are assigned *de minimis* margins, Commerce is expected to calculate the separate rate by taking the average of those margins. Commerce may use 'other reasonable methods,' but only if Commerce reasonably concludes that the expected method is 'not feasible' or 'would not be reasonably reflective of potential dumping margins.'" (internal citations omitted))

[6] *See, e.g., Certain Preserved Mushrooms from Spain: Final Determination of Sales at Less Than Fair Value,* 88 FR 18120, (March 27, 2023).

[7] *See Preliminary Determination,* 91 FR 30280.

the acidic anhydride of chromic acid. Chromium trioxide in solution form may be referred to as chromic acid. However, the dry form may also be marketed under the name chromic acid.

A non-exhaustive list of other names used for the subject merchandise includes: chromic anhydride, chromic trioxide, chromium (VI) oxide, monochromium trioxide, chromia, chromium (VI) trioxide, trioxochromium, and chromtrioxid. A non-exhaustive list of trade names for the subject merchandise includes: 11910080KROMSAV–ANHIDRID IP, Aktivkohle, imprägniert, Typ PLWK, Chromsaure, and Chroomzuur.

All chromium trioxide is covered by the scope of this investigation irrespective of purity, particle size, or physical form. Chromium trioxide is generally imported in dry form, including in the form of pellets, flakes, powders, or beads, but the scope includes chromium trioxide in solution form.

Chromium trioxide that has been blended with another product or products other than water is included in the scope if the resulting mix contains 90 percent or more of chromium trioxide by total formula weight, such as chromium trioxide mixed with a catalyst to make the product ready for use in metal finishing applications. If chromium trioxide is imported blended with another product, only the chromium trioxide content of the blend is included within the scope.

Subject merchandise also includes chromium trioxide that has been processed in a third country into a product that otherwise would be within the scope of this investigation, *i.e.,* if any such further processing would not otherwise remove the merchandise from the scope of the investigation it is included in the scope of the investigation, including blending, flaking, mixing with water, or packaging. For example, the dry form of the subject merchandise may be imported into a third country and then processed into solution before shipment to the United States. Such a solution would be subject to the scope.

The subject merchandise is provided for in subheading 2819.10.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). In addition to 1333- 82–0, import documentation may also reflect CAS registry numbers 12324–05–9, 12324–08–2, and 1362947–20–3. Although the HTSUS subheading and CAS registry numbers are provided for convenience and customs purposes, the written description of the scope is dispositive.

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BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–879]

Certain Corrosion-Resistant Steel Products From the Republic of Korea: Preliminary Results and Recission, In Part, of Countervailing Duty Administrative Review; 2024

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies were provided to producers and exporters of certain corrosion-resistant steel products (CORE) from the Republic of Korea (Korea), during the period of review (POR) January 1, 2024, through December 31, 2024. In addition, Commerce is rescinding this review with respect to Dongkuk Coated Metal Co., Ltd (Dongkuk CM). Interested parties are invited to comment on these preliminary results.

DATES: Applicable October 8, 2026.

FOR FURTHER INFORMATION CONTACT: Henry Wolfe, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW Washington, DC 20230; telephone: (202) 482–0574.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 2016, Commerce published a countervailing duty (CVD) order on CORE from Korea.[1] On August 22, 2025, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the *Order*.[2] On September 30, 2025, Commerce selected Hyundai Steel Company (Hyundai Steel) and KG Dongbu Steel Co., Ltd (KG Dongbu Steel) as the mandatory respondents in this review.[3]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 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] On May 14, 2026, we extended the deadline for the preliminary results of this review until September 30, 2026.[6] On September 25, 2026, we extended the deadline for the preliminary results of this review an additional five days.[7] Accordingly, the deadline for these preliminary results is now October 5, 2026.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[8] A list of topics included in the Preliminary Decision Memorandum is provided in Appendix I. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS, which is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order

The product covered by the *Order* is CORE from Korea. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Recission of Administrative Review, In Part

In accordance with 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if all parties that requested the review withdraw their requests within 90 days of the date of publication of the notice of initiation of the requested review. Commerce received a timely-filed withdrawal request with respect to Dongkuk CM. Because the withdrawal request was timely filed, and no other parties requested a review of this

[1] *See Certain Corrosion-Resistant Steel Products from India, Italy Republic of Korea and the People's Republic of China: Countervailing Duty Order,* 81 FR 48387 (July 25, 2016) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews* 90 FR 41043 (August 22, 2025); *see also Order.*

[3] *See* Memorandum, ''Respondent Selection,'' dated September 30, 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* Memorandum, ''Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,'' dated May 14, 2026.

[7] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,'' dated September 25, 2026.

[8] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Countervailing Duty Order on Certain Corrosion-Resistant Steel Products from the Republic of Korea; 2024,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

company, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding this review of the *Order* with respect to Dongkuk CM.

Methodology

Commerce is conducting this administrative review in accordance with 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[9] For a full description of the methodology underlying our preliminary results, *see* the Preliminary Decision Memorandum.

Rate for Non-Individually Examined Companies

The Act does not address the establishment of a rate to apply to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce's regulation at 19 CFR 351.109(g) states that Commerce will determine the rate for non-selected companies by following the process set forth in 19 CFR 351.109(f)(1)-(2), which generally parallels the process for determining the all-others rate in an investigation under section 705(c)(5) of the Act. Section 705(c)(5)(A) of the Act and 19 CFR 351.109(f) state that for companies not investigated, in general, we will determine an all-others rate by weight averaging the countervailable subsidy rates established for each of the companies individually investigated, excluding zero and *de minimis* rates or any rates based entirely on facts available.

Accordingly, to determine the rate for companies not selected for individual examination, Commerce's practice is to weight-average the net subsidy rates for the selected mandatory respondents, excluding rates that are zero, *de minimis,* or based entirely on facts available.[10] In this administrative review, we preliminarily calculated countervailable subsidy rates for the mandatory respondents, Hyundai Steel and KG Dongbu Steel, 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 countervailable subsidy rate equal to the weighted average of the countervailable subsidy rates calculated for Hyundai Steel and KG Dongbu Steel, weighted by the mandatory respondents' publicly ranged sales values for the merchandise under consideration, consistent with the guidance in section 705(c)(5)(A)(i) of the Act.[11]

Preliminary Results of Review

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily determine the following net countervailable subsidy rates exist for the POR, January 01, 2024, through December 31, 2024.

Company	Subsidy rate (percent *ad valorem*)
Hyundai Steel Company[12] ...	0.58
KG Dongbu Steel Co., Ltd.[13]	4.82
Companies Not Selected for Individual Review[14]	2.22

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. Interested parties will be notified of the timeline for the submission of case briefs and written comments at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[15] 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.[16] 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.[17] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[18]

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

[9] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[10] *See, e.g., Certain Pasta from Italy: Final Results of the 13th (2008) Countervailing Duty Administrative Review,*75 FR 37386, 37387 (June 29, 2010).

[11] With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the estimated subsidy rates calculated for the examined respondents; (B) a simple average of the estimated subsidy rates calculated for the examined respondents; and (C) a weighted-average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged U.S. sales values for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See* 19 CFR 351.109(f)(2)(ii). *See also* Memorandum, ''Calculation of the Weighted Average Subsidy Rate for the Companies Not Selected for Individual Examination,'' dated concurrently with this notice.

[12] As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with Hyundai Steel: Hyundai ITC and Hyundai Green Power. Commerce additionally initiated on the following company names, which we find to be alternate names of Hyundai Steel: Hyundai Steel and Hyundai Steel Co., Ltd..

[13] As discussed in the Preliminary Decision Memorandum, Commerce has found the following company to be cross-owned with KG Dongbu Steel: KG Eco Solution. Commerce additionally initiated on KG Steel Corporation (KG Steel), a company whose CORE production operations were folded into KG Dongbu Steel as a result of a merger in 2019. *See* KG Dongbu Steel's Letter, ''KG Dongbu Steel's Affiliated Companies Response,'' dated October 24, 2025. Accordingly, we are treating KG Steel and KG Dongbu Steel as one entity.

[14] *See* Appendix II for a list of the non-selected companies under review.

[15] *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*).

[16] *See* 19 CFR 351.309(c)(2) and (d)(2).

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

[18] *See APO and Service Procedures.*

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.[19]

Assessment Rates

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily assigned subsidy rates in the amounts shown above for the producers/exporters shown above. Upon completion of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review, for the above-listed companies.

For the companies for which this review is rescinded, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2024, through December 31, 2024, in accordance with 19 CFR 351.212(c)(l)(i). We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Cash Deposit Requirements

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.107(e), Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review, as follows: (1) the cash deposit rate for the companies listed above will be equal to the company-specific estimated individual countervailable subsidy rates determined in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) if both the producer and exporter of the subject merchandise have company-specific estimated subsidy rates assigned, and their rates differ, then the applicable cash deposit rate will be the higher of these two rates; (3) if either the producer or the exporter, but not both, of the subject merchandise has a company-specific estimated subsidy rate assigned, the applicable cash deposit rate will be that company's company-specific rate; and (4) the cash deposit rate for all other producers and exporters will be continue to be 1.19 percent, the all-others subsidy rate established in the investigation.[20] These cash deposit instructions, when imposed, shall remain in effect until further notice.

Final Results

Unless otherwise extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of the issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4) and 19 CFR 351.221(b)(4).

Dated: October 5, 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. Period of Review
IV. Scope of the *Order*
V. Diversification of Korea's Economy
VI. Subsidies Valuation Information
VII. Analysis of Programs
VIII. Recommendation

Appendix II

Non-Selected Companies Under Review

1. POSCO
2. POSCO International
3. POSCO Coated & Color Steel Co., Ltd.
4. POSCO Steeleon Co., Ltd.
5. SeAH Coated Metal
6. SeAH Steel Corporation
7. TCC Steel Corp.

[FR Doc. 2026–20699 Filed 10–7–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

U.S. Integrated Ocean Observing System (IOOS®) Advisory Committee Public Meeting

AGENCY: U.S. Integrated Ocean Observing System (IOOS®), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of open meeting; opportunity for public comment.

SUMMARY: Notice is hereby given of a virtual meeting of the U.S. Integrated Ocean Observing System (IOOS®) Advisory Committee (Committee). The meeting is open to the public and an opportunity for oral and written comments will be provided.

DATES: The meeting will be held virtually on November 2, 2026 from 10 a.m. to 12 p.m. Eastern Time (ET). Registration is required; please register online at *https://forms.gle/4ifg31EG3Na4XzyV6* or email *courtney.edwards@noaa.gov.* Registration is required by 5 p.m. ET on October 30, 2026.

ADDRESSES: The meeting will be held virtually. To register for the meeting and/or submit public comments, use this link *https://forms.gle/4ifg31EG3Na4XzyV6* or email *courtney.edwards@noaa.gov.* See **SUPPLEMENTARY INFORMATION** for instructions and other information about public participation and special accommodations.

FOR FURTHER INFORMATION CONTACT: Krisa Arzayus, Designated Federal Official, U.S. IOOS Advisory Committee, U.S. IOOS Program, 240–533–9455, *krisa.arzayus@noaa.gov* or visit the U.S. IOOS Advisory Committee website at *https://ioos.noaa.gov/community/u-s-ioos-advisory-committee/.*

SUPPLEMENTARY INFORMATION:

I. Background

The Committee was established by the NOAA Administrator as directed by section 12304(d) of the Integrated Coastal and Ocean Observation System Act (the Act) as amended by Section 103 of the Coordinated Ocean Observations and Research Act of 2020 (COORA) (Pub. L. 116–271, Title I). 33 U.S.C. 3603(d). The Committee advises the NOAA Administrator and the Interagency Ocean Observation Committee (IOOC) on matters related to the responsibilities and authorities set forth in the Act and other appropriate matters as the Administrator, the Ocean Policy Committee described at 33 U.S.C. 3603(c)(1), and IOOC may refer to the Committee for review and advice. The charter and summaries of prior meetings can be found online at *https://ioos.noaa.gov/community/u-s-ioos-advisory-committee/.*

II. Matters To Be Considered

The meeting will focus on discussing ideas for Phase 2 of the Committee's work plan. The latest version of the

[19] *See* 19 CFR 351.310(d).

[20] *See Order,* 81 FR 48389.

agenda will be posted at *http://ioos.noaa.gov/community/u-s-ioos-advisory-committee/.* The times and the agenda topics described here are subject to change.

III. Public Comment Instructions

The meeting will be open to public participation (check agenda on website to confirm time). The Committee expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three (3) minutes. Written comments should be received by October 28, 2026 11:59 p.m. ET, to provide sufficient time for Committee review. Written comments received after October 28, 2026 11:59 p.m. ET, will be distributed to the Committee, but may not be reviewed prior to the meeting date. To submit written comments, please fill out the brief form at *https://forms.gle/4ifg31EG3Na4XzyV6* or email your comments and your organization/company affiliation to *courtney.edwards@noaa.gov.* All comments received are a part of the public record. All personally identifiable information (name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the commenter will be publicly accessible. The written comment is considered the official comment and should include discussion of all points you wish to make. The Federal agencies 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). Comments that are not responsive or contain profanity, vulgarity, threats, or other inappropriate language will not be considered. This NOAA public meeting will be recorded for use in preparation of minutes. If you have a public comment, you acknowledge that you will be recorded and are aware you can opt out of the meeting. Participation in the meeting constitutes consent to the recording.

IV. Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Krisa Arzayus, Designated Federal Official by email (*krisa.arzayus@noaa.gov*) or to Courtney Edwards (*courtney.edwards@noaa.gov*) by October 28, 11:59 p.m. ET.

Authority: Integrated Coastal and Ocean Observation System Act, part of the Omnibus Public Land Management Act of 2009 (Pub. L. 111–11), and the Coordinated Ocean Observations and Research Act of 2020 (Pub. L. 116–271)

Krisa M. Arzayus,

Acting Director, U.S. IOOS Office, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2026–20647 Filed 10–7–26; 8:45 am]

BILLING CODE 3510–NE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Public Meeting of the National Sea Grant Advisory Board

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Sea Grant Advisory Board (Board), a Federal Advisory Committee. Board members will discuss and provide advice on the National Sea Grant College Program (Sea Grant) in the areas of program evaluation, strategic planning, education and extension, science and technology programs, and other matters as described in the agenda found on the Sea Grant website. For more information on this Federal Advisory Committee please visit the Federal Advisory Committee database: *https://www.facadatabase.gov/FACA/FACAPublicPage.*

DATES: The announced meeting is scheduled for Friday, October 23, 2026 from 8:30 a.m.–5:00 p.m. (Central Standard Time).

ADDRESSES: The meeting will be held at the Oxford Conference Center in Oxford, MS. Registration is not required. For more information about the public meeting see below in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: For any questions concerning the meeting, please contact Ms. Susan Holmes, National Sea Grant College Program. Email: *oar.sg-feedback@noaa.gov,* Phone Number (301) 734–1077.

SUPPLEMENTARY INFORMATION:

Status: The meeting will be open to public participation with a public comment period on Friday, October 23, 2026 at 8:30 a.m. (Central Standard Time). The Board expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three (3) minutes. Written comments should be received by Ms. Susan Holmes by Wednesday, October 21, 2026 to provide sufficient time for Board review. Written comments received after the deadline will be distributed to the Board, but may not be reviewed prior to the meeting date.

Special Accommodations: The Board meeting is accessible to people with disabilities. Requests for sign language interpretation or other accessibility needs should be directed to Ms. Susan Holmes by Wednesday, October 21, 2026.

The Board, which consists of a balanced representation from academia, industry, state government and citizens groups, was established in 1976 by Section 209 of the Sea Grant Improvement Act (Pub. L. 94–461, 33 U.S.C. 1128). The Board advises the Secretary of Commerce and the Director of the National Sea Grant College Program with respect to operations under the Act, and such other matters as the Secretary refers to them for review and advice.

Matters To Be Considered: Board members will deliberate and vote on accepting their report to Congress and sending said report to congress, engage with the Sea Grant Communications Network panel of presenters, hear about Sea Grant economic impact and benefit activities, the Sea Grant Artificial Intelligence Community of Practice, and other topics that need Board feedback: *https://seagrant.noaa.gov/About/Advisory-Board.*

Nikola Garber,

Deputy Director, National Sea Grant College Program, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2026–20674 Filed 10–7–26; 8:45 am]

BILLING CODE 3510–KA–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deleted from the Procurement List.

SUMMARY: This action deletes product(s) and service(s) from the Procurement List that were furnished by nonprofit

agencies employing persons who are blind or have other severe disabilities.

DATES: *Date added to and deleted from the Procurement List:* November 8, 2026.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 250 E Street SW, Suite 3100, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Deletions

On September 3, 2026 (91 FR 56646), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) and service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s): 7045–01–193–4991—Tape, Electronic Data Processing, 5½″

Authorized Source of Supply: North Central Sight Services, Inc., Williamsport, PA

Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT

NSN(s)—Product Name(s):
7510–01–381–8041—Ink Refill, Stamp, Self-Inking, Black
7510–01–381–8070—Ink Refill, Stamp, Self-inking, Blue
7510–01–381–8072—Ink Refill, Stamp, Self-inking, Red

Authorized Source of Supply: LC Industries, Inc., Durham, NC

Contracting Activity: GENERAL SERVICES ADMINISTRATION, GSA/FAS ADMIN SVCS ACQUISITION BR(2

Service(s)

Service Type: Office Supply Store

Mandatory For: Department of the Treasury: 1500 Pennsylvania Avenue NW, 1500 Pensylvania Avenue NW, Washington, DC

Authorized Source of Supply: Winston-Salem Industries for the Blind, Inc, Winston-Salem, NC

Contracting Activity: DEPARTMENT OF THE TREASURY, DEPT OF TREAS/

Service Type: Office Supply Store

Mandatory For: U.S. Department of Commerce: 14th & Constitution Avenue NW, Herbert Hoover Building, 14th & Constitution Avenue NW, Herbert Hoover Building, Washington, DC

Authorized Source of Supply: Winston-Salem Industries for the Blind, Inc, Winston-Salem, NC

Contracting Activity: DEPARTMENT OF COMMERCE

Service Type: Base Supply Center

Mandatory For: U.S. Census Bureau Federal Building: Base Supply Center, U.S. Census Bureau Federal Building, Suitland, MD

Authorized Source of Supply: Winston-Salem Industries for the Blind, Inc, Winston-Salem, NC

Contracting Activity: DEPARTMENT OF COMMERCE

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–20621 Filed 10–7–26; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: November 7, 2026.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 250 E Street SW, Suite 3100, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following product(s) and service(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s):
7920–01–440–9190—Mop Head, Wet, Looped-End, Green, 22 oz., 40″
7920–01–440–9193—Mop Head, Wet, Looped-End, Green, 24 oz., 32″
7920–01–440–9197—Mop Head, Wet, Looped-End, Orange, 16 oz., 34″

Authorized Source of Supply: MISSISSIPPI INDUSTRIES FOR THE BLIND (INC), Jackson, MS

Contracting Activity: GENERAL SERVICES ADMINISTRATION, GSA/FSS GREATER SOUTHWEST ACQUISITI

NSN(s)—Product Name(s):
8405–01–334–1493—Cap, Garrison, Army, Men's, Green, 6⅜
8405–01–334–1494—Cap, Garrison, Army, Men's, Green, 6½
8405–01–334–1495—Cap, Garrison, Army, Men's, Green, 6⅝
8405–01–334–1496—Cap, Garrison, Army, Men's, Green, 6¾
8405–01–334–1497—Cap, Garrison, Army, Men's, Green, 6⅞
8405–01–334–1498—Cap, Garrison, Army, Men's, Green, 7
8405–01–334–1499—Cap, Garrison, Army, Men's, Green, 7⅛
8405–01–334–1500—Cap, Garrison, Army, Men's, Green, 7¼
8405–01–334–1501—Cap, Garrison, Army, Men's, Green, 7⅜
8405–01–334–1502—Cap, Garrison, Army, Men's, Green, 7½
8405–01–334–1503—Cap, Garrison, Army, Men's, Green, 7⅝
8405–01–334–1504—Cap, Garrison, Army, Men's, Green, 7¾
8405–01–334–1505—Cap, Garrison, Army, Men's, Green, 7⅞

Authorized Source of Supply: Goodwill Industries of South Florida, Inc., Miami, FL

Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK,

Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT

Service(s)

Service Type: Base Supply Center and Retail Gift Shop

Mandatory For: Bureau of Alcohol, Firearms, Tobacco and Explosives, Washington, DC, 99 New York Avenue NE, Washington, DC

Authorized Source of Supply: Virginia

Industries for the Blind, Charlottesville, VA
Contracting Activity: JUSTICE, DEPARTMENT OF, ATF
Service Type: Office Supply Store
Mandatory For: BSC-Defense Supply Service-Washington: Presidential Towers, 2511 South Clarke Street, Suite 1600, Arlington, VA
Authorized Source of Supply: Virginia Industries for the Blind, Charlottesville, VA
Contracting Activity: DEPT OF DEFENSE, DOD/OFF OF SECRETARY OF DEF (EXC MIL DEPTS)

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–20620 Filed 10–7–26; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Withdrawal of Notice of Intent (NOI) To Prepare a Draft Environmental Impact Statement (DEIS) Mississippi River and Tributaries-Morganza, Louisiana to the Gulf of Mexico Hurricane Protection—Houma Navigation Canal General Re-Evaluation

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent; withdrawal.

SUMMARY: The U.S. Army Corps of Engineers (USACE) is issuing this notice to advise Federal, State, and local governmental agencies and the public that USACE is withdrawing the notice of intent for the preparation of the DEIS pursuant to Energy and Water Development Appropriation Act of 1995 (Pub. L. 103–316) for the Mississippi River and Tributaries-Morganza, Louisiana to the Gulf of Mexico Hurricane Protection-Houma Navigation Canal Deepening (HNCD) General Re-Evaluation which was published in the **Federal Register** on May 23, 2003. Since publication of the NOI, the project authority has changed; HNCD was conditionally authorized under Section 403 of the Water Resources Development Act (WRDA) of 2020. Additionally, the USACE has since determined that an Environmental Assessment (EA) rather than an Environmental Impact Statement (EIS) is the appropriate level of environmental documentation.

DATES: The notice of intent to prepare an EIS published in the **Federal Register** on May 23, 2003 (68 FR 28199), is withdrawn as of October 8, 2026.

ADDRESSES: U.S. Army Corps of Engineers, New Orleans; 7400 Leake Ave., New Orleans, Louisiana 70118.

FOR FURTHER INFORMATION CONTACT: Questions about the withdrawal of the Notice of Intent can be directed to Elizabeth Behrens, (504) 862–2025 or *Elizabeth.H.Behrens@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The study was previously authorized under Energy and Water Development Appropriation Act of 1995 (Pub. L. 103–316) for the Mississippi River and Tributaries-Morganza, Louisiana to the Gulf of Mexico Hurricane Protection-Houma Navigation Canal Deepening (HNCD) General Re-Evaluation and scoped as an EIS. Subsequently, the project was submitted as a Section 203 Integrated Feasibility Report/Environmental Impact Statement by the Louisiana Department of Transportation and Development (LADOTD). HNCD was conditionally authorized under Section 403 of the Water Resources Development Act (WRDA) of 2020 pending resolution of comments and completion of NEPA. Since release of the NOI, it was determined that a portion of environmental impacts resulting from the HNC deepening would be addressed through operations of the HNC Lock Complex. Salinity thresholds are included for HNC lock complex operations within the draft Water Control Plan developed for Morganza to the Gulf Hurricane and Storm Damage Risk Reduction Project SEIS (2026). The reduction in anticipated impacts from salinity intrusion resulted in the change from EIS to EA as the appropriate level NEPA documentation.

Resolution of comments from the NOI 03–13010 (68 FR 28199) and any future Federal action related to the Energy and Water Development Appropriation Act of 1995 (Pub. L. 103–316) for the Mississippi River and Tributaries-Morganza, Louisiana to the Gulf of Mexico Hurricane Protection-Houma Navigation Canal Deepening (HNCD) General Re-Evaluation will comply with the requirements of NEPA (42 U.S.C. 4321 *et seq.*), and Department of War National Environmental Policy Act Implementing Procedures and other related environmental review requirements. The USACE will initiate a separate environmental review process for the federal action pursuant to Section 403 of WRDA 2020. The USACE will notify the public in advance of the availability of the draft EA through public notice.

James A. Bodron,

Programs Director, Mississippi Valley Division.

[FR Doc. 2026–20643 Filed 10–7–26; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF ENERGY

Office of Science Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Department of Energy (DOE) Office of Science Advisory Committee (SCAC). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, November 12, 2026; 9 a.m.–4:30 p.m. EDT.

ADDRESSES: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Drive, Rockville, MD 20852. Remote attendance of the SCAC meeting will be available via Zoom. Instructions will be posted on the SCAC website at *https://science.osti.gov/About/Federal-Advisory-Committee/SCAC* prior to the meeting and can also be obtained by contacting Katie Runkles by email at *katie.runkles@doe.gov* or by telephone at (301) 903–6529. Advanced registration is required.

FOR FURTHER INFORMATION CONTACT: Katie Runkles, Office of the Deputy Director for Science Programs; SC–DDSP/Germantown Building; U.S. Department of Energy; 1000 Independence Avenue SW, Washington, DC 20585–1290; Phone: (301) 903–6529 or Email at *katie.runkles@doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the committee is to provide advice and guidance on a continuing basis to the Under Secretary for Science, the Office of Science (SC), and the Department of Energy on a variety of complex scientific and technical issues that arise in the planning, management, and implementation of the Office of Science research programs.

Purpose of the Meeting: This meeting is the third meeting of the Committee.

Tentative Agenda:

- Updates from the Office of Science
- Presentation of New Charges
- Presentation and Discussion from the SC User Facilities Subcommittee
- Updates from the Under Secretary for Science

• Public Comment (10-minute rule)

Agenda updates and presentations will be posted on the SCAC website prior to the meeting: *https://science.osti.gov/About/Federal-Advisory-Committee/SCAC/Meetings.*

Public Participation: The meeting is open to the public in-person and virtually. Individuals and representatives of organizations who would like to offer comments and suggestions may do so during the meeting. Approximately 30 minutes will be reserved for public comments. The time allotted per speaker will depend on the number who wish to speak, but will not exceed 10 minutes. If you have any questions or need a reasonable accommodation under the Americans with Disabilities Act for this event, please send your request to Katie Runkles at *katie.runkles@doe.gov,* two weeks but no later than 48 hours, prior to the event. Closed captions will be enabled. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Those wishing to speak should submit their request at least five days before the meeting. Those not able to attend the meeting or who have insufficient time to address the committee are invited to send a written statement to Katie Runkles, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, email to *katie.runkles@doe.gov.*

Minutes: The minutes of this meeting will be available within 90 days on the SCAC website at *https://science.osti.gov/About/Federal-Advisory-Committee/SCAC/Meetings.*

Signing Authority: This document of the Department of Energy was signed on October 6, 2026, by David Borak, Committee Management Officer, 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 6, 2026.

Jennifer Hartzell,

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

[FR Doc. 2026–20686 Filed 10–7–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11197–005]

Northern California Power Agency; Notice of Intent To File License Application, Filing of Pre-Application Document (PAD), Commencement of Pre-Filing Process, And Scoping; Request for Comments on the PAD and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.

b. *Project No.:* 11197–005.

c. *Date Filed:* August 4, 2026.

d. *Submitted By:* Northern California Power Agency (NCPA).

e. *Name of Project:* Collierville and Spicer Meadow Transmission Lines Project.

f. *Location:* Approximately 68 miles northeast of the city of Stockton, California in Calaveras and Tuolumne Counties.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Jake Eymann, Manager, Northern California Power Company, 477 Bret Harte Drive, Murphys, CA 95247; Telephone (209) 728–1387 or email *hydrorelicensing@ncpa.com.*

i. *FERC Contact:* Shannon Archuleta, Project Coordinator, West Branch, Division of Hydropower Licensing; telephone (503) 552–2739 or email *shannon.archuleta@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).

k. *With this notice, we are initiating informal consultation with:* (a) the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402 and (b) the State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating NCPA as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. Northern California Power Company filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review on the Commission's website (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available via the contact in item (h) above.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support. For public inquiries and assistance with intervening or participating contact the Office of Public Participation at (202)502–6595 or *OPP@ferc.gov.*

o. With this notice, we are soliciting comments on the PAD and Commission's staff Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 10,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/*

ecomment.asp. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*. In lieu of electronic filing, please send a paper copy via U.S. Postal Service to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing must clearly identify the project name and docket number: Collierville and Spicer Meadow Transmission Lines Project (P–11197–005).

All filings with the Commission must bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so before 5:00 p.m. Eastern Time on December 2, 2026.

p. *Scoping Process:* In accordance with the National Environmental Policy Act (NEPA), Commission staff will prepare either an environmental assessment (EA) or an environmental impact statement (EIS) (collectively referred to as the ''NEPA document''). The primary goal of the scoping process is to identify the specific environmental issues and concerns that should be considered in the NEPA document. The Commission's scoping process will help determine the required level of analysis and satisfy NEPA scoping requirements, irrespective of whether the Commission prepares an EA or EIS.

Scoping Sessions

Commission staff will hold two scoping meetings in the vicinity of the project at the time and place noted below. We invite all interested individuals, Tribes, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed. The times and locations of these meetings are as follows:

Daytime Scoping Meeting

Date: Tuesday, October 27, 2026.

Time: 1:00 p.m. to 3:00 p.m. Pacific Standard Time (PST).

Location: Murhpys-Angels Lions Club, 98 School Street, Murphys, California 95247.

Evening Scoping Meeting

Date: Tuesday, October 27, 2026.

Time: 6:00 p.m. to 8:00 p.m. Pacific Standard Time (PST).

Location: Murhpys-Angels Lions Club, 98 School Street, Murphys, California 95247.

Scoping Document 1 (SD1), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list and NCPA's PAD distribution list. Scoping session participants should come prepared to describe their issues and/or concerns. Please review the PAD and SD1 in preparation for the scoping sessions. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Directions on how to obtain a copy of the PAD and SD1 are included above in item (n).

Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Meeting Procedures

The scoping sessions will begin promptly at their respective start times listed above. There will not be a formal presentation by Commission staff when the session opens, and you may arrive any time after the scheduled start time. Individual oral comments will be taken on a one-on-one basis with a court reporter. This format is designed to receive the maximum number of oral comments in a convenient way during the timeframe allotted. If you wish to speak, Commission staff will hand out numbers in the order of your arrival. If a significant number of people are interested in providing oral comments in the one-on-one setting, a time limit may be implemented for each commentor. If all individuals who wish to provide comments have had an opportunity to do so, staff may conclude the session half an hour earlier than the scheduled time.

Your oral comments will be recorded by the court reporter and become part of the public record for this proceeding. Transcripts will be publicly available on FERC's eLibrary system [see item (n) above for instructions on using eLibrary]. Although there will not be a formal presentation, Commission staff will be available throughout the scoping session to answer your questions about the environmental review process. Representatives from NCPA will also be present to answer project-specific questions.

Proper conduct will help the sessions maintain a respectful atmosphere for attendees to provide comments effectively. Loudspeakers, lighting, oversized visual aids, other visual or audible disturbances, and disruptive video and photographic equipment are not permitted. Recorded interviews are also not permitted within the session space. FERC reserves the right to end the session if disruptions interfere with the opportunity for individuals to provide oral comments or if there is a safety or security risk. Please see Appendix C of the SD1 for additional information on the session format and conduct.

It is important to note that the Commission provides equal consideration to all comments received, whether filed in written form or provided orally at a scoping session.

q. *Environmental Site Review:* The applicant and Commission staff will conduct an Environmental Site Review of the project on Wednesday, October 28 2026, starting at 8:30 a.m. All participants should meet at NCPA's Office, located at 477 Bret Harte Drive, Murphys, CA 95245. All participants are responsible for their own transportation. Anyone with questions about the site visit should contact Mr. Darrin Johnson at *d.johnson@giaconsultants.com* (preferably) or by phone at (715) 697–3130 on or before Wednesday October 21, 2026.

(Authority: 18 CFR 2.1)

Dated: October 5, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–20655 Filed 10–7–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP25–539–000, CP25–539–001]

Rockies Express Pipeline LLC, Cheyenne Connector, LLC, East Cheyenne Gas Storage, LLC; Notice of Availability of the Environmental Assessment for the Proposed Critical Energy Reliability Link Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Critical Energy Reliability Link Project,

proposed by Rockies Express Pipeline LLC (REX) in the above-referenced docket.[1] REX requests authorization to construct certain natural gas pipeline facilities in order to provide up to 100,000 dekatherms per day (Dth/d) of firm natural gas transportation service and 50,000 Dth/d of no-notice service to Colorado Springs Utilities in Colorado Springs, Colorado.

Any person wishing to comment on the EA may do so. To ensure consideration of your comments on the proposal prior to making a decision on the project, it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on November 2, 2026. Instructions for filing comments are provided on pages 3–4.

FERC is the lead federal agency for authorizing interstate natural gas transmission facilities under the Natural Gas Act of 1938 (NGA) and the lead federal agency for preparation of the EA. The EA assesses the potential environmental effects of the Critical Energy Reliability Link Project in accordance with the requirements of the National Environmental Policy Act (NEPA)[2] and the Commission's implementing regulations.[3] The principal purposes of the EA are to: identify and assess the potential effects on the natural and human environment; describe and evaluate reasonable alternatives; identify and recommend mitigation measures; and facilitate public involvement in the environmental review process. The EA concludes that approval of the proposed project would not constitute a major federal action significantly affecting the quality of the human environment.

The EA addresses the potential environmental effects of the construction and operation of the following project facilities, in Weld, Adams, Arapahoe, Elbert, and El Paso counties, Colorado:

- approximately 153.8 miles of new 24-inch-diameter natural gas pipeline (Lateral);
- approximately 7.0 miles of new 24-inch-diameter natural gas pipeline (Horizon Spur);
- approximately 1.6 miles of 24-inch natural gas pipeline (Williams Creek Spur),
- a new 6,300-horsepower electric motor-driven compressor station (LaSalle Compressor Station [CS]);
- approximately 0.3 mile of new 24-inch-diameter natural gas interconnect piping (Cheyenne Connector Interconnect Piping);
- three interconnect facilities (Cheyenne Connector Interconnect Site, Lateral/Horizon Spur Interconnect Site, and Lateral/Williams Creek Spur Interconnect Site);
- associated meter stations (the LaSalle Meter Station [MS], Clear Springs MS, Horizon MS, and Williams Creek MS); and
- appurtenant facilities.

In addition, REX proposes to acquire capacity, via a lease agreement, on the Cheyenne Connector Pipeline (Cheyenne Connector Lease) and in East Cheyenne's gas storage facilities (East Cheyenne Lease), and approval of other related service, rate, and tariff changes. Cheyenne Connector, LLC and East Cheyenne Gas Storage, LLC propose to abandon by lease 250,000 Dth/d of existing unsubscribed transportation capacity to REX, pursuant to the Cheyenne Connector Lease; and abandon by lease 1,500,000 dekatherms of existing unsubscribed storage capacity to REX, pursuant to the East Cheyenne Lease.

The Commission mailed a copy of the *Notice of Availability* of the EA to federal, state, and local government representatives and agencies; elected officials; Native American tribes; environmental and public interest groups; potentially affected landowners and other interested individuals and groups; and libraries and media outlets in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*), select ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP25–539). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Under section 7(c) of the NGA, the Commission determines whether interstate natural gas transportation facilities are in the public convenience and necessity and, if so, grants a Certificate of Public Convenience and Necessity to construct and operate them. Section 7(b) of the NGA specifies that no natural gas company shall abandon any portion of its facilities subject to the Commission's jurisdiction without the Commission first finding that the abandonment will not negatively affect the present or future public convenience and necessity. The Commission bases its decisions on both economic issues, including need, and environmental effects.

Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental effects. The more specific your comments, the more useful they will be. For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov*. Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP25–539) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A,

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1765365565.

[2] National Environmental Policy Act of 1969, as amended (Public Law [Pub. L.] 91–190. 42 U.S. Code 4321–4347, as amended by Pub. L. 94–52, July 3, 1975; Pub. L. 94–83, August 9, 1975; Pub. L. 97–258, 4(b), September 13, 1982; Pub. L. 118–5, June 3, 2023; Pub. L. 119–21, July 4, 2025).

[3] Title 18 of the Code of Federal Regulations Part 380.

Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at *https://www.ferc.gov/how-intervene.*

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202)502–6595 or *OPP@ferc.gov.* Additional information about the project is available from the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

(Authority: 18 CFR 2.1)

Dated: October 2, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–20581 Filed 10–7–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Exempt Wholesale Generator filings:

Docket Numbers: EG27–1–000.

Applicants: Blackwater Solar Center, LLC.

Description: Blackwater Solar Center, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 10/2/26.

Accession Number: 20261002–5055.

Comment Date: 5 p.m. ET 10/23/26.

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER13–368–002.

Applicants: The Procter & Gamble Paper Products Company.

Description: Compliance filing: Notice of Change in Status and Market-Based Rate Tariff Revisions to be effective 12/1/2026.

Filed Date: 10/2/26.

Accession Number: 20261002–5154.

Comment Date: 5 p.m. ET 10/22/26.

Docket Numbers: ER27–20–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of WMPA, SA No. 6183; AF1–005 re: suspension to be effective 12/1/2026.

Filed Date: 10/1/26.

Accession Number: 20261001–5321.

Comment Date: 5 p.m. ET 10/22/26.

Docket Numbers: ER27–21–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to GIA SA No. 7528; Project Identifier No. AG1–066 to be effective 12/1/2026.

Filed Date: 10/1/26.

Accession Number: 20261001–5368.

Comment Date: 5 p.m. ET 10/22/26.

Docket Numbers: ER27–22–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to GIA, SA No. 7344; Project Identifier No. AF2–415 to be effective 12/2/2026.

Filed Date: 10/2/26.

Accession Number: 20261002–5039.

Comment Date: 5 p.m. ET 10/23/26.

Docket Numbers: ER27–23–000.

Applicants: Golden Spread Electric Cooperative, Inc.

Description: § 205(d) Rate Filing: WPC Amendments Ex A and Ex B to be effective 12/1/2026.

Filed Date: 10/2/26.

Accession Number: 20261002–5043.

Comment Date: 5 p.m. ET 10/23/26.

Docket Numbers: ER27–24–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 5823; Queue No. AC2–103 to be effective 12/2/2026.

Filed Date: 10/2/26.

Accession Number: 20261002–5053.

Comment Date: 5 p.m. ET 10/23/26.

Docket Numbers: ER27–25–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2026–10–02_Large Load Addition Resource Study (LARS) to be effective 12/2/2026.

Filed Date: 10/2/26.

Accession Number: 20261002–5074.

Comment Date: 5 p.m. ET 10/23/26.

Docket Numbers: ER27–26–000.

Applicants: Viridon Path 15 LLC.

Description: § 205(d) Rate Filing: Annual Update for TRBAA for 2027 to be effective 1/1/2027.

Filed Date: 10/2/26.

Accession Number: 20261002–5082.

Comment Date: 5 p.m. ET 10/23/26.

Docket Numbers: ER27–27–000.

Applicants: New York Independent System Operator, Inc.

Description: Compliance filing: NYISO Compliance: Conform FERC eTariff Records re: URR & Improved Duct-Firing to be effective 9/16/2026.

Filed Date: 10/2/26.

Accession Number: 20261002–5085.

Comment Date: 5 p.m. ET 10/23/26.

Docket Numbers: ER27–28–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Amendment to Rate Schedule No. 15 to be effective 10/1/2026.

Filed Date: 10/2/26.

Accession Number: 20261002–5090.

Comment Date: 5 p.m. ET 10/23/26.

Docket Numbers: ER27–29–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: Longleaf Generating Facility LGIA Filing to be effective 9/21/2026.

Filed Date: 10/2/26.

Accession Number: 20261002–5103.

Comment Date: 5 p.m. ET 10/23/26.

Docket Numbers: ER27–30–000.

Applicants: Portland General Electric Company.

Description: § 205(d) Rate Filing: PGE OATT Attachments M and O Conformance Filing to be effective 10/1/2026.

Filed Date: 10/2/26.

Accession Number: 20261002–5113.

Comment Date: 5 p.m. ET 10/23/26.

Docket Numbers: ER27–31–000.

Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: New York Independent System Operator, Inc.

submits tariff filing per 35.13(a)(2)(iii: NMPC 205: Proposed RS23 re: WDS Cost Recovery for Energy Storage Resources to be effective 12/2/2026.

Filed Date: 10/2/26.

Accession Number: 20261002–5121.

Comment Date: 5 p.m. ET 10/23/26.

Docket Numbers: ER27–32–000.

Applicants: Willow Creek Energy Storage, LLC.

Description: § 205(d) Rate Filing: Willow Creek ES, LLC—Application for MBR Authorization—Expedited Treatment to be effective 10/3/2026.

Filed Date: 10/2/26.

Accession Number: 20261002–5122.

Comment Date: 5 p.m. ET 10/23/26.

Docket Numbers: ER27–33–000.

Applicants: Public Service Company of New Mexico.

Description: § 205(d) Rate Filing: PNM's Certificate of Concurrence with TEP SA 651 to be effective 8/5/2026.

Filed Date: 10/2/26.

Accession Number: 20261002–5123.

Comment Date: 5 p.m. ET 10/23/26.

Docket Numbers: ER27–34–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Ministerial Clean-Up Revisions to PJM Tariff, Attachment Q to be effective 2/11/2026.

Filed Date: 10/2/26.

Accession Number: 20261002–5125.

Comment Date: 5 p.m. ET 10/23/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern Time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: October 2, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–20583 Filed 10–7–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3428–205]

Brown Bear II Hydro, Inc.; Notice of Intent To Prepare an Environmental Assessment

On November 29, 2023, Brown Bear II Hydro, Inc. (Brown Bear Hydro) filed an application to relicense the 19.4-megawatt Worumbo Hydroelectric Project No. 3428, located on the Androscoggin River in Androscoggin County, Maine.[1]

In accordance with the Commission's regulations, on January 14, 2026, Commission staff issued a notice that the project was ready for environmental analysis (REA Notice).[2] Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an Environmental Assessment (EA) on the application to license the Worumbo Project.[3]

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

The application will be processed according to the following schedule. The EA will be issued for a 30-day comment period. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA.	September 10, 2027.

Any questions regarding this notice may be directed to Erin Kimsey at 202–502–8621 or *Erin.Kimsey@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: October 2, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–20578 Filed 10–7–26; 8:45 am]

BILLING CODE 6717–01–P

[1] On July 27, 2026, Brown Bear Hydro amended the license application (*see* Accession No. 20260727–5331).

[2] In notices issued February 10, 2026 and April 23, 2026, staff granted Brown Bear Hydro's request to extend deadlines established in the REA Notice for filing motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions and for Brown Bear Hydro to request water quality certification. Additional time was needed to complete ongoing evaluations of fish passage alternatives at the project in consultation with licensing stakeholders.

[3] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1785830510.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EG26–270–000, EG26–271–000, EG26–272–000, EG26–273–000, EG26–274–000, EG26–275–000, EG26–276–000, EG26–277–000, EG26–278–000, EG26–279–000, EG26–280–000, EG26–281–000, EG26–282–000, EG26–283–000, EG26–284–000, EG26–285–000]

AP Solar 4, LLC; Abes Run Solar LLC; Buffalo Solar Farm, LLC; Zama Renewables LLC; Moonraker BESS LLC; Buffalo Gap Repower, LLC; RPCA Storage 1, LLC; FGE Goodnight II, LLC; Willow Creek Energy Storage, LLC; Ninnescah Flats Energy Storage, LLC; Rush Springs Energy Storage II, LLC; Flint Grid, LLC; Duffy Energy Storage LLC; Edge Solar LLC; Camp Creek Wind, LLC; SF Jasmine, LLC; Notice of Effectiveness of Exempt Wholesale Generator Status

Take notice that during the month of September 2026, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2025).

Dated: October 2, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–20579 Filed 10–7–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR27–1–000.
Applicants: San Jacinto Pipeline, LLC.
Description: § 284.123 Rate Filing: Petition for NGPA Section 311 Rate Approval to be effective 9/1/2026.
Filed Date: 10/1/26.
Accession Number: 20261001–5334.
Comment Date: 5 p.m. ET 10/22/26.

Docket Numbers: PR27–2–000.
Applicants: DTE Gas Company.
Description: § 284.123 Rate Filing: Revisions to the Operating Statement to be effective 10/1/2026.
Filed Date: 10/1/26.
Accession Number: 20261001–5336.
Comment Date: 5 p.m. ET 10/22/26.

Docket Numbers: RP27–11–000.
Applicants: Roaring Fork Interstate Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Annual FL&U Reimbursement Percentage Filing to be effective 11/1/2026.
Filed Date: 10/1/26.
Accession Number: 20261001–5225.
Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: RP27–12–000.
Applicants: Double E Pipeline, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement (FTS018) with MRC Permian Company to be effective 10/1/2026.
Filed Date: 10/1/26.
Accession Number: 20261001–5240.
Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: RP27–13–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: 2026 Fuel Tracker Filing to be effective 11/1/2026.
Filed Date: 10/1/26.
Accession Number: 20261001–5271.
Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: RP27–14–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: TCO NC Amendment ROC 78193–9 to be effective 11/1/2026.
Filed Date: 10/1/26.
Accession Number: 20261001–5303.
Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: RP27–15–000.
Applicants: WBI Energy Transmission, Inc.
Description: Annual Report of Penalty Revenue Credits of WBI Energy Transmission, Inc.
Filed Date: 10/1/26.
Accession Number: 20261001–5360.
Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: RP27–16–000.
Applicants: Rover Pipeline LLC.
Description: § 4(d) Rate Filing: Summary of Negotiated Rate Capacity Release Agreements 10–2–2026 to be effective 10/1/2026.
Filed Date: 10/2/26.
Accession Number: 20261002–5083.
Comment Date: 5 p.m. ET 10/14/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP26–1258–001.
Applicants: Double E Pipeline, LLC.
Description: Tariff Amendment: Corrected Amendment to Agreement in RP26–1258—to be effective 9/17/2026.
Filed Date: 10/1/26.
Accession Number: 20261001–5236.
Comment Date: 5 p.m. ET 10/13/26.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: October 2, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–20582 Filed 10–7–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Electric Corporate filings:

Docket Numbers: EC26–129–000.
Applicants: Idaho Power Company.
Description: Supplement to 07/14/2026, Application for Authorization Under Section 203 of the Federal Power Act of Idaho Power Company.
Filed Date: 10/2/26.
Accession Number: 20261002–5243.
Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: EC26–166–000.
Applicants: GSP Newington LLC, GSP White Lake LLC, GSP Lost Nation LLC, Gate City Power Holdings II LLC.
Description: Response to 09/23/2026, Deficiency Letter of GSP Newington, LLC, et al.
Filed Date: 10/1/26.
Accession Number: 20261001–5414.
Comment Date: 5 p.m. ET 11/2/26.

Docket Numbers: EC27–2–000.
Applicants: Chief Keystone Power, LLC, Chief Conemaugh Power, LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Chief Conemaugh Power, LLC, et al.
Filed Date: 10/2/26.
Accession Number: 20261002–5239.
Comment Date: 5 p.m. ET 10/23/26.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL26–113–000.
Applicants: Southern California Edison Company.
Description: Petition for Declaratory Order of Southern California Edison Company.
Filed Date: 9/23/26.
Accession Number: 20260923–5188.
Comment Date: 5 p.m. ET 10/23/26.

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER26–2764–000.
Applicants: Southwest Power Pool, Inc.
Description: Refund Report: 1628R32 Western Farmers Electric Cooperative Refund Report to be effective N/A.
Filed Date: 10/5/26.
Accession Number: 20261005–5123.
Comment Date: 5 p.m. ET 10/26/26.

Docket Numbers: ER26–3231–001.
Applicants: Duke Energy Carolinas, LLC.
Description: Tariff Amendment: Errata to Filing and Request for Shortened Comment Period to be effective 12/31/9998.
Filed Date: 10/5/26.
Accession Number: 20261005–5155.
Comment Date: 5 p.m. ET 10/26/26.

Docket Numbers: ER26–3459–001.
Applicants: Entergy Louisiana, LLC.
Description: Tariff Amendment: ELL–SLEMCO Transmission Interconnection Agreement to be effective 8/8/2026.
Filed Date: 10/2/26.

Accession Number: 20261002–5170.
Comment Date: 5 p.m. ET 10/23/26.

Docket Numbers: ER27–35–000.
Applicants: Otter Tail Power Company.
Description: § 205(d) Rate Filing: Construction Management Agmnt Big Stone South to Alexandria Transmission Proj to be effective 9/3/2026.
Filed Date: 10/2/26.
Accession Number: 20261002–5171.
Comment Date: 5 p.m. ET 10/23/26.

Docket Numbers: ER27–36–000.
Applicants: Otter Tail Power Company.
Description: § 205(d) Rate Filing: Operation and Maintenance Agrmnt Big Stone South to Alexandria Transmission Proj to be effective 9/3/2026.
Filed Date: 10/2/26.
Accession Number: 20261002–5174.
Comment Date: 5 p.m. ET 10/23/26.

Docket Numbers: ER27–37–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: CSA, First Revised SA No. 7466; Project Identifier No. AG1–054/AG2–236 to be effective 9/3/2026.
Filed Date: 10/5/26.
Accession Number: 20261005–5038.
Comment Date: 5 p.m. ET 10/26/26.

Docket Numbers: ER27–38–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to GIA, Service Agreement No. 7256; Project Identifier No. AE2–139 to be effective 12/5/2026.
Filed Date: 10/5/26.
Accession Number: 20261005–5047.
Comment Date: 5 p.m. ET 10/26/26.

Docket Numbers: ER27–39–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA SA No. 6157 & ICSA SA No. 6158; Queue No. AB2–036 to be effective 12/5/2026.
Filed Date: 10/5/26.
Accession Number: 20261005–5054.
Comment Date: 5 p.m. ET 10/26/26.

Docket Numbers: ER27–40–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: GIA SA # 8063 Project ID # AF2–044/AH1–706; ISA Cancel SA # 4415 Queue # AF2–044 to be effective 9/3/2026.
Filed Date: 10/5/26.
Accession Number: 20261005–5057.
Comment Date: 5 p.m. ET 10/26/26.

Docket Numbers: ER27–41–000.
Applicants: San Diego Gas & Electric Company.
Description: Petition for Limited Waiver of San Diego Gas & Electric Company.
Filed Date: 10/2/26.
Accession Number: 20261002–5236.
Comment Date: 5 p.m. ET 10/23/26.

Docket Numbers: ER27–42–000.
Applicants: Winchester Solar I, LLC.
Description: Initial Rate Filing: Application for Market-Based Rate Authority—Winchester Solar I, LLC to be effective 12/5/2026.
Filed Date: 10/5/26.
Accession Number: 20261005–5071.
Comment Date: 5 p.m. ET 10/26/26.

Docket Numbers: ER27–43–000.
Applicants: Winchester Solar II, LLC.
Description: Initial Rate Filing: Application for Market-Based Rate Authority—Winchester Solar II, LLC to be effective 12/5/2026.
Filed Date: 10/5/26.
Accession Number: 20261005–5073.
Comment Date: 5 p.m. ET 10/26/26.

Docket Numbers: ER27–45–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: EG Hickory (Hickory Solar Project) LGIA Filing to be effective 9/23/2026.
Filed Date: 10/5/26.
Accession Number: 20261005–5083.
Comment Date: 5 p.m. ET 10/26/26.

Docket Numbers: ER27–46–000.
Applicants: Alabama Power Company, Mississippi Power Company, Georgia Power Company.
Description: § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: EG Magnolia (Magnolia Solar Project) LGIA Filing to be effective 9/23/2026.
Filed Date: 10/5/26.
Accession Number: 20261005–5085.
Comment Date: 5 p.m. ET 10/26/26.

Docket Numbers: ER27–47–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: High Cotton Solar LGIA Filing to be effective 9/23/2026.
Filed Date: 10/5/26.
Accession Number: 20261005–5087.
Comment Date: 5 p.m. ET 10/26/26.

Docket Numbers: ER27–48–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: Pine Meadow Solar LGIA Filing to be effective 9/23/2026.
Filed Date: 10/5/26.
Accession Number: 20261005–5089.
Comment Date: 5 p.m. ET 10/26/26.

Docket Numbers: ER27–49–000.
Applicants: Murch Solar, LLC.
Description: Initial Rate Filing: Petition for Order Accepting Market-Based Rate Tariff and Granting Waivers to be effective 10/12/2026.
Filed Date: 10/5/26.
Accession Number: 20261005–5102.
Comment Date: 5 p.m. ET 10/26/26.

Docket Numbers: ER27–50–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions to Markets+ Tariff to Add Co-Located Resource Functionality to be effective 12/31/9998.
Filed Date: 10/5/26.
Accession Number: 20261005–5133.
Comment Date: 5 p.m. ET 10/26/26.

Take notice that the Commission received the following Electric Securities filings:

Docket Numbers: ES27–1–000.
Applicants: Narragansett Electric Company d/b/a Rhode Island Energy.
Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of The Narragansett Electric Company.
Filed Date: 10/2/26.
Accession Number: 20261002–5242.
Comment Date: 5 p.m. ET 10/23/26.

Docket Numbers: ES27–2–000.
Applicants: Monongahela Power Company.
Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Monongahela Power Company.
Filed Date: 10/2/26.
Accession Number: 20261002–5244.
Comment Date: 5 p.m. ET 10/23/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: October 5, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–20645 Filed 10–7–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3031–001]

Shoshone Irrigation District; Notice of Existing Licensee's Failure To File a Timely Notice of Intent To File a New License Application, and Soliciting Notices of Intent To File a License Application and Pre-Application Documents

The current license for Garland Canal Project No. 3031 was issued to the original licensee, Shoshone Irrigation District, on October 9, 1981.[1] The original license was issued for a term of 50 years, ending August 31, 2031. The 2.61-megawatt (MW) project is located on Garland Irrigation Canal in Park County, Wyoming.

The project consists of: (1) drop structure and intake; (2) a 10-foot by 10-foot concrete penstock approximately 2,400-feet-long; (3) a concrete powerhouse consisting of one generating unit rated at 2.6 MW; (4) a substation located adjacent to the powerhouse; (5) 4.16 kilovolt (kV) generator leads connecting to a step-up transformer bank; (5) 12.5 kV transmission line; (7) tailrace; and (8) appurtenant facilities.

At least five years before the expiration of a license, the Commission's regulations require the licensee to file with the Commission a notice of intent (NOI) that contains an unequivocal statement of the licensee's intention to file or not to file an application for a new license, details on the principal project works and installed plant capacity, and other information.[2] Pursuant to 18 CFR 16.23, an existing licensee that fails to file an NOI at least 5 years before the existing license expires shall be deemed to have filed a notice indicating that it does not intend to file an application to relicense its project. Additionally, pursuant to 18 CFR 16.24, an existing licensee that informs the Commission that it does not intend to file an application, may not file an application to relicense its project, either individually or in conjunction with an entity or entities that are not currently licensees of the project.

Because the current license expires on September 30, 2031, the NOI was due to be filed no later than the close of business on September 30, 2026. Shoshone Irrigation District failed to file an NOI by this date.

Any party interested in filing a license application for the Garland Canal Project No. 3031 must first file a NOI[3] and pre-application document (PAD)[4] pursuant to Part 5 of the Commission's regulations. Although the integrated licensing process is the default pre-filing process, section 5.3(b) of the Commission's regulations allows a potential license applicant to request to use alternative licensing procedures when it files its NOI.[5]

This notice sets a deadline of 120 days from the date of this notice for interested applicants, other than the existing licensee, to file NOIs, PADs, and requests to use an alternative licensing process.

Applications for a new license from potential (non-licensee) applicants must be filed with the Commission at least 24 months prior to the expiration of the current license.[6] Because the current license expires on September 30, 2031, applications for license for this project must be filed by September 30, 2029.[7]

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Questions concerning this notice should be directed to Lauren Townson at (202) 502–8572 or *Lauren.Townson@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: October 5, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–20658 Filed 10–7–26; 8:45 am]

BILLING CODE 6717–01–P

[1] *See Shoshone Irrigation District,* 17 FERC ¶ 62,013 (1981).

[2] 18 CFR 16.6 (2025).

[3] 18 CFR 5.5 (2025).

[4] *Id.* at § 5.6.

[5] *Id.* at § 5.3(b).

[6] *Id.* at § 16.20.

[7] To the extent an interested applicant files an NOI and PAD and elects or is required to use the Commission's ILP, a process plan will be issued within 180 days of this notice, which accelerates the steps of the ILP to allow for filing a subsequent license application by the September 30, 2029 deadline.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9821–109]

Ampersand Ogdensburg Hydro, LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New License.

b. *Project No.:* 9821–109.

c. *Date Filed:* May 30, 2025.

d. *Applicant:* Ampersand Ogdensburg Hydro, LLC (Ampersand).

e. *Name of Project:* Ogdensburg Hydroelectric Project.

f. *Location:* On the Oswegatchie River in the city of Ogdensburg, St. Lawrence County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Jason Huang, Director, 717 Atlantic Avenue, Suite 1A, Boston, MA 02111; telephone at (617) 933–7200; email at *jasonh@ampersandenergy.com.*

i. *FERC Contact:* Joshua Dub, Project Coordinator, Great Lakes Branch, Division of Hydropower Licensing; telephone at (202) 502–8138; email at *Joshua.Dub@ferc.gov.*

j. *Deadline for filing motions to intervene and protests:* December 4, 2026 by 5:00 p.m. Eastern Daylight Time.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 10,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first

page: Ogdensburg Hydroelectric Project (P–9821–109).

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing but is not ready for environmental analysis at this time.

l. *Project Description:* The project consists of a 504.5-foot-long, 12-foot-high concrete dam that includes: (1) a 130-foot-long, 76-foot-wide powerhouse that includes: (a) an intake structure with five stoplog gates and trashracks with 1-inch clear bar spacing; and (b) five 596-kilowatt (kW) horizontal Kaplan turbine-generator units (Units 1 to 5), for a total installed capacity of 2,980 kW; (2) a 38.5-foot-long non-overflow section with three 9-foot-long sluice gates; (3) a 330-foot-long ogee spillway with a crest elevation of 258.0 feet above the National Geodetic Vertical Datum of 1929 (NGVD 29); and (4) a 6-foot-long east abutment. The dam creates an impoundment that has a surface area of 290 acres at a normal maximum surface elevation of 258 feet NGVD 29.

Water from the impoundment flows to Units 1 through 4, and then to a 235-foot-long tailrace that empties into the Oswegatchie River immediately downstream of the dam. Water also flows from the impoundment to Unit 5, and then to a 75-foot-long tailrace that empties into the Oswegatchie River approximately 620 feet downstream of the dam.

Electricity generated at the powerhouse is transmitted to the electric grid via 150-foot-long, 4.16-kilovolt (kV) generator lead lines, a 4.16/13.2-kV step-up transformer, and a 75-foot-long, 13.2-kV transmission line.

Project recreation facilities include a trailer boat access site and parking area on the east shore of the impoundment approximately 750-feet-upstream of the dam and a park on the east bank of the tailrace approximately 135-feet-downstream of the dam.

Ampersand proposes to continue operating the project in a run-of-river mode, and discharge up to 730 cfs through Unit 5, when Unit 5 is operating; or discharge 730 cfs or inflow, whichever is less, over the spillway when Unit 5 is not operating.

m. A copy of the application can be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at 19 Mill Street, Ogdensburg, NY 13669.

You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

o. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

p. *Procedural Schedule:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Issue Scoping Notice	October 2026.
Scoping Comments Due	November 2026.
Filing of Motions to Intervene and Protests	December 2026.
Issue Notice of Ready for Environmental Analysis	January 2027.
Filing of Comments, Recommendations, Terms, Conditions, and Prescriptions	March 2027.
Filing of Reply Comments	April 2027.

(Authority: 18 CFR 2.1)

Dated: October 5, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–20657 Filed 10–7–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP27–17–000.

Applicants: Colorado Interstate Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Non-Conforming Agreement Update (Rocky Mt Midstream Nov 2026) to be effective 11/16/2026.

Filed Date: 10/2/26.

Accession Number: 20261002–5158.

Comment Date: 5 p.m. ET 10/14/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be

considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: October 5, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–20642 Filed 10–7–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4025–000]

Willis D. Deveny; Notice of Existing Licensee's Failure To File a Timely Notice of Intent To File a Subsequent License Application, and Soliciting Notices of Intent To File a License Application and Pre-Application Documents

The current license for Shingle Creek Hydroelectric Project No. 4025 (Shingle Creek Project) was issued to the original licensee, Willis D. Deveny, on September 30, 1981.[1] The original license was issued for a term of 50 years, ending August 31, 2031. The 224-kilowatt (kW) project is located on Shingle Creek in Idaho County, Idaho.

The project consists of: (a) a 3-foot-wide, 2-foot-high concrete diversion/intake structure headgate located on North Fork Shingle Creek; (b) a 3,100-foot-long, 10-inch-diameter plastic PVC pipe; (c) a 200-foot-long, 10-inch-diameter iron pipe; (d) a 3-foot-wide, 2-foot-high concrete diversion headgate located on South Fork Shingle Creek; (e) a 3,000-foot-long, 12-inch-diameter plastic PVC pipe; (f) a 12-foot-long square cinder block powerhouse containing two generating units, one rated at 65 kW and one rated at 55 kW; (g) a 300-foot long transmission line; and (h) appurtenant facilities.

At least five years before the expiration of a license for a minor water power project in which sections 14 and 15 of the Federal Power Act were waived, the Commission's regulations require the licensee to file with the Commission a notice of intent (NOI) that contains an unequivocal statement of the licensee's intention to file or not to file an application for a subsequent license, details on the principal project works and installed plant capacity, and other information.[2]

If such a licensee does not inform the Commission that it intends to file an application for, in this case, a subsequent license for the project, the licensee may not file an application for a subsequent license, either individually or in conjunction with an entity or entities that are not currently licensees of the project.[3]

Because the current license expires on August 31, 2031, the NOI was due to be filed no later than the close of business on August 31, 2026. The current licensee for the Shingle Creek Project failed to file an NOI by this date.[4]

Any party interested in filing a license application for the Shingle Creek Project No. 4025 must first file a NOI[5] and pre-application document (PAD)[6] pursuant to Part 5 of the Commission's regulations. Although the integrated licensing process is the default pre-filing process, section 5.3(b) of the Commission's regulations allows a potential license applicant to request to use alternative licensing procedures when it files its NOI.[7]

This notice sets a deadline of 120 days from the date of this notice for interested applicants, other than the existing licensee, to file NOIs, PADs, and requests to use an alternative licensing process.

Applications for a subsequent license from potential (non-licensee) applicants must be filed with the Commission at least 24 months prior to the expiration of the current license.[8] Because the current license expires on August 31, 2031, applications for license for this project must be filed by August 31, 2029.[9]

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Questions concerning this notice should be directed to Maryam Zavareh at (202) 502–8113 or *maryam.zavareh@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: October 2, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–20577 Filed 10–7–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–585–000]

Eastern Shore Natural Gas Company; Notice of Application and Establishing Intervention Deadline

Take notice that on September 24, 2026, Eastern Shore Natural Gas Company (Eastern Shore), 500 Energy Lane, Suite 200, Dover, Delaware 19901, filed an application under sections 7(b) and 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations requesting authorization for its Delmar Regional Enhancement Project (Project). Specifically, Eastern Shore proposes to: (1) construct the approximately 2.55-mile-long, 24-inch-diameter Parkesburg-Daleville Loop in Chester County, Pennsylvania; (2) replace two segments of the 6-inch-diameter Tidewater Line, totaling approximately 1.6 miles, with 16-inch-diameter pipeline in New Castle County, Delaware; (3) construct the 5.05-mile-long, 16-inch-diameter Harrington Loop in Kent County, Delaware; (4) construct the 1.85-mile-long, 24-inch-diameter Barksdale Loop in Cecil County, Maryland; (5) abandon in-place or by removal approximately

[1] *See Willis D. Deveny,* 16 FERC ¶ 62,623 (1981).

[2] 18 CFR 16.19(b) (2025) (citing 18 CFR 16.6(b)). Section 16.19(b) applies to licenses not subject to Parts 14 and 15 of the Federal Power Act.

[3] *Id.* at § 16.24(b).

[4] On September 2, 2026, Mike Denevy, the son of Willis and Betty Deveny, filed a letter indicating that both parents passed away and their estate has not been settled. He also indicated that he would like to proceed with re-licensing the project. However, the filing was not in conformance with the noticing requirements of section 5.5 of the Commission's regulations, because among other things, it did not identify the principle project works and it did not include the names and mailing addresses of nearby municipalities, counties, political subdivisions, or affected Indian Tribes. It also did not include a PAD as required by section 5.6 of the regulations.

[5] 18 CFR 5.5 (2025).

[6] *Id.* at § 5.6.

[7] *Id.* at § 5.3(b).

[8] *Id.* at § 16.20.

[9] To the extent an interested applicant files an NOI and PAD and elects or is required to use the Commission's ILP, a process plan will be issued within 180 days of this notice, which accelerates the steps of the ILP to allow for filing a subsequent license application by the August 31, 2029 deadline.

two miles of the Tidewater Line in New Castle County, Delaware; (6) abandon by removal the existing North Bridgeville Meter and Regulator (M&R) Station and construct the new North Bridgeville M&R Station in Sussex County, Delaware; and (7) construct associated aboveground valve facilities. The Project is fully subscribed and will provide 15,800 dekatherms per day of incremental firm transportation service to Easton Utilities Commission and Chesapeake Utilities Corporation—Delaware Division at negotiated rates. Eastern Shore estimates the cost of the Project to be $75,130,000, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

Any questions regarding the proposed project should be directed to Katelyn Richardson, Regulatory Analyst IV, Eastern Shore Natural Gas Company, 500 Energy Lane, Suite 200, Dover, Delaware 19901, by phone at (302) 242–5480, or by email at *kcraig@chpk.com.*

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Water Quality Certification

Eastern Shore states that water quality certificates under section 401 of the Clean Water Act are required for the project from the Pennsylvania Department of Environmental Protection, the Maryland Department of the Environment, and the Delaware Department of Natural Resources and Environmental Control. When available, Eastern Shore should submit to the Commission a copy of the requests for certification for the Commission authorization, including the date the request was submitted to the certifying agency, and either (1) a copy of the certifying agency's decision or (2) evidence of waiver of water quality certification.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on October 26, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502–6595 or *OPP@ferc.gov.*

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)[2] and 385.211[3] of the Commission's regulations under the NGA, any person[4] may file a protest to the application. Protests must comply with the requirements specified in section 385.2001[5] of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on October 26, 2026.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP26–585–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP26–585–000).

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will

[1] 18 CFR 157.9.

[2] 18 CFR 157.10(a)(4).

[3] 18 CFR 385.211.

[4] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[5] 18 CFR 385.2001.

receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[6] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [7] and the regulations under the NGA [8] by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on October 26, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP26–585–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf.;* or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP26–585–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail at: Katelyn Richardson, Regulatory Analyst IV, Eastern Shore Natural Gas Company, 500 Energy Lane, Suite 200, Dover, Delaware 19901 or by email (with a link to the document) at *kcraig@chpk.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [9] motions to intervene are automatically granted by operation of Rule 214(c)(1).[10] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[11] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Intervention Deadline: 5:00 p.m. Eastern Time on October 26, 2026.

(Authority: 18 CFR 2.1)

Dated: October 5, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–20659 Filed 10–7–26; 8:45 am]

BILLING CODE 6717–01–P

[6] 18 CFR 385.102(d).

[7] 18 CFR 385.214.

[8] 18 CFR 157.10.

[9] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[10] 18 CFR 385.214(c)(1).

[11] 18 CFR 385.214(b)(3) and (d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–130–000]

Northern Natural Gas Company; Notice of Availability of the Environmental Assessment for the Proposed Ventura to Farmington A-Line Abandonment and Capacity Replacement Project and Northern Lights 2027 Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Ventura to Farmington A-line Abandonment and Capacity Replacement Project and Northern Lights 2027 Expansion Project, collectively referred to as ''Project'', proposed by Northern Natural Gas Company (Northern) in the above-referenced docket.[1] Northern requests authorization to construct, operate, and abandon certain natural gas facilities in Iowa and Minnesota. The Project would replace the capacity lost through the abandonment and provide an additional 79,303 dekatherms per day of incremental firm service.

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1776779749.

Any person wishing to comment on the EA may do so. To ensure consideration of your comments on the proposal prior to making a decision on the project, it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on November 2, 2026. Instructions for filing comments are provided on page 3.

FERC is the lead federal agency for authorizing interstate natural gas transmission facilities under the Natural Gas Act of 1938 (NGA) and the lead federal agency for preparation of the EA. The EA assesses the potential environmental effects of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA) [2] and the Commission's implementing regulations.[3] The principal purposes of the EA are to: identify and assess the potential effects on the natural and human environment; describe and evaluate reasonable alternatives; identify and recommend mitigation measures; and facilitate public involvement in the environmental review process. The EA concludes that approval of the proposed project would not constitute a major federal action significantly affecting the quality of the human environment.

The EA addresses the potential environmental effects of the abandonment, construction, and operation of the following project facilities:

- abandonment-in-place of approximately 106 miles of mainline along the M500 A-line pipeline system from the Ventura compressor station to the Farmington compressor station;
- abandonment-in-place of 25 miles of mainline along the M500 J-line pipeline system;
- construction and operation of a 36-inch-diameter, 8.3-mile-long extension to the existing Lake Mills M500 E-line;
- construction and operation of a 36-inch-diameter, 2.1-mile-long extension to the existing Albert Lea M500 E-line;
- construct a 30-inch-diameter, 7.5-mile-long extension to the existing Faribault M500 D-line;
- construction and operation of 10 pipeline extensions totaling approximately 29 miles of variable-diameter pipe;
- uprate and conduct aboveground facility modifications within the existing Hugo compressor station;
- construction of two new receiver facilities that include the relocation of existing receivers;
- relocation of one existing receiver;
- construction of nine new valve settings and associated valves and piping, including a new rupture mitigation valve facility;
- the expansion of one existing block valve setting;
- the removal of one receiver facility and four existing tie-in valve settings; and
- removal and replacement of associated aboveground appurtenances and aboveground facilities.

The Commission mailed a copy of the *Notice of Availability* of the EA to federal, state, and local government representatives and agencies; elected officials; Native American tribes; environmental and public interest groups; potentially affected landowners and other interested individuals and groups; and media outlets and libraries in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*), select ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP26–130). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Under section 7(c) of the NGA, the Commission determines whether interstate natural gas transportation facilities are in the public convenience and necessity and, if so, grants a Certificate of Public Convenience and Necessity to construct and operate them. Section 7(b) of the NGA specifies that no natural gas company shall abandon any portion of its facilities subject to the Commission's jurisdiction without the Commission first finding that the abandonment will not negatively affect the present or future public convenience and necessity. The Commission bases its decisions on both economic issues, including need, and environmental effects.

Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental effects. The more specific your comments, the more useful they will be. For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP26–130–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and

[2] National Environmental Policy Act of 1969, as amended (Public Law [Pub. L.] 91–190. 42 U.S.C. 4321–4347, as amended by Pub. L. 94–52, July 3, 1975; Pub. L. 94–83, August 9, 1975; Pub. L. 97–258, 4(b), September 13, 1982; Pub. L. 118–5, June 3, 2023; Pub. L. 119–21, July 4, 2025).

[3] 18 Code of Federal Regulations (CFR) 380.

(d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at *https://www.ferc.gov/how-intervene.*

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202)502–6595 or *OPP@ferc.gov.* Additional information about the project is available from the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

(Authority: 18 CFR 2.1)

Dated: October 2, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–20580 Filed 10–7–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9821–109]

Ampersand Ogdensburg Hydro, LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Ogdensburg Hydroelectric Project

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New License.

b. *Project No.:* 9821–109.

c. *Date Filed:* May 30, 2025.

d. *Applicant:* Ampersand Ogdensburg Hydro, LLC (Ampersand).

e. *Name of Project:* Ogdensburg Hydroelectric Project.

f. *Location:* On the Oswegatchie River in the city of Ogdensburg, St. Lawrence County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Jason Huang, Director, 717 Atlantic Avenue, Suite 1A, Boston, MA 02111; telephone at (617) 933–7200; email at *jasonh@ampersandenergy.com.*

i. *FERC Contact:* Joshua Dub, Project Coordinator, Great Lakes Branch, Division of Hydropower Licensing; telephone at (202) 502–8138; email at *Joshua.Dub@ferc.gov.*

j. The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document that will discuss the environmental effects of relicensing the Ogdensburg Hydroelectric Project. The Commission will use this environmental document in its decision-making process to determine whether to issue a new license for the project.

k. This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. This notice is intended to advise all participants as to the potential scope of the National Environmental Policy Act (NEPA) document and to seek additional information pertinent to this analysis. Commission staff does not intend to issue a separate scoping document.

As part of the NEPA review process, the Commission takes into account concerns the public may have about proposals and the environmental effects that could result from its action whenever it considers the issuance of a hydropower license. This gathering of public input is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues.

l. *Scoping Comments:* By this notice, the Commission requests written public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Daylight Time on November 4, 2026.

Comments should focus on the potential environmental effects and reasonable alternatives. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 10,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Ogdensburg Hydroelectric Project (P–9821–109).

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

m. The application is not ready for environmental analysis at this time.

n. *Project Description:* The project consists of a 504.5-foot-long, 12-foot-high concrete dam that includes: (1) a 130-foot-long, 76-foot-wide powerhouse that includes: (a) an intake structure with five stoplog gates and trashracks with 1-inch clear bar spacing; and (b) five 596-kilowatt (kW) horizontal Kaplan turbine-generator units (Units 1 to 5), for a total installed capacity of 2,980 kW; (2) a 38.5-foot-long non-overflow section with three 9-foot-long sluice gates; (3) a 330-foot-long ogee spillway with a crest elevation of 258.0 feet above the National Geodetic Vertical Datum of 1929 (NGVD 29); and (4) a 6-foot-long east abutment. The dam creates an impoundment that has a surface area of 290 acres at a normal maximum surface elevation of 258 feet NGVD 29.

Water from the impoundment flows to Units 1 through 4, and then to a 235-foot-long tailrace that empties into the Oswegatchie River immediately downstream of the dam. Water also flows from the impoundment to Unit 5, and then to a 75-foot-long tailrace that empties into the Oswegatchie River approximately 620 feet downstream of the dam.

Electricity generated at the powerhouse is transmitted to the

electric grid via 150-foot-long, 4.16-kilovolt (kV) generator lead lines, a 4.16/13.2-kV step-up transformer, and a 75-foot-long, 13.2-kV transmission line.

Project recreation facilities include a trailer boat access site and parking area on the east shore of the impoundment approximately 750-feet-upstream of the dam and a park on the east bank of the tailrace approximately 135-feet-downstream of the dam.

Ampersand proposes to continue operating the project in a run-of-river mode, and discharge up to 730 cfs through Unit 5, when Unit 5 is operating; or discharge 730 cfs or inflow, whichever is less, over the spillway when Unit 5 is not operating.

o. A copy of the application, with details of the proposed project, can be viewed on the Commission's website at *https://www.ferc.gov* using the ''eLibrary'' link. Enter the project's docket number excluding the last three digits in the docket number field to access the document (P–9821). For assistance, contact FERC at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

p. *NEPA Process and the Environmental Document:* Any environmental document issued by the Commission will discuss effects that could occur as a result of the project's relicensing under the relevant general resource areas, such as:

- geology and soils;
- aquatic resources;
- terrestrial resources;
- threatened and endangered species;
- recreation, land use, and aesthetic resources;
- cultural resources; and
- developmental resources.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid effects on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Intent to Prepare an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an Environmental Impact Statement* will be issued. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary. If eSubscribed, you will receive instant email notification when the environmental document is issued (see paragraph (r) of this notice for instructions on using eSubscription).

q. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

r. This notice is being distributed to the Commission's official mailing list for the project and any additional entities on the applicant's distribution list. You can access the Commission's official mailing list for this project at *https://ferconline.ferc.gov/MailListLOR.aspx?Type=MailList&ListVar=P-9821.* If you want to receive future mailings for the project and are not included on the Commission's official mailing list, or if you wish to be removed from the Commission's official mailing list, please send your request by email to *FERCOnlineSupport@ferc.gov.* In lieu of an email request, you may submit a paper request. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All written or emailed requests must specify your wish to be added to or removed from the mailing list, and must clearly identify the following on the first page: Ogdensburg Hydroelectric Project No. 9821–109.

Additionally, the Commission offers a free service called eSubscription, which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

In addition to publishing the full text of this notice in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this notice, as well as other documents in the proceeding (*e.g.,* license application) via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document (P–9821–109). For assistance, contact FERC at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

(Authority: 18 CFR 2.1)

Dated: October 5, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–20656 Filed 10–7–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2025–0027; FRL–13573–01–OCSPP]

Eastern Research Group; Access to Confidential Business Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitted, will be transferred to the Eastern Research Group (ERG) in accordance with the CBI regulations. ERG have been awarded a contract to perform work for OPP, and access to this information will enable the ERG to fulfill the obligations of the contract.

DATES: The ERG will be given access to this information on or before October 13, 2026.

FOR FURTHER INFORMATION CONTACT: Rufus Sias, Office of Mission Critical Operations (Mail Code 7601T), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone

number: (202) 566–2899; email address: *sias.rufus@epa.gov.*

For technical information contact: Joseph Varco, Office of Enforcement and Compliance Assurance (OECA), Office of Civil Enforcement (OCE), Waste and Chemical Enforcement Division (WCED), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–1791; email address: *varco.joseph@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2025–0027. Publicly available docket materials are available either electronically through *https://www.regulations.gov* or in hard copy at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Docket Center's hours of operations are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

II. Contractor Requirements

Under the ERG, solicitation number 68HERL26A0022, ERG will perform and provide support to the OECA and OCE. Their responsibilities under this contract include assistance with the following: Enforcement program implementation; enforcement case development; supporting inspections; sampling; providing laboratory services; and performing analysis.

In accordance with 40 CFR 2.307(h)(3), EPA has determined that disclosure of CBI submitted to EPA under all sections of FIFRA and the FFDCA is necessary in order for ERG to carry out the work required by the contract. Some of this information may be entitled to confidential treatment.

In accordance with the requirements of 40 CFR 2.307(h)(3), EPA has determined that disclosure of CBI submitted to EPA under all sections of FIFRA and the FFDCA is necessary in order for ERG to carry out the work required by the contract. ERG personnel will be given access to information submitted to EPA under all sections of FIFRA and the FFDCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under the sections of FIFRA and the FFDCA that EPA has provided ERG access to CBI materials as needed. All access to FIFRA and FFDCA CBI under this contract takes place in accordance with EPA's FIFRA CBI Protection Manual.

Access to FIFRA and FFDCA data, including CBI, will continue until June 27, 2031. If the contract is extended, this access will also continue for the duration of the extended contract without further notice. In accordance with the requirements of 40 CFR 2.307(h)(3), the contract prohibits disclosure of the information to a third party without prior written approval from the Agency. No information will be provided to ERG, until the requirements in this document have been fully satisfied. ERG's personnel will sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to FIFRA CBI. Records of information provided to ERG will be maintained by EPA project officers for this contract. No information will be provided to ERG until the requirements in this document have been fully satisfied. Records of information provided to ERG will be maintained by EPA Project Officers for this contract. All information supplied to ERG by EPA for use in connection with this contract will be returned to EPA when ERG has completed their work.

(Authority: 7 U.S.C. 136 *et seq.;* 21 U.S.C. 301 *et seq.*)

Dated: September 30, 2026.

Randolph L. Hill,

Associate General Counsel.

[FR Doc. 2026–20639 Filed 10–7–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13650–01–OA]

Public Meeting of the Clean Air Scientific Advisory Committee (CASAC) on Oxides of Nitrogen

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Branch is announcing a public meeting of the Clean Air Scientific Advisory Committee (CASAC) to discuss a draft CASAC report on EPA's Integrated Science Assessment (ISA) for Oxides of Nitrogen (NO_X).

DATES: The public virtual meeting will be held on Monday, November 2, 2026, from 1 p.m. to 5 p.m. Eastern Time.

ADDRESSES: The meeting will be conducted virtually only and registration will be required to participate in the meeting. To register, please visit the CASAC website: *https://casac.epa.gov* and click on the November 2, 2026, meeting or visit: *https://usepa.zoomgov.com/webinar/register/WN_dvLm7D36R92wKMneY-qfOw.*

FOR FURTHER INFORMATION CONTACT: For further information concerning this Notice, please contact Aaron Yeow, Designated Federal Officer (DFO), via telephone at (202) 564–2050, or email at *yeow.aaron@epa.gov.* General information about the CASAC, as well as any updates concerning the meeting announced in this document, can be found on the CASAC website at *https://casac.epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The CASAC was established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), to review air quality criteria and NAAQS and recommend to the EPA Administrator any new NAAQS and revisions of existing criteria and NAAQS as may be appropriate. The CASAC shall also: advise the EPA Administrator of areas in which additional knowledge is required to appraise the adequacy and basis of existing, new, or revised NAAQS; describe the research efforts necessary to provide the required information; advise the EPA Administrator on the relative contribution to air pollution concentrations of natural as well as anthropogenic activity; and advise the EPA Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such NAAQS. As amended, 5 U.S.C., App. Section 109(d)(1) of the Clean Air Act (CAA) requires that EPA carry out a periodic review and revision, as appropriate, of the air quality criteria and the NAAQS for the six ''criteria'' air pollutants, including oxides of nitrogen.

The CASAC is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA), 5

U.S.C. chapter 10, and conducts business in accordance with FACA and related regulations. The CASAC will comply with the provisions of FACA and all appropriate SAB Branch procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the CASAC will hold a public meeting to discuss a draft CASAC Report of EPA's ISA for NO_X.

Availability of meeting materials: All meeting materials, including the agenda, will be available on the CASAC web page at *https://casac.epa.gov.*

Procedures for providing public input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA. Members of the public can submit relevant comments pertaining to the committee's charge or meeting materials. Input from the public to the CASAC will have the most impact if it provides specific scientific or technical information or analysis for the CASAC to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comments should follow the instructions below to submit comments.

Oral statements: In general, individuals or groups requesting an oral presentation virtually will be limited to three minutes. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Persons interested in providing oral statements should contact the DFO listed in the **FOR FURTHER INFORMATION CONTACT** section; preferably via email, by October 26, 2026, to be placed on the list of registered speakers.

Written statements: Written statements will be accepted throughout the advisory process; however, for timely consideration by CASAC members, statements should be submitted to the DFO by October 26, 2026. Written statements should be supplied by email to the DFO listed in the **FOR FURTHER INFORMATION CONTACT** section. Submitters are requested to provide an unsigned version of each document because the SAB Branch does not publish documents with signatures on its websites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the CASAC website. Copyrighted material will not be posted without the explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact the DFO listed in the **FOR FURTHER INFORMATION CONTACT** section; at least ten business days before the meetings, to give the EPA as much time as possible to process your request.

V. Khanna Johnston,

Chief, Science Advisory Board Branch.

[FR Doc. 2026–20608 Filed 10–7–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0805, OMB 3060–0848; FR ID 371540]

Information Collections Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before November 9, 2026.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0805.

Title: Section 90.527, Regional Plan Requirements; and Section 90.523, Eligibility.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for profit; not-for-profit institutions; state, local or tribal government.

Number of Respondents and Responses: 1,066 respondents; 1,066 responses.

Estimated Time Per Response: 1 hour.

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

Obligation to Respond: Required to obtain or retain benefits (47 CFR 90.523 and 90.527). Statutory authority for this information collection is contained in 4(i), 11, 303(g), 303(r), 332(c)(7), and 337(f) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7), and 337(f), unless otherwise noted.

Total Annual Burden: 1,066 hours.

Total Annual Cost: No Cost.

Needs and Uses: Section 90.523 requires that nongovernmental organizations that provide services which protect the safety of life or property obtain a written statement from an authorizing state or local government entity to support the nongovernmental organization's application for assignment of 700 MHz frequencies. *Section 90.527* requires 700 MHz regional planning regions to submit an initial plan for use of the 700 MHz general use spectrum in the consolidated narrowband segment 769–775 MHz and 799–805 MHz. Regional planning committees may modify plans by written request, which must contain the full text of the modification and certification that the modification was successfully coordinated with adjacent regions. Regional planning promotes a fair and open process in developing allocation assignments by requiring input from eligible entities in the allocation decisions and the application technical review/approval process. Entities that seek inclusion in the plan to obtain future licenses are considered third party respondents.

Commission staff use the information to assign licenses, determine regional spectrum requirements and to develop technical standards. The information is also used to determine whether prospective licensees operate in compliance with the Commission's rules. Without such information, the Commission could not accommodate regional requirements or provide for the efficient use of the available frequencies. This information collection includes rules to govern the operation and licensing of the 700 MHz band rules and regulation to ensure that licensees continue to fulfill their statutory responsibilities in accordance with the Communications Act of 1934, as amended. Such information will continue to be used to verify that applicants are legally and technically qualified to hold licenses, and to determine compliance with Commission rules.

OMB Control Number: 3060–0848.

Title: Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98–147.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 584 respondents; 7,278 responses.

Estimated Time per Response: 0.5—26 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement and third-party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in *47 U.S.C. 201* and *251* of the Communications Act of 1934, as amended.

Total Annual Burden: 25,873 hours.

Total Annual Cost: No cost.

Needs and Uses: The information collection requirements implement sections 201 and 251 of the Communications Act of 1934, as amended, to provide for physical collocation on rates, terms and conditions that are just, reasonable and nondiscriminatory, and to promote deployment of advanced telecommunications services without significantly degrading the performance of other services. All of the requirements will be used by the Commission and competitive local exchange carriers (LECs) to facilitate the deployment of telecommunications services, including advanced telecommunications services.

Federal Communications Commission.

Aleta Bowers,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2026–20607 Filed 10–7–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0004; FR ID 371541]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written PRA comments should be submitted on or before December 7, 2026. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *nicole.ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0004.

Title: Sections 1.1307 and 1.1311, Guidelines for Evaluating the Environmental Effects of Radiofrequency Exposure.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, Business or other for-profit, Not-for-profit institutions, and State, Local or Tribal government.

Number of Respondents and Responses: 233,596 Respondents; 233,596 Responses.

Estimated Time per Response: 0.0833 hours (5 minutes)—20 hours.

Frequency of Response: On occasion reporting requirement and third-party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this Information collection is contained in 47 U.S.C. 154, 302, 303, and 307.

Total Annual Burden: 26,005 hours.

Total Annual Costs: $1,958,335.

Needs and Uses: The Commission will submit this extension of a currently approved information collection to the Office of Management and Budget (OMB) after this 60-day comment period in order to obtain the full three-year clearance.

This information collection is a result of responsibility placed on the FCC by the Telecommunications Act of 1996 and the National Environmental Policy Act (NEPA) of 1969. The Telecommunications Act directs the FCC to ''prescribe and make effective rules regarding the environmental effects of radio frequency emissions,'' and NEPA requires that each federal agency evaluate the impact of ''major actions significantly affecting the quality of the human environment.'' It is the FCC's opinion that this is the most efficient and reasonable method of complying with the Telecommunications Act and NEPA with regard to the environmental issue of radiofrequency radiation from FCC-regulated transmitters.

Federal Communications Commission.

Aleta Bowers,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2026–20590 Filed 10–7–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0647; FR ID 371269]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before December 7, 2026. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *nicole.ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0647.

Title: Biennial Survey of Cable Industry Prices, FCC Form 333.

Form Number: FCC Form 333.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; State, local or Tribal Government.

Number of Respondents and Responses: 84 respondents and 504 responses.

Estimated Time per Response: 7 hours.

Frequency of Response: Biennial reporting requirement.

Total Annual Burden: 1,764 hours.

Total Annual Cost: No Cost.

Obligation to Respond: Mandatory. The statutory authority for this information collection is in Sections 4(i) and 623(k) of the Communications Act of 1934, as amended.

Needs and Uses: The Cable Television Consumer Protection and Competition Act of 1992 (''Cable Act'') requires the Commission to publish biennially a report on average rates for basic cable service, cable programming service, and equipment. The report must compare the prices charged by cable operators subject to effective competition and those that are not subject to effective competition.

The Biennial Cable Industry Price Survey is intended to collect the data needed to prepare that report. The data from these questions are needed to complete this report.

Federal Communications Commission.

Aleta Bowers,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2026–20676 Filed 10–7–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0110; FR ID 370996]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before November 9, 2026.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in

www.reginfo.gov also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0110.

Title: FCC Form 2100, Application for Renewal of Broadcast Station License, LMS Schedule 303–S.

Form Number: FCC Form 2100, LMS Schedule 303–S.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not for profit institutions; State, Local or Tribal Governments.

Number of Respondent and Responses: 4,738 respondents, 4,738 responses.

Estimated Time per Response: 0.075 hours–12 hours.

Frequency of Response: On occasion reporting requirement; Every eight-year reporting requirement; Third party disclosure requirement.

Total Annual Burden: 13,090 hours.

Total Annual Cost: $4,181,731.

Obligation of Respond: Required to obtain or retain benefits. The statutory authority for the collection is contained sections 154(i), 303, 307 and 308 of the Communications Act of 1934, as amended, and Section 204 of the Telecommunications Act of 1996.

Needs and Uses: The Commission is requesting Office of Management and Budget (OMB) approval for an extension of an existing information collection.

The Licensing Management System (LMS) Schedule 303–S is used to apply for license renewals for commercial or noncommercial AM, FM, TV, FM translator, TV translator, Class A TV, or Low Power TV, and Low Power FM broadcast station licenses. Licensees of broadcast stations must apply for renewal of their licenses every eight years.

Schedule 303–S's On-Air and Online Notice (third party disclosure) Requirements: 47 CFR 73.3580, as amended in the Commission's 2020 Public Notice Second Report and Order, requires local public notice of the filing of all applications to renew a broadcast station license. Notice is given by an applicant for renewal of a full-service AM, FM, full-power TV, Class A TV, Low-Power FM (LPFM), or Low-Power TV (LPTV) station that locally originates programming, by making a total of six on-air announcements, at least one per week and no more than one per day or two per week, to be broadcast between 7:00 a.m. and 11:00 p.m. local time, Monday through Friday, beginning after the application is accepted for filing. Notice is given by an applicant for renewal of an FM or TV translator, an LPTV station that does not locally originate programming, or by a silent station, by posting notice online, either on the station website or a website affiliated with the station, its licensee, or its parent entity, or else by posting notice on a publicly accessible, locally targeted website, for 30 continuous days following acceptance of the application for filing.

Federal Communications Commission.

Aleta Bowers,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2026–20681 Filed 10–7–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1254; FR ID 370896]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written PRA comments should be submitted on or before December 7, 2026. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

OMB Control Number: 3060–1254.

Title: Next Gen TV/ATSC 3.0 Local Simulcasting Rules; 47 CFR 73.3801 (full-power TV), 73.6029 (Class A TV), and 74.782 (low-power TV) and FCC Form 2100 (Next Gen TV License Application).

Form Number: FCC Form 2100 (Next Gen TV License Application).

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, state, local, or tribal government and not for profit institutions.

Number of Respondents and Responses: 1,222 respondents; 11,260 responses.

Estimated Time per Response: 0.017–8 hours.

Frequency of Response: On occasion reporting requirement; Recordkeeping requirement; Third party disclosure.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in sections 1, 4, 7, 301, 303, 307, 308, 309, 316, 319, 325(b), 336, 338, 399b, 403, 614, and 615 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 157, 301, 303, 307, 308, 309, 316, 319, 325(b), 336, 338, 399b, 403, 534, and 535.

Total Annual Burden: 3,802 hours.

Total Annual Cost: $147,000.

Needs and Uses: FCC Form 2100 (Next Gen TV License Application) is used by TV broadcast stations to seek approval to provide ATSC 3.0 service and associated local simulcasting service.

Federal Communications Commission.

Aleta Bowers,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2026–20591 Filed 10–7–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than October 23, 2026.

A. Federal Reserve Bank of San Francisco (Keith Dudley, Vice President) 101 Market Street, San Francisco, California 94105–1579. Comments can also be sent electronically to *SF.Supervision.Comments.Applications@sf.frb.org:*

1. *Gregory S. Deckard, Spokane, Washington;* to acquire additional voting shares of State Bancorp Northwest, and thereby indirectly acquire voting shares of State Bank Northwest, both of Spokane Valley, Washington.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–20668 Filed 10–7–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Solicitation of Nominations for Appointment to the Advisory Council for the Elimination of Tuberculosis

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services (HHS) is seeking nominations for membership on the Advisory Council for the Elimination of Tuberculosis (ACET). The ACET consists of 10 experts including the Chair in fields associated with public health, epidemiology, immunology, infectious disease, pulmonary disease, pediatrics, tuberculosis, microbiology, and preventive health care delivery.

DATES: Nominations for membership on the ACET must be received no later than January 4, 2027. Submissions received after this time will not be considered for the current membership cycle.

ADDRESSES: All nominations should be emailed to *nchhstppolicy@cdc.gov* with subject line ''ACET 2027 Nomination''.

FOR FURTHER INFORMATION CONTACT: ACET Committee Management, Office of Policy, Planning, and Partnerships, National Center for HIV, Viral Hepatitis, STD, and TB Prevention, Centers for Disease Control and Prevention. Email: *nchhstppolicy@cdc.gov.*

SUPPLEMENTARY INFORMATION: ACET provides advice and recommendations regarding the elimination of tuberculosis (TB) to the Secretary, HHS; the Assistant Secretary for Health, HHS; and the Director, CDC. ACET (a) makes recommendations on policies, strategies, objectives, and priorities; (b) addresses development and application of new technologies; (c) provides guidance and review of CDC's TB prevention research portfolio and program priorities; and (d) reviews the extent to which progress has been made toward eliminating TB.

Nominations are sought for individuals who have expertise and

qualifications necessary to contribute to the accomplishments of the objectives of the ACET. Nominees will be selected on the basis of their expertise in public health, epidemiology, immunology, infectious diseases, pulmonary disease, pediatrics, tuberculosis, microbiology, or preventive health care delivery. Expertise within TB includes having had TB disease or being the parent of a child with TB disease. Federal employees will not be considered for membership. Members may be invited to serve for up to four-year terms. Selection of members is based on candidates' qualifications to contribute to the accomplishment of ACET objectives.

Department of Health and Human Services (HHS) policy stipulates that committee membership be balanced in terms of points of view represented and the committee's function. Appointments shall be made free from discrimination on the basis of race, color, religion, sex, national origin, age, disability, or other protected status, consistent with applicable law and Departmental policy. Nominees must be U.S. citizens and cannot be full-time employees of the U.S. Government. Current participation on Federal workgroups or prior experience serving on a Federal advisory committee does not disqualify a candidate; however, HHS policy is to avoid excessive individual service on advisory committees and multiple committee memberships. Committee members are Special Government Employees, requiring the filing of financial disclosure reports at the beginning of and annually during their terms. The Centers for Disease Control and Prevention (CDC) reviews potential candidates for ACET membership each year and provides a slate of nominees for consideration to the Secretary of HHS for final selection. HHS notifies selected candidates of their appointment near the start of the term in July, or as soon as the HHS selection process is completed. Note that the need for different expertise varies from year to year and a candidate who is not selected in one year may be reconsidered in a subsequent year. Candidates should submit the following items:

- Current curriculum vitae, including complete contact information (telephone numbers, mailing address, and email address).
- At least one letter of recommendation from person(s) not employed by HHS. Candidates may submit letter(s) from current HHS employees if they wish, but at least one letter must be submitted by a person not employed by an HHS agency (*i.e.,* CDC, National Institutes of Health, Food and Drug Administration).
- A biographical sketch of the nominee (500 words or fewer).

Nominations may be submitted by the candidate or by the person/organization recommending the candidate. CDC will collect and retain nominations received for up to two years to create a pool of potential ACET nominees. When a vacancy occurs, CDC will review nominations and may contact nominees at that time.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2026–20644 Filed 10–7–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–7129]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Adverse Event Program for Medical Devices: (Medical Product Safety Network (MedSun))

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by November 9, 2026.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0471. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Barrett, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Adverse Event Program for Medical Devices (Medical Product Safety Network (MedSun))

OMB Control Number 0910–0471—Extension

Section 519 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360i) authorizes FDA to require: (1) manufacturers to report medical device-related deaths, serious injuries, and malfunctions and (2) user facilities to report device-related deaths directly to manufacturers and FDA and serious injuries to the manufacturer. Section 213 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) amended section 519(b) of the FD&C Act relating to mandatory reporting by user facilities of deaths, serious injuries, and serious illnesses associated with the use of medical devices. This amendment legislated the replacement of universal user facility reporting by a system that is limited to a ''. . . subset of user facilities that constitutes a representative profile of user reports'' for device-related deaths and serious injuries. This amendment is reflected in section 519(b)(5)(A) of the FD&C Act (21 U.S.C. 360i(b)(5)(A)). This legislation provides FDA with the opportunity to design and implement a national surveillance network, composed of well-trained clinical facilities, to provide high-quality data on medical devices in clinical use. This system is called MedSun. FDA is seeking OMB clearance to continue to use electronic data collection to obtain information related to medical devices and tissue products from the user facilities participating in MedSun, to obtain a demographic profile of the facilities, and for additional questions, which will permit FDA to better understand the cause of reported adverse events. Participation in

the program is voluntary and includes approximately 300 facilities. In addition to collecting data on the electronic adverse event report form, MedSun collects additional information from participating sites about reported problems emerging from the MedSun hospitals. This data collection is also voluntary and is collected on the same website as the report information. The burden estimate is based on the number of facilities participating in MedSun (300). FDA estimates an average of 18 reports per site annually. This estimate is based on MedSun working to promote reporting in general from the sites, as well as promoting reporting from specific parts of the hospitals, such as the pediatric intensive care units, the electrophysiology laboratories, and the hospital laboratories.

In the **Federal Register** of July 17, 2026 (91 FR 44863), FDA published a 60-day notice soliciting public comment on the proposed extension of OMB Control Number 0910–0471. FDA received one comment, submitted by an individual quality engineer with professional experience in medical device manufacturing, adverse event investigation, and CAPA program management. The commenter expressed support for the extension of the MedSun collection and offered suggestions in response to each of the four questions posed in the notice.

With respect to cost and hour burden, the commenter questioned the accuracy of the 30-minute-per-response estimate, noting that complex reports—particularly those involving serious injury, death, or multiple interacting devices—likely require significantly more time, especially in the specialty clinical environments FDA is actively recruiting (*e.g.,* pediatric ICUs, electrophysiology labs). The commenter recommended that FDA validate the estimate against a stratified sample of actual reports broken out by complexity level, and that supplemental follow-up questions be counted as a separate burden line item, as they involve additional staff time not captured in the initial submission estimate.

The current estimate of 0.5 hours per response reflects the average burden across all report types based on historical data and network feedback, and FDA considers it a reasonable approximation for PRA purposes. FDA will consider stratified burden estimation in the next renewal cycle.

The commenter also suggested several data quality and efficiency improvements—including adoption of IMDRF adverse event codes, UDI prompting with auto-population, a tiered short/long form structure, EHR integration via FHIR-based exchange, and the provision of aggregate feedback to participating sites. While these suggestions are outside the scope of the current PRA clearance, FDA will consider them in the context of ongoing MedSun program development and future collection instrument updates.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Adverse Event Reporting	300	18	5,400	.5 (30 minutes)	2,700

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–20661 Filed 10–7–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–10605]

Agency Information Collection Activities; Proposed Collection; Comment Request; Channels of Trade Policy for Commodities With Residues of Pesticide Chemicals, for Which Tolerances Have Been Revoked, Suspended, or Modified by the Environmental Protection Agency Pursuant to Dietary Risk Considerations

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of FDA's guidance for industry entitled ''Channels of Trade Policy for Commodities With Residues of Pesticide Chemicals, for Which Tolerances Have Been Revoked, Suspended, or Modified by the Environmental Protection Agency Pursuant to Dietary Risk Considerations.''

DATES: Either electronic or written comments on the collection of information must be submitted by December 7, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of December 7, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such

as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2026–N–10605 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Channels of Trade Policy for Commodities With Residues of Pesticide Chemicals, for Which Tolerances Have Been Revoked, Suspended, or Modified by the Environmental Protection Agency Pursuant to Dietary Risk Considerations.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Christopher Colburn, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8758, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Channels of Trade Policy for Commodities With Residues of Pesticide Chemicals, for Which Tolerances Have Been Revoked, Suspended, or Modified by the Environmental Protection Agency Pursuant to Dietary Risk Considerations

OMB Control Number 0910–0562—Extension

This information collection supports FDA guidance. The Food Quality Protection Act of 1996 (Pub. L. 104–170), which amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (Pub. L. 80–104) and the Federal Food, Drug, and Cosmetic Act (FD&C Act), established a new safety standard for pesticide residues in food, with an emphasis on protecting the health of infants and children. The Environmental Protection Agency (EPA) is responsible for regulating the use of pesticides (under FIFRA) and for establishing tolerances or exemptions from the requirement for tolerances for residues of pesticide chemicals in food commodities (under the FD&C Act). EPA may, for various reasons, *e.g.,* as part of a systematic review or in response to new information concerning the safety of a specific pesticide, reassess whether a tolerance for a pesticide residue continues to meet the safety standard in section 408 of the FD&C Act (21 U.S.C. 346a). When EPA determines that a pesticide's tolerance level does not meet that safety standard, the registration for the pesticide may be canceled under FIFRA for all or certain uses. In addition, the tolerances for that pesticide may be lowered or revoked for the corresponding food commodities.

Under section 408(l)(2) of the FD&C Act, when the registration for a pesticide is canceled or modified due to, in whole or in part, dietary risks to humans posed by residues of that pesticide chemical on food, the effective date for the revocation of such tolerance (or exemption in some cases) must be no later than 180 days after the date such cancellation becomes effective or 180 days after the date on which the use of the canceled pesticide becomes unlawful under the terms of the cancellation, whichever is later.

When EPA takes such actions, food derived from a commodity that was lawfully treated with the pesticide may not have cleared the channels of trade by the time the revocation or new tolerance level takes effect. The food could be found by FDA, the Agency that is responsible for monitoring pesticide residue levels and enforcing the pesticide tolerances in most foods (the U.S. Department of Agriculture has responsibility for monitoring residue levels and enforcing pesticide tolerances in meat, poultry, catfish, and certain egg products), to contain a residue of that pesticide that does not comply with the revoked or lowered tolerance. We would normally deem such food to be in violation of the law by virtue of it bearing an illegal pesticide residue. The food would be subject to FDA enforcement action as an ''adulterated'' food. However, the channels of trade provision of the FD&C Act addresses the circumstances under which a food is not unsafe solely due to the presence of a residue from a pesticide chemical for which the tolerance has been revoked, suspended, or modified by EPA. The channels of trade provision (section 408(l)(5) of the FD&C Act) states that food containing a residue of such a pesticide shall not be deemed ''adulterated'' by virtue of the residue, if the residue is within the former tolerance, and the responsible party can demonstrate to FDA's satisfaction that the residue is present as the result of an application of the pesticide at a time and in a manner that were lawful under FIFRA.

To assist respondents with the information collection, we have developed the guidance document entitled ''Channels of Trade Policy for Commodities With Residues of Pesticide Chemicals, for Which Tolerances Have Been Revoked, Suspended, or Modified by the Environmental Protection Agency Pursuant to Dietary Risk Considerations'' (May 2005). The guidance represents FDA's current thinking on its planned enforcement approach to the channels of trade provision of the FD&C Act and how that provision relates to FDA-regulated products with residues of pesticide chemicals for which tolerances have been revoked, suspended, or modified by EPA under dietary risk considerations. The guidance can be found at the following link: *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-channels-trade-policy-commodities-residues-pesticide-chemicals-which-tolerances.*

We anticipate that food bearing lawfully applied residues of pesticide chemicals that are the subject of future EPA action to revoke, suspend, or modify their tolerances, will remain in the channels of trade after the applicable tolerance is revoked, suspended, or modified. If we encounter food bearing a residue of a pesticide chemical for which the tolerance has been revoked, suspended, or modified, we intend to address the situation in accordance with provisions of the guidance. In general, we anticipate that the party responsible for food found to contain pesticide chemical residues (within the former tolerance) after the tolerance for the pesticide chemical has been revoked, suspended, or modified will be able to demonstrate that such food was handled, *e.g.,* packed or processed, during the acceptable timeframes cited in the guidance by providing appropriate documentation to FDA as discussed in the guidance document. We are not suggesting that firms maintain an inflexible set of documents where anything less or different would likely be considered unacceptable. Rather, we are leaving it to each firm's discretion to maintain appropriate documentation to demonstrate that the food was so handled during the acceptable timeframes. Examples of documentation that we anticipate will serve this purpose consist of documentation associated with packing codes, batch records, and inventory records. These are types of documents that many food processors routinely generate as part of their basic food-production operations.

Description of Respondents: The likely respondents to this collection of information are firms in the produce and food processing industries that handle food products that may contain residues of pesticide chemicals after the tolerances for the pesticide chemicals have been revoked, suspended, or modified.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Submission of documentation	1	1	1	3	3

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We expect the total number of pesticide tolerances that are revoked, suspended, or modified by EPA under dietary risk considerations in the next 3 years to remain at a low level, as there have been no changes to the safety standard for pesticide residues in food since 1996. Thus, we expect the number of submissions we receive under the guidance document to also remain at a low level. However, to avoid counting this burden as zero, we have estimated the burden at one respondent making one submission a year for a total of one annual submission.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per record	Total hours
Develop documentation process	1	1	1	16	16

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–20663 Filed 10–7–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Sickle Cell Disease Advisory Committee.

This will be a virtual meeting and will be open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Sickle Cell Disease Advisory Committee.

Date: November 16, 2026.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: Imaging and Clinical Impact on the Eye and Brain in Sickle Cell Disease.

Address: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20892.

Meeting Link: https://videocast.nih.gov/watch/d8f60236-bb52-11f1-82c0-124f0a52e769.

Meeting Format: Virtual Meeting.

Contact Person: Julie A. Panepinto, MD, MSPH, DFO/Executive Secretary SCDAC, Division of Blood Diseases and Resources, 31 Center Lane, Bethesda, MD 20892, (301) 435–0080, *julie.panepinto@nih.gov.*

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes.

Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.nhlbi.nih.gov/meetings/index.htm,* where an agenda and any additional information for the meeting will be posted when available.

Dated: October 5, 2026.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–20617 Filed 10–7–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Advisory Council on Parkinson's Research, Care, and Services (ACPRCS).

This is the third meeting of the ACPRCS, which was established by the Dr. Emmanuel Bilirakis and Honorable Jennifer Wexton National Plan to End Parkinson's Act of 2024 (Pub. L. 118–66). The Advisory Council is charged with providing advice to the Secretary of Health and Human Services (HHS) on Parkinson's-related issues. The meeting will focus on public-private partnerships (PPPs) that are working across the translational science spectrum to advance PDRD treatments and diagnostics.

The meeting is hybrid with options for in-person and virtual attendance—registration is required (see instructions below). Additionally, any member of the public can view the meeting via HHS Live Streaming: *www.hhs.gov/live.*

Name of Committee: Advisory Council on Parkinson's Research, Care, and Services (ACPRCS).

Date: November 9, 2026.

Time: 9:00 a.m. to 5:30 p.m.

Agenda: Presentations on public private partnerships focused on Parkinson's and related disorders; structured time for public comment; and discussion of next steps in developing recommendations for PDRD priorities.

Address: Hubert H. Humphrey Building, Department of Health and Human Services, 200 Independence Avenue SW, Washington, DC 20201.

Meeting Format: In Person and Virtual Meeting.

Cost: The meeting is free and open to the public.

Deadlines:

- Register by 11:59 p.m. ET, Friday, October 23rd.
- *Public Comment Due Date:* October 26th by 5:00 p.m. ET.

Contact Person: Jordan Gladman, Deputy Executive Officer, National Institute of Neurological Disorders and Stroke, Bethesda, MD 20892, *nationalPDplan@nih.gov.*

Public Attendance: Seating is limited. Names need to be put on a list of expected attendees and forwarded to the security officers at HHS. Any interested member of the public who is a non-U.S. citizen should include this information at the time of registration to ensure that the appropriate security procedure to gain entry to the building is carried out. Although the meeting is open to the public, procedures governing security and the entrance to federal buildings may change without notice. In the interest of security, NIH has procedures at *https://www.nih.gov/about-nih/visitor-information/campus-access-security* for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit. Please note that individuals entering HHS owned, leased, or operated facilities must present a REAL ID compliant credential or another federally approved form of identification. Below is the list of acceptable forms of ID.

- State-issued Enhanced Driver's License
- U.S. passport
- U.S. passport card
- DHS trusted traveler cards (Global Entry, NEXUS, SENTRI, FAST)
- U.S. Department of Defense ID, including IDs issued to dependents
- Permanent resident card
- Border crossing card
- An acceptable photo ID issued by a federally recognized Tribal Nation/Indian Tribe, including Enhanced Tribal Cards (ETCs)
- HSPD–12 PIV card
- Foreign government-issued passport
- Canadian provincial driver's license or Indian and Northern Affairs Canada card
- Transportation worker identification credential
- U.S. Citizenship and Immigration Services Employment Authorization Card (I–766)
- U.S. Merchant Mariner Credential
- Veteran Health Identification Card (VHIC)

Meeting Registration: Registration is open to all members of the public.

Please register online by 11:59 p.m. ET, Friday, October 23rd using the following link: *https://mregs.nih.gov/channels/A5L3-21D2.*

Public Comments: The ACPRCS welcomes written and oral/virtual public comments and asks the public to review and adhere to its Public Comment Guidelines provided at *https://www.ninds.nih.gov/current-research/trans-agency-activities/national-plan-end-parkinsons-act/parkinsons-council.*

Submissions are accepted in writing via email addressed to *NationalPDplan@nih.gov.* Please include the phrase ''public comment'' in the subject line as well as the body of the message. A limited number of slots are available for individuals to provide a 2–3-minute oral summary or excerpt of their written comment to the Council during the meeting in person or via videoconference. For those interested in that opportunity, please indicate ''Interested in providing oral/virtual comment'' in your written submission, along with your name, email, and professional/organizational affiliation so that Council support staff can contact you if a slot is available. *Note that in order to provide oral public comment, requesters must register for the meeting using the instructions above.*

For any given meeting, comment slots will be assigned on a first-come, first-served basis, with priority given to individuals and organizations that have not previously provided comments. This will help ensure that as many individuals and organizations as possible have an opportunity to share comments. Commenters going over their allotted 3-minute slot may be asked to conclude immediately to allow other comments and the rest of the meeting to proceed on schedule.

Public comment submissions received by 5:00 p.m. ET on October 26th will be provided to the Council prior to the meeting for their consideration; all comments received after the deadline will be included in the next Council meeting's materials. The Council is not able to respond individually to comments. All public comments become part of the public record. Attachments of copyrighted publications are not permitted, but web links or citations for any copyrighted works cited may be provided.

Technical issues: If you experience any technical problems with the webcast, please email *nationalPDplan@nih.gov.*

Disability Accommodations: All ACPRCS Full Council Meetings provide Closed Captioning through *www.hhs.gov/live.* Individuals whose full participation in the meeting will require special accommodations (*e.g.,* sign language or interpreting services) must submit a request to the Contact Person listed on the notice at least seven (7) business days prior to the meeting. Such requests should include a detailed description of the accommodation needed and a way for the ACPRCS to contact the requester if more information is needed to fill the request.

Meeting schedule subject to change.

More Information: More information about this meeting is available on the ACPRCS Events page: *https://www.ninds.nih.gov/news-events/events/november-2026-advisory-council-meeting-parkinsons-research-care-and-services.*

Dated: October 5, 2026.

Rosalind Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–20618 Filed 10–7–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, contact the SAMHSA Clearance Office at *samhsaprn@samhsa.hhs.gov.*

Comments are invited on: (a) whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: National Substance Use and Mental Health Services Survey (N–SUMHSS) (OMB No. 0930–0386)—Revision of a Currently Approved Collection

Under Section 505 of the Public Health Service Act (42 U.S.C. 290aa–4), SAMHSA is required to conduct annual collection of data on substance use and mental health. Selected information collected from the N–SUMHSS is also published on SAMHSA's *FindTreatment.gov* for persons seeking treatment for mental and substance use disorders in the United States. *FindTreatment.gov* is authorized by the 21st Century Cures Act (Pub. L. 114–255, Section 9006; 42 U.S.C. 290bb–36d).

In 2021, SAMHSA combined the National Survey of Substance Abuse Treatment Services (N–SSATS) and the National Mental Health Services Survey (N–MHSS) into the N–SUMHSS to reduce the burden on facilities offering both substance use and mental health services, optimize government resources to collect data, and enhance the quality of data collected on the treatment facilities.

The N–SUMHSS is the most comprehensive national source of data on substance use and mental health treatment facilities. On an annual basis, the N–SUMHSS collects information on the facility location, characteristics, and utilization of substance use and mental health treatment services. The survey also collects client counts on individuals receiving services at these facilities. There is an increasing need to collect and maintain data on current and accurate numbers of clients in treatment at the local level for communities to assess capacity and estimate resource requirements. This information on substance use and mental health services has assisted communities to better respond to life changing events, (*i.e.,* hurricane) and plan for service demands in the event of a natural disaster (*i.e.,* earthquakes).

SAMHSA also maintains the Inventory of Substance Use and Mental Health Treatment Facilities (I–TF) (previously known as the Inventory of Behavioral Health Services [I–BHS]). The I–TF is a master list of all known substance use and mental health treatment facilities in the United States, and serves as the frame for the N–SUMHSS. SAMHSA is requesting OMB approval of revisions to the N–SUMHSS and I–TF related data collections, to include changes to the following instruments:

N–SUMHSS Questionnaire (Attachment A)

For this submission, SAMHSA proposes two categories of changes to the N–SUMHSS questionnaire.

First, SAMHSA is revising the questionnaire's content on crisis services and faith-based organizations. As part of these revisions, three existing crisis-related questions (B12–B14) will be removed and replaced with a new series of questions designed to collect more detailed information about mobile crisis, community outreach, behavioral health emergency, and crisis stabilization services. All facilities will be asked two new screening questions to determine whether they: (1) offer mobile crisis or community outreach services, and (2) offer behavioral health emergency or crisis stabilization services.

Depending on their responses to these questions, some facilities may receive additional follow-up questions to collect information about service models offered, services provided within those models, and the number of individuals who received or were actively engaged in those services during a specified reporting period.

In addition, all facilities will continue to be asked the existing question about whether they are affiliated with a religious or faith-based organization. SAMHSA also proposes a new question for all facilities regarding whether they identify as a faith-based organization.

Although these changes add new questions and data elements, they also replace existing crisis services questions and are intended to provide more actionable information about the availability and characteristics of crisis and faith-based services for program planning, policy development, and public reporting. Additional respondent burden will be limited primarily to facilities that meet the criteria for the applicable follow-up questions.

Second, this submission includes a limited set of targeted clarifications to existing N–SUMHSS questionnaire items. These revisions have been informed by respondent questions, interviewer debriefings, and routine instrument review. They are intended to improve question clarity and reporting accuracy by addressing ambiguous terminology and revising language that may not align with current SAMHSA terminology or clinical practice. These changes do not alter the underlying constructs being measured, the scope of information collected, or respondent burden. Rather, they are designed to address specific known areas of respondent confusion and improve consistency across related questionnaire items.

The clarifications address the following:

1. Ambiguity in question wording or response options that led to inconsistent interpretation,
2. Uncertainty about whether selected items apply to a facility,
3. Inconsistent response categories across similar items, and
4. Minor instructional language needed to reinforce existing reporting guidance.

These updates do not modify survey navigation, layout, question order, or overall wording style

N–SUMHSS Between Cycle Questionnaire (Attachment B)

While the Mini N–SUMHSS is derived from the N–SUMHSS, it includes only a subset of questions. Consequently, changes to the N–SUMHSS apply to the Mini N–SUMHSS only where the affected questions are included in the Mini.

N–SUMHSS VA Supplement (Attachment C and D)

SAMHSA is not proposing any new questions for the N–SUMHSS VA Supplement. Proposed updates are limited to minor wording revisions to existing VA Supplement items to ensure consistency with terminology used elsewhere in the N–SUMHSS. These changes do not alter the content, intent, or respondent burden of the VA Supplement.

I–TF Online State Add/Update Form (Attachment F)

The I–TF Online State Add/Update Form is used by the state user when requesting to modify facility information in I–TF. A few fields were added to the form, and one was deleted. These fields are prepopulated in the form based on the N–SUMHSS responses. These changes do not alter the content, intent, or respondent burden since the responses are from the N–SUMHSS.

The estimated annual burden for the N–SUMHSS and I–TF activities is as follows:

Information collection title	Number of respondents	Responses per respondent	Total responses	Hours per response (in hours)	Total burden hours	Average hourly wage	Total annual cost
N–SUMHSS Questionnaire (either SU or MH)	25,000	1	25,000	0.90	22,500	$56.71	$1,275,975.00
N–SUMHSS Questionnaire (both SU and MH)	11,000	1	11,000	1.22	13,420	56.71	761,048.20
N–SUMHSS Between Cycle Questionnaire	1,500	1	1,500	0.75	1,125	56.71	63,798.75
N–SUMHSS VA Supplement	950	1	950	0.08	76	56.71	4,309.96
N–SUMHSS EHR Supplement*	36,000	1	36,000	0.15	5,400	56.71	306,234.00
I–TF Facility Registration Application Form	1,500	1	1,500	0.08	120	32.36	3,883.20
Augmentation Screener Questionnaire	1,200	1	1,200	0.11	132	32.36	4,271.52
I–TF Online State Add Update Form	52	50	2,600	0.08	208	32.36	6,730.88
Totals	.....	.....	79,750	.....	42,981	.....	2,426,251.51

*The N–SUMHSS EHR Supplement will be administered one time during the three-year period.

Send comments to SAMHSA Reports Clearance Officer, 5600 Fisher Lane, Room 15E57A, Rockville, MD 20852, *OR* email a copy at *samhsapra@samhsa.hhs.gov.* Written comments should be received by December 7, 2026.

Alicia Broadus,

Public Health Advisor.

[FR Doc. 2026–20651 Filed 10–7–26; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7110–N–17; OMB Control No.: 2502–0496]

60-Day Notice of Proposed Information Collection: Builder's Certification of Plans, Specifications, and Site

AGENCY: Office of the Assistant Secretary for Housing—FHA Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* December 7, 2026.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to *www.regulations.gov.* Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Darian Ziegler, PRA Liaison, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Darian Ziegler, PRA Liaison, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Darian.Ziegler@hud.gov,* telephone (202) 402–5535. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.* Copies of available supporting documents for the proposed collection may be obtained from Ms. Ziegler.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Builder's Certification of Plans, Specifications, and Site.

OMB Approval Number: 2502–0496.

Type of Request: Reinstatement with change of a previously approved collection.

Form Number: Form HUD–92541.

Description of the need for the information and proposed use: This request for OMB review seeks to renew a previously approved collection of Form HUD–92541, Builder's Certification of Plans, & Site (OMB Control Number 2502–0496). The information collected on this form is necessary to ensure newly built homes financed with FHA mortgage insurance do not contain adverse site conditions or foreseeable hazards that pose a health or safety risk to the occupant or cause the Property to be ineligible for FHA insurance.

Respondents: Business.

Estimated Number of Respondents: 260,742.

Estimated Number of Responses: 130,371.

Frequency of Response: 1 per endorsement.

Average Hours per Response: 0.15 hours

Total Estimated Burdens: 19,556.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

44 U.S.C. 3507.

Paul M. Olin,

Acting General Deputy Assistant Secretary for Housing.

[FR Doc. 2026–20682 Filed 10–7–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7110–N–09; OMB Control No.: 2502–0620]

60-Day Notice of Proposed Information Collection: FHA Catalyst: Multifamily Applications, and Portal + Loan Underwriting System (PLUS)

AGENCY: Office of the Assistant Secretary for Housing—FHA Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* December 7, 2026.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to *www.regulations.gov.* Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Darian Ziegler, PRA Liaison, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Darian Ziegler, PRA Liaison, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email *Darian.Ziegler@hud.gov,* telephone (202) 402–5535. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who

are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Copies of available supporting documents for the proposed collection may be obtained from Ms. Ziegler.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: FHA Catalyst: Multifamily Applications, and Portal + Loan Underwriting System (PLUS).

OMB Approval Number: 2502–0620.

Type of Request: Revision of a currently approved collection.

Form Number: N/A.

Description of the need for the information and proposed use: FHA Catalyst: Multifamily Applications (''Catalyst'') is an *existing,* web-based portal that allows FHA multifamily lenders to upload and submit applications for FHA multifamily mortgage insurance to HUD. FHA's Portal + Loan Underwriting System (PLUS) is a new web-based application that will allow FHA multifamily and healthcare lenders to request FHA Project Numbers for their applications and view the real-time status of their applications. Additional lender portal functionalities will be built into PLUS in subsequent phases, and PLUS will later replace the multifamily lender portal functionalities that are currently in Catalyst, likely in 2027.

Respondents: Business and other for-profit (MAP Lenders), State and Local Government (Housing Finance Agencies), and Government-Sponsored Enterprises (Fannie Mae & Freddie Mac)—all FHA-approved mortgagees.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
FHA Project # Requests (via PLUS)	833	1	833	0.25	208	$45	$9,360
FHA Application Submissions (via FHA Catalyst)	739	1	739	0.50	370	45	16,650
FHA Catalyst Access Requests (via Access Request Form)	47	1	47	0.25	12	$45	$540
Total					590		26,550

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

44 U.S.C. 3507.

Paul M. Olin,

Acting General Deputy Assistant Secretary for Housing.

[FR Doc. 2026–20679 Filed 10–7–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7553; NPS–WASO–NAGPRA–NPS0043919; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California State University, Chico, Chico, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), California State University, Chico (Chico State) has completed an inventory associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after November 9, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Michelle Hansen, California State University, Chico, 400 West First Street, Chico, CA 95929, email *mcampbell19@csuchico.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Chico State, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

The two associated funerary objects consist of one lot of modified lithic materials and one lot of shells. These associated funerary objects were located with human remains from Chico State's accession 253 which has previously been determined to be culturally affiliated with the Mechoopda Indian Tribe of Chico Rancheria, California, and the Mooretown Rancheria of Maidu Indians of California (91 FR 33737).

The University is not aware of any treatment of the associated funerary objects with pesticides, preservatives, or other substances that could pose a potential hazard to either the objects themselves or individuals handling them.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the acquisition history of the associated funerary objects described in this notice.

Determinations

Chico State has determined that:

- The two lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Mechoopda Indian Tribe of Chico Rancheria, California, and the Mooretown Rancheria of Maidu Indians of California.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after November 9, 2026. If competing requests for repatriation are received, Chico State must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. Chico State is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: October 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–20567 Filed 10–7–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–43883; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before September 19, 2026, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by October 23, 2026.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 2013, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 2013, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before September 19, 2026. Pursuant to 36 CFR 60.13, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers.

Key: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

IDAHO

Canyon County

Caldwell Municipal Rose Garden, 1200 N Kimball Avenue, Caldwell, SG100013557

Shoshone County

Shoshone County Poor Farm, (Metal Mining in Idaho (1860–1977) MPS), 99, 179, and 224 Satherfield Road, Silverton, MP100013556

KANSAS

Ford County

Hillcrest Grocery, 1000 6th Avenue, Dodge City, SG100013571

Sedgwick County

Yucca Mentholatum Company Building, 1211 East Douglas Avenue, Wichita, SG100013552

MASSACHUSETTS

Hampden County

Belcher School, 10 Southwick Street, Chicopee, SG100013553

Middlesex County

Bancroft School, 12 Bancroft Street, Maynard, SG100013572

Suffolk County

Green Street (East) Historic District, 165–190 Green Street, 124–132 Brookside Avenue, 4 Union Avenue, Boston, SG100013561

MISSOURI

Jackson County

West 8th Street Historic District, (Railroad Related Historic Commercial and Industrial Resources in Kansas City, MO MPS), 931–1127 West 8th Street 811–817 Santa Fe Street, Kansas City, MP100013567

Bancroft Apartments, (Working-Class and Middle-Income Apartment Buildings in Kansas City, Missouri MPS), 4301 Troost Avenue, Kansas City, MP100013569

St. Louis County

Seven-Up Headquarters Building, 121 S Meramec Ave., Clayton, SG100013568, 200 South Hanley Building, 200 South Hanley Road, Clayton, SG100013570

OHIO

Cuyahoga County

Adams-Bagnall Electric Co.—Cleveland Motorcycle Manufacturing Co., 7299 Platt Avenue, Cleveland, SG100013565

TEXAS

Travis County

Montopolis Negro School, 500 Montopolis Dr., Austin, SG100013555

WASHINGTON

Pierce County

Ray Gibson Caballeros Club, 1516 S 28th Street, Tacoma, SG100013563

Spokane County

Phillips, John F. ''Jack'' and Barbara E., House, 611 S Montavilla Drive, Spokane, SG100013562

WISCONSIN

La Crosse County

La Crosse City Hall, 400 La Crosse Street, La Crosse, SG100013558

Additional documentation has been received for the following resource(s):

ALABAMA

Jefferson County

Downtown Birmingham Retail and Theatre Historic District, Roughly bounded by 3rd Ave. North, 20th St. North, Morris Ave., and 17th St. North, Birmingham, AD89000315

CALIFORNIA

Los Angeles County

Gartz Court, (Bungalow Courts of Pasadena TR), 270 N Madison, Pasadena, AD83001195

Authority: 36 CFR 60.13.

Sherry A. Frear,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2026–20628 Filed 10–7–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7543; NPS–WASO–NAGPRA–NPS0043909; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Wisconsin Oshkosh, Oshkosh, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Wisconsin Oshkosh (UWO) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after November 9, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Adrienne Frie, University of Wisconsin Oshkosh, 800 Algoma Blvd., Oshkosh, WI 54901, email *friea@uwosh.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UWO, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, 26 individuals have been reasonably identified and were removed from the Karow (47–WN–0057/BWN–0191) and Cowling Cemetery (47–WN–0198/BWN–0157) sites, Winnebago County, WI. The Karow site was excavated in 1975 by Dr. Alaric Faulkner, Assistant Professor at Wisconsin State College-Oshkosh (now UWO) from 1972 to 1978, as a salvage excavation after human remains were disturbed while digging a residential basement. In 1984, in anticipation of house construction, Dr. Victoria Dirst, Assistant Professor at UWO from 1978 to 1985, excavated an area at Karow. The late Dr. Clarence (Charles) J. Schneider was an avocational archaeologist, active during the 1930s–1980s. His collection was donated to the University of Wisconsin Oshkosh (UWO) in 1993. Some items were identified as having been removed from Karow (47–WN–0057) (UWO Accession: 47WN0057_SCHNEI01). In 1979, Dr. Victoria Dirst was called to investigate burials that were found at Cowling Cemetery (47–WN–0198) during the construction of a boat ramp. The 284 associated funerary objects are 10 lots of bone artifacts; one lot of bullet casing; one lot of burnt maize; 76 lots of ceramics; 83 lots of faunal remains; 14 lots of floral remains; two lots of glass; one lot of ground stone personal ornamentation; two lots of iron nails; 78 lots of lithics; one lot of missing lithic; one lot of modified shell; one lot of post-contact artifact; six lots of pre-contact copper artifact; one lot of sheet metal; one lot shell pendant; and five lots soil samples. UWO has no knowledge or record of any potentially hazardous substances used to treat the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location of the human remains and associated funerary objects described in this notice.

Determinations

UWO has determined that:

- The human remains described in this notice represent the physical remains of 26 individuals of Native American ancestry.
- The 284 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little Shell Tribe of Chippewa Indians of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Match-E-Be-Nash-She-Wish Band of Pottawatomi (previously listed as Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan); Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Oglala Sioux Tribe; Otoe-Missouria Tribe of Indians, Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi

Nation; Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Santee Sioux Nation, Nebraska; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after November 9, 2026. If competing requests for repatriation are received, UWO must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. UWO is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 30, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–20575 Filed 10–7–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7546; NPS–WASO–NAGPRA–NPS0043912; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Kansas State Historical Society, Topeka, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Kansas State Historical Society (KSHS) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after November 9, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. Nicole Klarmann, Kansas State Historical Society, 6425 SW 6th Avenue, Topeka, KS 66615–1099, email *kshs.nagpra@ks.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the KSHS and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 17 cultural items have been requested for repatriation (UBS 2023–22). The 17 unassociated funerary objects include a metal projectile point, an iron hatchet head, stones, a pair of shears, iron scrapers, a tin cup, a copper ornament, a lance head, and animal bones. The catalog description states the items are ''relics found on the site of Chivington's Indian Massacre, Sand Creek . . . December 9, 1864, collected by E. Powell, Granaries, CO.'' They were donated to KSHS in 1882 by Joseph Savage.

A total of one cultural item has been requested for repatriation (UBS 2023–26). The one unassociated funerary object is a wooden burl described as an Indian doll head that was found at the Sand Creek Massacre site in Colorado. The item was donated to KSHS in 1972 by Dr. O.H. Simpson on behalf of an anonymous donor. An unspecified glue and cloth remain on the shoulders.

To our knowledge, no known hazardous substances were used on any of the funerary objects.

Determinations

The KSHS has determined that:

- The 18 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Cheyenne and Arapaho Tribes, Oklahoma; Northern Arapaho Tribe of the Wind River Reservation, Wyoming; and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after November 9, 2026. If competing requests for repatriation are received, the KSHS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are

considered a single request and not competing requests. The KSHS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 30, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–20574 Filed 10–7–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7549; NPS–WASO–NAGPRA–NPS0043916; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Bruce Museum Inc., Greenwich, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Bruce Museum, Inc., intends to repatriate a certain cultural item that meets the definition of an object of cultural patrimony and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after November 9, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Kirsten J. Reinhardt, Bruce Museum, 1 Museum Drive, Greenwich, CT 06830, email *kreinhardt@brucemuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Bruce Museum, Inc., and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one object of cultural patrimony is a *Xoots. Naaxein* (Brown Bear Chilkat Robe), Bruce Museum number 67.03.04. It is a wide, inverted pentagonal shape, woven of primarily commercial yarns. Black and yellow border; center is mirrored totemic design in black, yellow, turquois, and white; fringed on three sides. Harold Jacobs, of the Central Council Tlingit & Haida Indian Tribes examined the robe at the Bruce, in 2005, and declared the design to be an orca with a man riding on its back. Jacobs said it was woven by Kaax'eidei.át, who was from the Gaanaxteidi clan of Klukwan, Alaska. She was the only person who wove the colored fringe seen on this piece. The robe was collected by Miss Alice Taggart (1881–1954), aunt of the donor, Eliza Macknet Taggart Davies, aka Mrs. William A. Davies. Based on the objects collected, Miss Taggart likely was in Alaska between 1900–1920. Travel records indicate that she was in Alaska during August and September, 1920.

Determinations

The Bruce Museum, Inc., has determined that:

- The one object of cultural patrimony described in this notice has ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural item described in this notice and the Central Council of the Tlingit & Haida Indian Tribes.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after November 9, 2026. If competing requests for repatriation are received, the Bruce Museum, Inc., must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The Bruce Museum, Inc., is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 30, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–20569 Filed 10–7–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7545; NPS–WASO–NAGPRA–NPS0043911; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and the Museum of Indian Arts & Culture, Santa Fe, NM

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Indian Affairs (BIA) and the Museum of Indian Arts & Culture has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after November 9, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Tamara Billie, U.S. Department of the Interior, Bureau of Indian Affairs, Branch of Cultural Resources Management, 1001 Indian School Road NW, Mailbox 44, Albuquerque, NM 87104, email *tamara.billie@bia.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BIA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The

National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least three individuals have been identified. The three associated funerary objects are one grass saw, one abalone pendant, and one lot of beads. These human remains and associated funerary objects were removed from archaeological site LA 2605 in La Plata County, Colorado, in 1953. This site is also known as the Ignacio Site, the Ignacio Field Camp, or Colorado site number 5LP291. The excavation of this site was conducted as part of a larger natural gas pipeline installation project for the El Paso Natural Gas Company between the years 1950–1953. LA 2605 specifically was to be the site of a warehouse and staff residences. Archaeologists visited the site after construction had already begun and salvaged what material they could. They determined that this site consisted of a series of above-ground house structures and numerous multi-purpose pits that served as cooking, refuse disposal, and burial sites. Archaeologists estimated the site LA 2605 dates tentatively to Basketmaker II (1000 BCE–CE 500) based on resident structures but had not conducted any absolute dating analyses. Materials from this pipeline project were sent to the Museum of New Mexico or the Museum of Northern Arizona. The site's collections have remained with the Museum of New Mexico, now represented by the Museum of Indian Arts & Culture, since excavation. Human remains loaned to the Maxwell Museum of Anthropology in the 1970s were returned in 2004. In May and June 2025, the BIA and the Museum of Indian Arts & Culture consulted Southern Ute Indian Tribe Representatives and determined geographic cultural affiliation with the Tribe. The remains were treated with a preservative for handling; no known hazardous substances were used on the remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The BIA has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- The three objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after November 9, 2026. If competing requests for repatriation are received, the BIA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The BIA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 30, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–20573 Filed 10–7–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7548; NPS–WASO–NAGPRA–NPS0043915; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Army Corps of Engineers, Omaha District, Pierre, SD

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, Omaha District intends to carry out the disposition of human remains removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

DATES: Disposition of the human remains in this notice may occur on or after November 9, 2026. If no claim for disposition is received by October 8, 2027, the human remains in this notice will become unclaimed human remains.

ADDRESSES: Send written claims for disposition of the human remains in this notice to Megan Ernst, U.S. Army Corps of Engineers, Omaha District, Oahe Project, 28563 Powerhouse Road, Pierre, SD 57501, email *megan.m.ernst@usace.army.mil.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the U.S. Army Corps of Engineers, Omaha District. The National Park Service is not responsible for the identifications in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least 14 individuals have been reasonably identified in Campbell and Walworth Counties, South Dakota. No associated or unassociated funerary objects, sacred objects or objects of cultural patrimony were located.

Determinations

The U.S. Army Corps of Engineers, Omaha District has determined that:

- The human remains described in this notice represent the physical remains of 14 individuals of Native American ancestry.
- The Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota have priority for disposition of the human remains described in this notice.

Claims for Disposition

Written claims for disposition of the human remainsin this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by October 8, 2027, the human remains in this notice will become unclaimed human remains. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows that they have priority for disposition.

Disposition of the human remains in this notice may occur on or after November 9, 2026. If competing claims for disposition are received, the U.S. Army Corps of Engineers, Omaha District must determine the most appropriate claimant prior to disposition. Claims for joint disposition of the human remains are considered a single claim and not competing claims. The U.S. Army Corps of Engineers, Omaha District is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: September 30, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–20568 Filed 10–7–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7551; NPS–WASO–NAGPRA–NPS0043918; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Jamestown-Yorktown Foundation, Williamsburg, VA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Jamestown-Yorktown Foundation intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after November 9, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Basil Stewart, Jamestown-Yorktown Foundation, 2110 Jamestown Road, Williamsburg, VA 23185, email *basil.stewart@jyf.virginia.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Jamestown-Yorktown Foundation and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of three cultural items have been requested for repatriation. The three unassociated funerary objects are projectile points. The cultural items were removed from the Cascade Mountain region of Washington state at some time prior to 1987 by amateur archaeologist James Coates. The collections of James Coate were donated to the Jamestown-Yorktown Foundation in 1987.

Determinations

The Jamestown-Yorktown Foundation has determined that:

- The three unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Swinomish Indian Tribal Community.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after November 9, 2026. If competing requests for repatriation are received, the Jamestown-Yorktown Foundation must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Jamestown-Yorktown Foundation is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 30, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–20571 Filed 10–7–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7544; NPS–WASO–NAGPRA–NPS0043910; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of California, Davis, Davis, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), University of California, Davis (UC Davis) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after November 9, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Megon Noble, Senior Strategic Advisor and Repatriation Coordinator, University of California, Davis, 251 Mrak Hall, One Shields Avenue, Davis, CA 95616, email *mnoble@ucdavis.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The

determinations in this notice are the sole responsibility of UC Davis, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least two individuals have been identified from the site in West Sacramento, identified as YOL–S103, which is possibly CA–YOL–27 (UCD Accession 461). There is a total of four associated funerary objects (one of which is currently missing). The three present associated funerary objects are two mammal bones and one bone awl. The one lot of currently missing associated funerary objects is one lot of unidentified missing material. The human remains and cultural items were collected by Bill Pritchard in 1964. The cultural affiliation is with the Patwin, Miwok, and Nisenan Tribes: Buena Vista Rancheria of Me-Wuk Indians of California; Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; California Valley Miwok Tribe, California; Ione Band of Miwok Indians of California; Jackson Band of Me-Wuk Indians; Kletsel Dehe Wintun Nation of the Cortina Rancheria (previously listed as Kletsel Dehe Band of Wintun Indians); Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Rancheria, California; and the Yocha Dehe Wintun Nation, California. The University is unaware of any treatment of the associated funerary objects with pesticides, preservatives, or other substances that represent a potential hazard to the objects or to persons handling the objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

UC Davis has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The four objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Buena Vista Rancheria of Me-Wuk Indians of California; Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; California Valley Miwok Tribe, California; Ione Band of Miwok Indians of California; Jackson Band of Me-Wuk Indians; Kletsel Dehe Wintun Nation of the Cortina Rancheria (previously listed as Kletsel Dehe Band of Wintun Indians); Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Rancheria, California; and the Yocha Dehe Wintun Nation, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after November 9, 2026. If competing requests for repatriation are received, UC Davis must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. UC Davis is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 30, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–20572 Filed 10–7–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–43921; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before September 26, 2026, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by October 23, 2026.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 2013, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 2013, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before September 26, 2026. Pursuant to 36 CFR 60.13, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers.

Key: State, County, Property Name, Multiple Name(if applicable), Address/Boundary, City, Vicinity, Reference Number.

FLORIDA

Miami-Dade County

Georgette's Tea Room, 2540 NW 51 Street, Brownsville, SG100013576

Nassau County

Bosque Bello Cemetery, Bounded by N 14th St., Bosque Bello St., and Magnolia St. Fernandina Beach, SG100013578

KANSAS

Morris County

Whiting, T.W., Residence, 605 Columbia St., Council Grove, SG100013587

Shawnee County

Mowers House 1521 Southwest Stratford Road, Topeka, SG100013586

LOUISIANA

Jefferson Davis Parish

True Friends Benevolent Association #1, 507 Azalea Street, Roanoke, SG100013574

Union Parish

Marion Rosenwald School, (Rosenwald Schools in Louisiana, 1917–1932 MPS) 3062 Taylor Street, Marion, MP100013579

OKLAHOMA

Le Flore County

Poteau Park and Community Building, (WPA Public Bldgs., Recreational Facilities and Cemetery Improvements in Southeastern Oklahoma, 1935–1943 TR), 401 N. Hill Street Poteau, MP100013581

TENNESSEE

Davidson County

Coca-Cola Bottling Plant, 1525 Church Street, Nashville, SG100013584

Hamblen County

Riggs House, 3496 Sulphur Springs Road, Morristown vicinity, SG100013583

Scott County

Scott County Courthouse

(Historic County Government Facilities in Tennessee MPS), 283 Court Street, Huntsville, MP100013588

Unicoi County

Higgins, Holland, Homestead, Left Higgins Creek Road and Bill Shelton Road, Flag Pond vicinity, SG100013582

VIRGINIA

Halifax County

Calvary Rural Historic District, Calvary and Williamson Roads, Alton vicinity, SG100013580

Additional documentation has been received for the following resource(s):

FLORIDA

Gulf County

Cape San Blas Lighthouse at Port St. Joe (Additional Documentation), 200 Miss Zola's Dr., Port St. Joe, AD15000208

MASSACHUSETTS

Suffolk County

South End District (Additional Documentation), South Bay area between Huntington and Harrison Aves., Boston, AD73000324

Authority: 36 CFR 60.13.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2026–20627 Filed 10–7–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7547; NPS–WASO–NAGPRA–NPS0043913; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California State University, Chico, Chico, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California State University, Chico has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after November 9, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Michelle Hansen, California State University, Chico, 400 W 1st Street, Chico, CA 95929, email *mcampbell19@csuchico.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the California State University, Chico, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Accession 253–30

The two associated funerary objects consist of one lot of modified lithic materials and one lot of shells. These associated funerary objects originate from Tehama County, California, and are linked to human remains that have previously been determined to be culturally affiliated with the Paskenta Band of Nomlaki Indians of California (91 FR 54376).

The University is not aware of any treatment of the associated funerary objects with pesticides, preservatives, or other substances that could pose a potential hazard to either the objects themselves or individuals handling them.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the associated funerary objects described in this notice.

Determinations

Chico State has determined that:

- The two lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Paskenta Band of Nomlaki Indians of California.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after November 9, 2026. If competing requests for repatriation are received, Chico State must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. Chico State is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: October 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–20566 Filed 10–7–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7550; NPS–WASO–NAGPRA–NPS0043917; PPWOCRADN0–PCU00RP14.R50000]

Notice of Proposed Reinterment: Edge of the Cedars State Park Museum, Blanding, UT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Edge of the Cedars State Park Museum (ECSPM) proposes to reinter human remains listed in a notice of inventory completion published in the **Federal Register** on July 3, 2023.

DATES: Reinterment of the human remains in this notice may occur on or after November 9, 2026.

ADDRESSES: Send written request for repatriation of the human remains to Chris Hanson, Manager, Edge of the Cedars State Park Museum, 660 W 400 N, Blanding, UT 84511–4000, email *chanson@utah.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the ECSPM, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

This notice follows publication of a notice of inventory completion in the **Federal Register** (88 FR 42744, July 3, 2023). Human remains representing, at least, 13 individuals have been identified. No associated funerary objects are present. The human remains consist of nine males, three females, and one child. Recovery was made by law enforcement agencies from five separate counties in Central Utah; Box Elder, Sanpete, Emery, Tooele, and Davis. There is no evidence of presence of any potentially hazardous substances used to treat any of the human remains.

Consultation

Invitations to consult were sent to the Confederated Tribes of the Goshute Reservation, Nevada and Utah; Navajo Nation, Arizona, New Mexico, & Utah; Northwestern Band of the Shoshone Nation; Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes); San Juan Southern Paiute Tribe of Arizona; Skull Valley Band of Goshute Indians of Utah; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and the Ute Mountain Ute Tribe.

Cultural Affiliation

The following types of information about the cultural affiliation of the human remains in this notice are available: anthropological, archaeological, biological, geographical, historical, Native American traditional knowledge, and the Indian Claims Commission Map of 1978. The information, including the results of consultation,

1. No earlier group connected to the human remains.
2. No Indian Tribe connected to the human remains.
3. No relationship of shared group identity between the earlier group and the Indian Tribe or Native Hawaiian organization that can be reasonably traced through time.

Determinations

The ECSPM has determined that:

- The human remains described in this notice represent the physical remains of 13 individuals of Native American ancestry.
- No known lineal descendant who can trace ancestry to the human remains has been identified.
- No Indian Tribe or Native Hawaiian organization with cultural affiliation to the human remains in this notice has been clearly or reasonably identified.
- The human remains will be reinterred according to applicable laws and policies.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Reinterment of the human remains described in this notice may occur on or after November 9, 2026. If requests for repatriation are received, the ECSPM must evaluate the requests and respond in writing to the requestors. The ECSPM is responsible for sending a copy of this notice to the Indian Tribes or Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 30, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–20570 Filed 10–7–26; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1499]

Certain Electric Aircraft, Power Systems for Electric Aircraft, and Components Thereof; Notice of a Commission Determination Not To Review an Initial Determination Granting Complainant's Motion To Amend the Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 12) granting Complainant Archer Aviation Inc.'s motion to amend the notice of institution of investigation (''NOI'') to correct a typographical error.

FOR FURTHER INFORMATION CONTACT: Lisa A. Murray, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2781. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be

obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: On April 14, 2026, the Commission instituted this investigation based on a complaint filed by Archer Aviation Inc. of San Jose, California. 91 FR 19200 (Apr. 14, 2026). The complaint, as supplemented, alleged violations of section 337 based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain electric aircraft, power systems for electric aircraft, and components thereof by reason of the infringement of certain claims of U.S. Patent No. 11,945,594; U.S. Patent No. 12,162,614; U.S. Patent No. 8,469,306; U.S. Patent No. 12,103,404; and U.S. Patent No. 12,473,087 (''the '087 patent''). The Commission's NOI named the following as respondents: Joby Aero, Inc. of Santa Cruz, California; and Joby Aviation, Inc. of Santa Cruz, California. The Office of Unfair Import Investigations is also participating in this investigation.

On September 4, 2026, Complainant Archer Aviation Inc. filed an unopposed motion pursuant to Commission Rule 210.14(b), 19 CFR 210.14(b), to amend the NOI to correct a typographical error with respect to the identification of one of the asserted patents. While the Complaint correctly identified the '087 patent asserted in this investigation as U.S. Patent No. 12,473,087, the NOI contains a typographical error identifying the '087 patent as U.S. Patent No. 12,472,087.

On September 8, 2026, the ALJ issued the subject ID (Order No. 12) granting Archer Aviation Inc.'s motion. The ID amends the NOI to read:

Summary: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 10, 2026, under section 337 of the Tariff Act of 1930, as amended, on behalf of Archer Aviation Inc. of San Jose, California. A supplement to the complaint was filed on March 19, 2026. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electric aircraft, power systems for electric aircraft, and components thereof by reason of the infringement of certain claims of U.S. Patent No. 11,945,594 (''the '594 patent''); U.S. Patent No. 12,162,614 (''the '614 patent''); U.S. Patent No. 8,469,306 (''the '306 patent''); U.S. Patent No. 12,103,404 (''the '404 patent''); and U.S. Patent No. 12,473,087 (''the '087 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

Order No. 12 at 2 (Sept. 8, 2026). No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. The Commission vote for this determination took place on October 6, 2026.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: October 6, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–20675 Filed 10–7–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1525]

Certain Mobile Electronic Devices and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 3, 2026, under section 337 of the Tariff Act of 1930, as amended, on behalf of trinamiX Sensing LLC of Austin, Texas and trinamiX GmbH of Germany. A supplement to the complaint was filed on September 17, 2026. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile electronic devices and components thereof by reason of the infringement of certain claims of U.S. Patent No. 12,530,925 (''the '925 patent''); U.S. Patent No. 12,288,421 (''the '421 patent''); U.S. Patent No. 12,456,334 (''the '334 patent''); U.S. Patent No. 12,361,760 (''the '760 patent''); U.S. Patent No. 12,298,394 (''the '394 patent''); and U.S. Patent No. 12,332,352 (''the '352 patent''). The complaint further alleges that an industry in the United States exists and/or is in the process of being established as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2025).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on October 5, 2026, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 5–8, 17, and 21–24 of the '925 patent; claims 1, 5–9, 11, 17, 20, 21, 23, and 24 of the '421 patent; claims 1, 7, 11, 13, and 15 of the '334 patent; claims 1, 4–6, 8–10, 13, and 15 of the '760 patent; claims 1, 5, 6, 15, 18, and 19 of the '394 patent; and claims 1, 2, 9, 14, 16, 23, and 28 of the '352 patent, and whether an industry in the United States exists and/or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''iPhones and iPads and components thereof, such as its

processor and TrueDepth camera with a Vertical-Cavity Surface-Emitting Laser ('VCSEL'), a flood illumination VCSEL, and a near-infrared camera module, incorporating face authentication, 3D-sensing, and/or material detection capabilities''; [1]

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

trinamiX Sensing LLC, 7800 Shoal Creek Boulevard, Suite 200N, Austin, TX 78757, USA

trinamiX GmbH, Industriestraße 35, 67063 Ludwigshafen am Rhein, Germany

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served:

Apple Inc., One Apple Park Way, Cupertino, CA 95014

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

The Commission is interested in the development of a thorough record on domestic industry in this investigation to facilitate a holistic review of all relevant considerations. Accordingly, the presiding administrative law judge may wish to consider what information will be necessary to make a determination with respect to complainant's domestic industry allegations under subparagraphs (A), (B), and (C) of section 337(a)(3) based on an industry that exists and/or is in the process of being established; including the extent to which these allegations rely on expenditures made by third parties; and the extent to which expenditures are made outside the United States related to the domestic industry article(s) by any entity.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: October 6, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–20672 Filed 10–7–26; 8:45 am]

BILLING CODE 7020–02–P

[1] Commissioner Pappas would have delegated public interest so as to build a robust record as to whether or not there would be an impact to United States consumers in light of the role that the patented technology plays in terms of privacy, safety, and security.

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–631 and 731–TA–1463–1464 (Review)]

Forged Steel Fittings From India and South Korea; Cancellation of Hearing for Antidumping and Countervailing Duty Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: October 5, 2026.

FOR FURTHER INFORMATION CONTACT: Caitlyn Costello (202–205–2058), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On June 2, 2026, the Commission established a schedule for the reviews of the subject antidumping and countervailing duty orders (91 FR 34248, June 5, 2026). On September 23, 2026, counsel for Bonney Forge Corporation and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (collectively, ''Domestic Interested Parties'') filed a request that, inter alia, the Commission cancel the scheduled hearing for this proceeding and indicated a willingness to respond to any Commission questions in lieu of an actual hearing. On October 1, 2026, Domestic Interested Parties filed a conditional request to appear at the hearing if one occurred. No other parties submitted a request to appear at the hearing. On October 2, 2026, counsel for Domestic Interested Parties filed a request that the Commission cancel the hearing and reiterated their intent to respond to any questions posed by the Commission in lieu of a hearing. The Commission considers Domestic Interested Parties' letters of September 23, 2026 and October 2, 2026 to be a request under 19 CFR 201.12 to take action with respect to these investigations, and that cancellation is appropriate because a public hearing is not necessary to address the legal and factual issues these investigations present. Consequently, the Commission has cancelled the public hearing in connection with this proceeding, scheduled to begin at 9:30 a.m. on October 6, 2026. Parties to this proceeding should respond to any written questions posed by the Commission in their posthearing briefs, which are due to be filed on October 13, 2026.

For further information concerning this proceeding, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: October 5, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–20614 Filed 10–7–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–654–655 and 731–TA–1529–1532 (Review)]

Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From Czechia, Russia, South Korea, and Ukraine; Scheduling of Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to the Tariff Act of 1930 to determine whether revocation of the antidumping duty orders on seamless carbon and alloy steel standard, line, and pressure pipe from Russia and South Korea and countervailing duty orders on seamless carbon and alloy steel standard, line, and pressure pipe from Czechia, Russia, South Korea, and Ukraine would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined to exercise its authority to extend the review period by up to 90 days.

DATES: October 5, 2026.

FOR FURTHER INFORMATION CONTACT: Laurel Schwartz (202–205–2398), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On June 5, 2026, the Commission determined that responses to its notice of institution of the subject five-year review were such that a full review should proceed (91 FR 50894, August 6, 2026); accordingly, a full review is being scheduled pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's website.

Participation in the review and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in this review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the review need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this review available to authorized applicants under the APO issued in the review, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the review. A party granted access to BPI following publication of the Commission's notice of institution of the review need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the review will be placed in the nonpublic record on February 18, 2027, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing.—The Commission will hold an in-person hearing in connection with the review beginning at 9:30 a.m. on Thursday, March 11, 2027. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before 5:15 p.m. on Wednesday, March 3, 2027. Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear via videoconference must include a statement explaining why the witness cannot appear in person; the Chairman, or other person designated to conduct the review, may in their discretion for good cause shown, grant such a request. Requests to appear as remote witness due to illness or a positive COVID–19 test result may be submitted by 3 p.m. the business day prior to the hearing. Further information about participation in the hearing will be posted on the Commission's website at *https://www.usitc.gov/calendarpad/calendar.html.*

A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference, if deemed necessary, to be held at 9:30 a.m. on Friday, March 5, 2027. Parties shall file and serve written testimony and presentation slides in connection with their presentation at the hearing by no later than noon on March 10, 2027. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party to the review may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is 5:15 p.m. on March 1, 2027. Parties shall also file written testimony in connection with their presentation at the hearing, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is 5:15 p.m. on March 23, 2027. In addition, any person who has not entered an appearance as a party to the review may submit a written statement of information pertinent to the subject of the review on or before 5:15 p.m. on March 23, 2027. On April 14, 2027, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or

before 5:15 p.m. on April 16, 2027, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

The Commission has determined that these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675 (c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: October 6, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–20673 Filed 10–7–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–771 and 731–TA–1755 (Final)]

Oleoresin Paprika From India; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of oleoresin paprika from India,[2] [3] provided for under subheadings 3203.00.80 and 3301.90.10 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'') and subsidized by the government of India.[4] [5]

Background

The Commission instituted these investigations effective June 25, 2025, following receipt of petitions filed with the Commission and Commerce by Rezolex, Ltd. Co., Las Cruces, New Mexico. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of oleoresin paprika from India were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on April 20, 2026 (91 FR 21016). The Commission conducted its hearing on August 18, 2026. All persons who requested the opportunity were permitted to participate.

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Jason E. Kearns determines that an industry in the United States is threatened with material injury.

[3] Commissioner Samuel T. Negatu not participating.

[4] 91 FR 54302 and 91 FR 54300 (August 21, 2026).

[5] The Commission also finds that imports subject to Commerce's affirmative critical circumstances determination are not likely to undermine seriously the remedial effect of the countervailing duty order on oleoresin paprika from India.

The Commission made these determinations pursuant to §§ 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on October 5, 2026. The views of the Commission are contained in USITC Publication 5794 (October 2026), entitled *Oleoresin Paprika from India: Investigation Nos. 701–TA–771 and 731–TA–1755 (Final).*

By order of the Commission.

Issued: October 5, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–20609 Filed 10–7–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–806 and 731–TA–1805–1807 (Preliminary)]

Corrugated Die-Cut Cardboard Boxes From China, Malaysia, and Turkey; Revised Schedule for the Subject Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: October 2, 2026.

FOR FURTHER INFORMATION CONTACT: Alejandro Orozco (202–205–3177), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On September 9, 2026, the Commission established a schedule for the conduct of the preliminary phase of the subject investigations (91 FR 58174, September 14, 2026). Subsequently, the Department of Commerce (''Commerce'') extended the deadline for its initiation determination by 20 days, or by no later than October 19, 2026 (91 FR 62690,

October 2, 2026).[1] The Commission, therefore, is revising its schedule to conform with Commerce's new schedule.

The Commission must reach preliminary determinations within 25 days after the date on which the Commission receives notice from Commerce of initiation of the investigations, and the Commission's views must be transmitted to Commerce within five business days thereafter.

For further information concerning this proceeding, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: October 5, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–20619 Filed 10–7–26; 8:45 am]

BILLING CODE 7020–02–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

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.

[1] The Commission's notice of institution and scheduling of preliminary phase antidumping and countervailing duty investigations was titled ''Corrugated Pizza Boxes'' in alignment with the title of the petitions filed on September 9, 2026. The Commission is revising the title of its investigations to ''Corrugated Die-Cut Cardboard Boxes'' to more closely align with Commerce's title.

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).

14. 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	4989.00
Reviewer Annual Costs:	
Assuming five GS 15/10 level reviewers @$1,512 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 6, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–20688 Filed 10–7–26; 8:45 am]

BILLING CODE 4410–PB–P

DEPARTMENT OF LABOR

Wage and Hour Division

Minimum Wage for Federal Contracts Covered by Executive Order 13658, Notice of Rate Change in Effect for 2027

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Notice.

SUMMARY: The Wage and Hour Division (WHD or Division) of the U.S. Department of Labor (the Department) is announcing the applicable minimum wage rate for workers performing work on or in connection with federal contracts covered by Executive Order 13658, Establishing a Minimum Wage for Contractors (the Executive Order or the order), beginning January 6, 2027. The rates announced in this notice apply to certain types of federal contracts entered into between January 1, 2015, and January 29, 2022, that were not renewed or extended (pursuant to an exercised option or otherwise) on or after January 30, 2022. Beginning on January 6, 2027, the Executive Order 13658 minimum wage rate that generally must be paid to workers performing work on or in connection with contracts covered by Executive Order 13658 will increase to $14.05 per hour, while the required minimum cash wage that generally must be paid to tipped employees performing work on or in connection with covered contracts will increase to $9.85 per hour.

DATES: These new Executive Order 13658 rates shall take effect on January 6, 2027.

FOR FURTHER INFORMATION CONTACT: Daniel Navarrete, Director, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, 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. Executive Order 13658 Background

On February 12, 2014, President Obama signed Executive Order 13658, establishing an hourly minimum wage for workers performing work on or in connection with covered federal contracts of $10.10 per hour, beginning January 1, 2015, with annual adjustments thereafter in an amount determined by the Secretary pursuant to the order. *See* 79 FR 9851. The Executive Order directed the Secretary to issue regulations to implement the order's requirements, and the Secretary delegated authority to promulgate these regulations to the Administrator of the WHD. *See* 79 FR 9852; *see also* Secretary's Order 05–2010 (Sept. 2, 2010), 75 FR 55352 (published Sept. 10, 2010).[1] Accordingly, after engaging in notice-and-comment rulemaking, the Department published a final rule on

[1] Secretary's Order 05–2010 has been superseded by Secretary's Order 01–2014 (Dec. 19, 2014), 79 FR 77527 (published Dec. 24, 2014). Secretary's Order 01–2014 delegates authority and assigns responsibility, including enforcement authority, to the WHD Administrator on matters pertaining to Executive Order 13658.

October 7, 2014, to implement the Executive Order. *See* 79 FR 60634. The final regulations, set forth at 29 CFR part 10, established standards and procedures for implementing and enforcing the minimum wage protections of the order.

On May 25, 2018, President Trump signed Executive Order 13838, ''Exemption from Executive Order 13658 for Recreational Services on Federal Lands.'' 83 FR 25341. Executive Order 13838 amended Executive Order 13658 so as not to ''apply to contracts or contract-like instruments entered into with the Federal Government in connection with seasonal recreational services or seasonal recreational equipment rental for the general public on Federal lands,'' including ''river running, hunting, fishing, horseback riding, camping, mountaineering activities, recreational ski services, and youth camps,'' with the proviso that the exemption did ''not apply to lodging and food services associated with seasonal recreational services.'' *Id.* The Executive Order directed the Secretary to issue regulations to implement the exception. *Id.* Accordingly, the Department implemented Executive Order 13838 through a final rule. 83 FR 48537.

On April 27, 2021, President Biden signed Executive Order 14026, ''Increasing the Minimum Wage for Federal Contractors.'' 86 FR 22835. Executive Order 14026 established a higher hourly minimum wage of $15.00 per hour, beginning on January 30, 2022, for the same types of contracts with the Federal Government that are covered by Executive Order 13658, and provided for annual inflation-based adjustments thereafter. Executive Order 14026 superseded Executive Order 13658 ''to the extent it is inconsistent with [E.O. 14026]'' and applied to contracts with the Federal Government entered on or after January 30, 2022, or that were renewed or extended (pursuant to an exercised option or otherwise) on or after January 30, 2022. 86 FR 22837. Executive Order 14026 also revoked Executive Order 13838 as of January 30, 2022. On March 14, 2025, President Trump revoked Executive Order 14026 in section 2(d) of Executive Order 14236, ''Additional Rescissions of Harmful Executive Orders and Actions.'' 90 FR 13037.

As a result, at this time Executive Order 13658 remains in effect and generally applies to contracts subject to the Davis-Bacon Act (DBA), 40 U.S.C. 3141 *et seq.,* and the Service Contract Act (SCA), 41 U.S.C. 6701 *et seq.,* awarded between January 1, 2015, and January 29, 2022, and not renewed or extended on or after January 30, 2022. This notice updates the wage rate applicable to said contracts pursuant to that order. Although the number of contracts subject to Executive Order 13658 has significantly decreased over the past several years and continues to dwindle, the Department anticipates that there will be some existing contracts with the Federal Government that would not have qualified as a covered ''new contract'' for purposes of Executive Order 14026 and that remain subject to the minimum wage requirements of Executive Order 13658. Executive Order 13658 and its implementing regulations require the Secretary to determine the applicable minimum wage rate for workers performing work on or in connection with covered contracts on an annual basis, beginning January 1, 2016. *See* 79 FR 9851; 29 CFR 10.1(a)(2), 10.5(a)(2), 10.12(a). Accordingly, the Department is announcing the 2027 annual update to Executive Order 13658's minimum wage rates.

II. Requirements for Determining Annual Increases to the Minimum Wage Rate

Sections 2(a) and (b) of Executive Order 13658 establish the methodology that the Secretary must use to determine the annual inflation-based increases to the minimum wage rate. *See* 79 FR 9851. These provisions, which are implemented in 29 CFR 10.5(b)(2), explain that the applicable minimum wage determined by the Secretary for each calendar year shall be:

- Not less than the amount in effect on the date of such determination;
- Increased from such amount by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W) (United States city average, all items, not seasonally adjusted), or its successor publication, as determined by the Bureau of Labor Statistics (BLS); and
- Rounded to the nearest multiple of $0.05.

Once a determination has been made with respect to the new minimum wage rate, Executive Order 13658 and its implementing regulations require the Secretary to notify the public of the applicable minimum wage rate on an annual basis at least 90 days before any new minimum wage takes effect. *See* 79 FR 9851; 29 CFR 10.5(a)(2), 10.12(c)(1). The regulations explain that the Administrator of the Wage and Hour Division (the Administrator) will publish an annual notice in the **Federal Register** stating the applicable minimum wage rate at least 90 days before any new minimum wage takes effect. *See* 29 CFR 10.12(c)(2)(i). Additionally, the regulations state that the Administrator will provide notice of the Executive Order 13658 minimum wage rate on Wage Determinations OnLine (WDOL), *http://www.wdol.gov,* or any successor site;[2] on all wage determinations issued under the DBA and the SCA; and by other means the Administrator deems appropriate. *See* 29 CFR 10.12(c)(2)(ii)–(iv).

Section 3 of Executive Order 13658 requires contractors to pay tipped employees covered by the order performing on or in connection with covered contracts an hourly cash wage of at least $4.90, beginning on January 1, 2015, provided the employees receive sufficient tips to equal the Executive Order 13658 minimum wage rate under section 2 of the order when combined with the cash wage. *See* 79 FR 9851–52; 29 CFR 10.28(a). The order further provides that, in each succeeding year, beginning January 1, 2016, the required cash wage must increase by $0.95 (or a lesser amount if necessary) until it reaches 70 percent of the Executive Order 13658 minimum wage. *Id.* For subsequent years, the cash wage for tipped employees will be 70 percent of the Executive Order 13658 minimum wage rounded to the nearest $0.05. *Id.* When a contractor is using a tip credit to meet a portion of its wage obligations under the Executive Order, the amount of tips received by the employee must equal at least the difference between the cash wage paid and the Executive Order 13658 minimum wage. If the employee does not receive sufficient tips, the contractor must increase the cash wage paid so that the cash wage in combination with the tips received equals the Executive Order 13658 minimum wage. *Id.*

The Executive Order 13658 minimum wage and the cash wage required for tipped employees are currently $13.65 and $9.55 per hour, respectively. The Department announced these rates on February 9, 2026, 91 FR 5783, and the rates took effect on May 11, 2026.

III. The 2027 Executive Order 13658 Minimum Wage Rate

Using the methodology set forth in Executive Order 13658 and summarized above, the Department must first determine the annual percentage increase in the CPI–W (United States city average, all items, not seasonally adjusted), as published by BLS, to

[2] *WDOL.gov*has since moved to *https://sam.gov/content/wage-determinations.* This website is the authoritative and single website for obtaining appropriate Service Contract Act and Davis-Bacon Act wage determinations for each official contract action.

determine the new Executive Order 13658 minimum wage rate. In calculating the annual percentage increase in the CPI–W, the Department must compare the CPI–W for the most recent year available with the CPI–W for the preceding year. The Department therefore compared the percentage change in the CPI–W between the most recent year and the prior year. The Department then increased the current Executive Order 13658 minimum wage rate by the resulting annual percentage change and rounded to the nearest multiple of $0.05.

Consistent with past practice, the Department determined the 2027 Executive Order 13658 minimum wage rate by averaging the available CPI–W data for the first two quarters of 2026 and the last two quarters of 2025 (*i.e.,* July 2025 through June 2026).[3] This produced an average index level of 320.866. The Department then compared that data to the average CPI–W for the preceding year—311.293—which consists of the first two quarters of 2025 and the last two quarters of 2024 (*i.e.,* July 2024 through June 2025). Based on this methodology, the Department determined that the annual percentage increase in the CPI–W was 3.075 percent ((320.866 ÷ 311.293) − 1). The Department then applied that annual percentage increase of 3.075 percent to the current Executive Order hourly minimum wage rate of $13.65, which resulted in a wage rate of $14.070 (($13.65 × 0.03075) + $13.65). Pursuant to the Executive Order, that rate must be rounded to the nearest multiple of $0.05.

As a result, the new Executive Order 13658 minimum wage rate that must generally be paid to workers performing on or in connection with covered contracts beginning January 6, 2027, is $14.05 per hour.

IV. The 2027 Executive Order 13658 Minimum Cash Wage for Tipped Employees

As noted above, section 3 of Executive Order 13658 provides a methodology to determine the amount of the minimum hourly cash wage that must be paid to tipped employees performing on or in connection with covered contracts. Because the cash wage for tipped employees reached 70 percent of the Executive Order 13658 minimum wage beginning on January 1, 2018 (*i.e.,* $7.25 per hour compared to $10.35 per hour), future updates to the cash wage for tipped employees must continue to set the rate at 70 percent of the full Executive Order 13658 minimum wage. Seventy percent of the new Executive Order 13658 minimum wage rate of $14.05 is $9.83 ($14.05 × 0.70). Because the Executive Order provides that the rate must be rounded to the nearest $0.05, the new minimum hourly cash wage for tipped workers performing on or in connection with covered contracts beginning January 6, 2027, is therefore $9.85 per hour.

V. Appendix

Appendix A to this notice provides a chart of the CPI–W data published by BLS that the Department used to calculate the new Executive Order 13658 minimum wage rate based on the methodology explained herein. A poster reflecting the new Executive Order 13658 minimum wage rate will be publicly available on the WHD website.

Dated: October 2, 2026.

Andrew B. Rogers,

Administrator, Wage and Hour Division.

Appendix A: Data Used To Determine 2027 Executive Order 13658 Minimum Wage Rate Effective January 6, 2027.

Data Source: Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W) (United States city average, all items, not seasonally adjusted).

	Quarter 3			Quarter 4			Quarter 1			Quarter 2			Annual average
2024Q3 to 2025Q2	308.501	308.640	309.046	309.358	308.998	309.067	311.172	312.460	313.250	314.243	314.839	315.945	311.293
2025Q3 to 2026Q2	316.349	317.306	318.139	[a]	317.414	317.014	317.942	319.422	323.500	326.541	328.829	327.075	320.866
Annual Percentage Increase													3.075%

Note:[a]Due to the 2025 lapse in federal appropriations, BLS did not collect CPI data from October 1, 2025, through November 12, 2025. *https://www.bls.gov/cpi/additional-resources/2025-federal-government-shutdown-impact-cpi.htm.*

[FR Doc. 2026–20646 Filed 10–7–26; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Notice of Proposed Information Collection Requests: IMLS Grants for Local History Notice of Funding Opportunity

AGENCY: Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

ACTION: Notice, request for comments on this collection of information.

SUMMARY: The Institute of Museum and Library Services (IMLS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The purpose of this notice is to communicate the agency's intent to request clearance for a new IMLS grant program (the final name is to be determined) designed to support small history museums, small historical societies, and small historic houses/sites that celebrate and preserve America's history and values, with an emphasis on amplifying the stories of their local communities. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before December 08, 2026.

ADDRESSES: Send comments to Sandra Narva, Lead Senior Grants Management Specialist, Office of General Counsel, ATTN: Grants Management, Institute of Museum and Library Services, 200 Constitution Ave. NW, Suite N–3627, Washington, DC 20210. Ms. Narva can be reached by telephone, 202–653–4634, or by email at *snarva@imls.gov.* Office

[3] Due to the 2025 lapse in federal appropriations, BLS did not collect CPI data from October 1, 2025, through November 12, 2025. *https://www.bls.gov/cpi/additional-resources/2025-federal-government-shutdown-impact-cpi.htm*

hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Katherine Maas, Deputy Director, Office of Museum Services, Institute of Museum and Library Services, 200 Constitution Ave. NW, Suite N–3627, Washington, DC 20210. Ms. Maas can be reached by telephone, 202–653–4798, or by email at *kmaas@imls.gov.* Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: IMLS is particularly interested in public comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques, or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

I. Background

IMLS is the primary source of Federal support for the Nation's libraries and museums. The agency advances, supports, and empowers America's museums, libraries, and related organizations through grant making, research, and policy development. For more information about IMLS, visit *www.imls.gov.*

II. Current Actions

This action will seek clearance for a Notice of Funding Opportunity for an IMLS Grants for Local History program for three years. This grant program is being offered as a special initiative with funding from the Museums for America program.

The IMLS Grants for Local History program supports eligible small history museums, small historical societies, and small historic houses/sites in celebrating and preserving America's history and values, with an emphasis on amplifying the stories of their local communities.

The goal of the program is to amplify the stories of local communities through interpretation of their history or conservation of objects related to their history and to celebrate their connections to the broader American story. This goal is met through the objectives of (1) serving the learning needs and interests of the community and (2) improving the stewardship of collections in small history museums, small historical societies, and small historic houses/sites.

Interpretation could happen through, for example, oral histories, genealogical research, lecture series, publications, living-history demonstrations, and special events such as reenactments or commemorations that relate local stories to wide-ranging American history.

Collections stewardship could happen through conservation treatment and rehousing of local history collections (for example, textiles, artwork, documents, archaeological material, military artifacts) that are connected to the broader American story.

Agency: Institute of Museum and Library Services.

Title: IMLS Grants for Local History Notice of Funding Opportunity.

OMB Control Number: NEW.

Agency Number: 3137.

Respondents/Affected Public: Small history museums, small historical societies, and small historic houses/sites.

Estimated Number of Annual Respondents: 100.

Frequency of Response: Once per request.

Estimated Average Burden Hours per Response: 25.

Estimated Total Annual Burden Hours: 2,500.

Total Annual Cost Burden: $86,000.00.

Total Annual Federal Costs: $21,621.10.

Public Comments Invited: Comments submitted in response to this notice will be summarized and/or included in the agency's request to OMB for clearance of this information collection. This collection is authorized by 20 U.S.C. 9173, ''Museum services activities.''

Dated: October 6, 2026.

Suzanne Mbollo,

Grants Management Specialist, Institute of Museum and Library Services.

[FR Doc. 2026–20654 Filed 10–7–26; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: U.S. National Science Foundation.

ACTION: Notice of permit applications received.

SUMMARY: The U.S. National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by November 9, 2026. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Office of Polar Programs, U.S. National Science Foundation, 401 Dulany Street, Alexandria, Virginia 22314 or *ACApermits@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Andrew Titmus, ACA Permit Officer, at the above address, 703–292–4479.

SUPPLEMENTARY INFORMATION: The U.S. National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 16 U.S.C. 2401 *et seq.*), as amended by the Antarctic Science, Tourism and Conservation Act of 1996 (Pub. L. 104–227), has developed regulations (45 CFR parts 670 to 674) for the establishment of a permit system for various activities in Antarctica related to the designation of certain animals and certain geographic areas as requiring special protection, among other purposes.

Application Details

Permit Application: 2027–001

1. *Applicant:* Paul Ponganis, CMBB, Scripps Institution of Oceanography, UCSD, La Jolla, CA 92093–0204

Activity for Which Permit Is Requested: Take, Harmful Interference, Enter Antarctic Specially Protected Area (45 CFR 670). The applicant proposes continuing ongoing research examining the oxygen transport systems of emperor penguins (*Aptenodytes forsteri*) in Antarctica. The applicant proposes capturing up to 35 non-breeding or sub-adult penguins from the McMurdo Sound region or, if necessary, in Cape Washington (ASPA 173). If needed, the applicant will access ASPA 173 by fixed-wing aircraft in accordance with the ASPA management plan. Throughout the course of the physiology study, penguins will be kept captive on

the sea ice, but will be allowed to dive and forage at will. Research activities involve the administration of general anesthesia and the attachment of instrumentation to measure oxygen levels, heart rate/stroke rate, and dive depth/activity. In some penguins, blood samples may be collected during dives. Up to 20 samples will be collected and stored at McMurdo Station for later analysis. At the end of each dive study, equipment will be removed, and the penguins will be released at the McMurdo sea ice edge, where they will be able to rejoin nearby colonies.

Location: McMurdo Sound, ASPA 173—Cape Washington and Silverfish Bay.

Dates of Permitted Activities: October 1, 2026–December 20, 2026.

Permit Application: 2027–002

2. *Applicant:* Michael Gooseff, University of Colorado Boulder, 4001 Discovery Dr., Boulder, CO 80303.

Activity for Which Permit Is Requested: Take, Enter Antarctic Specially Protected Area (45 CFR 670). The applicant proposes to enter ASPA 131, Canada Glacier, Lake Fryxell, to continue operation of a previously installed, continuously recording stream gauge station, perform maintenance, conduct stream flow measurements and collect water quality samples near the stream gauge site. The applicant would collect water quality samples of the melt-water of the Canada Glacier and along the length of the stream to study in-stream biogeochemical processes. The applicant would collect a maximum of five moss samples per year using a 3 cm corer to a depth of about 3 cm and a maximum of five soil samples of approximately 200 g per sample per year from which to extract nematodes. Photography, LIDAR, Unmanned Aerial Systems (UAS) and other survey and monitoring techniques may be used to detect changes in the stream bed and algal mat distribution over time, and/or to monitor the change in the stream gauge system through time. The applicant also proposes to enter ASPA 172, Lower Taylor Glacier and Blood Falls, to continue measurements of the Santa Fe Stream including: stream-flow using velocity meters; pH, temperature, and conductivity via meters; and collection of water quality samples. The collection of water from the Blood Falls area would occur on the glacial moraine, not the glacier itself, and the sample would be small (<1 L) and comprised of both brine reservoir discharge (when present) and surface ice melt-water.

Location: ASPA 131—Canada Glacier, Lake Fryxell, Taylor Valley, Victoria Land; ASPA 172—Lower Taylor Glacier and Blood Falls, Taylor Valley, McMurdo Dry Valleys, Victoria Land; McMurdo Dry Valleys, Antarctica.

Dates of Permitted Activities: February 28, 2026–February 28, 2031.

Permit Application: 2027–003

3. *Applicant:* Douglas Krause, Southwest Fisheries Science Center, National Marine Fisheries Service, 8901 La Jolla Shores Drive, La Jolla, CA 92037

Activity for Which Permit Is Requested: Waste Management (45 CFR 671). The applicant proposes to conduct waste management activities in association with ship and shore-based research and logistic activities conducted by the National Oceanic and Atmospheric Administration's (NOAA) Antarctic Marine Living Resources (AMLR) Program. The AMLR Program conducts research from vessel and autonomous platforms in the Antarctic Peninsula region, collecting environmental, oceanographic, primary productivity, finfish, and prey data. Research is also conducted at two temporary field camps in the South Shetland Islands, Antarctica: Cape Shirreff and Copacabana. Ocean-based research activities will include the deployment of retrievable instrumentation. Instruments to be deployed include several long-range underwater gliders to measure environmental conditions and population densities, as well as up to 20 stationary moorings. Unmanned Aerial Systems (UAS) will also be deployed from research vessels for surveying and censusing purposes. Deployment of all retrievable instrumentation will be performed by trained personnel associated with the research project.

Continuation of long-term research activities at the Cape Shirreff field camp will include deployment and maintenance of up to 30 autonomous cameras to assist in studies of avian and pinniped breeding colonies, deployment of snow gauges, and continued use of UAS for census surveying of surrounding fauna. Maintenance activities proposed for the seasonal field camps include the continued upkeep of existing temporary structures and the removal of construction debris from previous temporary structures. Research activities proposed at the Copacabana field camp are similar to those at Cape Shirreff, including deployment of autonomous cameras and use of UAS for surveying purposes. All UAS pilots are FAA-licensed remote aircraft pilots, and care will be taken to follow all best practices for UAS operation in polar regions along with all appropriate safety measures.

Wastes and designated pollutants associated with typical field camp operations will be generated, released, stored, and removed at both camps. Releases of wastes to water will be limited to greywater and human sewage only. Wastes and designated pollutants resulting from scientific research include materials used to mark animals and attach necessary instrumentation. Additional waste may be generated by maintenance activities but mitigation measures will be put in place to minimize the introduction of waste into the environment. Other solid wastes will be either removed from the continent or incinerated, and the ash and residue removed. For designated pollutants stored at field camps, strict protocols for storage and handling will be followed. All U.S. AMLR personnel will receive proper training on handling and management of designated pollutants prior to deployment.

Location: Antarctic Peninsula region; Cape Shirreff, Livingston Island; Copacabana, western shore of Admiralty Bay.

Dates of Permitted Activities: November 1, 2026–October 31, 2031.

Permit Application: 2027–004

4. *Applicant:* Douglas Krause, Southwest Fisheries Science Center, National Marine Fisheries Service, 8901 La Jolla Shores Drive, La Jolla, CA 92037

Activity for Which Permit Is Requested: Take, Harmful Interference, Enter Antarctic Specially Protected Area, Import into USA (45 CFR 670). The applicant proposes to continue the conduct of research activities by the National Oceanic and Atmospheric Administration's (NOAA) Antarctic Marine Living Resources (AMLR) Program in the Antarctic Peninsula region as part of a long-term ecosystem monitoring program established in 1986. The applicant proposes take and harmful interference activities for Antarctic fur seals (Arctocephalus gazelle), leopard seals (*Hydrurga leptonyx*), Weddell seals (*Leptonychotes weddellii*), crabeater seals (*Lobodon carcinophaga*), southern elephant seals (*Mirounga leonine*) and Ross seals (*Ommatophoca rossii*) by harassment associated with life-history studies and surveys to census or estimate abundance and distribution of pinnipeds. Specific take activities include capture/handling/release of animals for studies of attendance behavior, diving, and at-sea foraging location, diet, and population dynamics. Animals will be

sedated and anesthetized during tagging and sampling procedures. Procedures include standard measuring of morphometrics, ultra-sounding, attaching of instrumentation, blood and tissue sampling and flipper marking/tagging. All studies of foraging ecology, population dynamics, mark-recapture, census, reproductive success, and energetics are part of a long-term monitoring effort coordinated with other Antarctic Treaty nations under the auspices of the Convention for the Conservation of Antarctic Marine Living Resources. The applicant holds a current NOAA Marine Mammal Protection Act permit for these activities.

The applicant also proposes to continue studies of the behavioral ecology and population biology of the Adélie, gentoo, chinstrap and king penguins, as well as interactions among these species and their principal avian predators. Specific take activities associated with avian research include capture/handling/release, attaching of instrumentation, tagging/banding, weighing/measuring of individuals, tissue and egg sampling, diet sampling, placing of nest markers and censusing. The number of takes and harmful interference per annum of each avian species will be as follows: chinstrap penguin (*Pygoscelis antarcticus*)—3320, Adélie penguin (*Pygoscelis adeliae*) 2880, Gentoo penguin (*Pygoscelis papua*) 3020, king penguin (*Aptenodytes patagonicus*) 120, Macaroni penguin (*Eudyptes chrysolophus*) 120, brown skua (*Catharacta lonnbergi*) 600, south polar skua (*Catharacta maccormicki*) 600, giant petrel (*macronectes giganteus*) 600, kelp gull (*Larus dominicanus*) 100, blue-eyed shag (*Phalacrocorax atriceps*) 150, snowy sheathbill (*Chionis alba*) 45, and cape petrel (*Daption capensis*) 200.

The applicant also proposes to continue to enter Antarctic Specially Protected Areas 149—Cape Shirreff and 128—Western Shore of Admiralty Bay as long term research sites. Additionally, the applicant anticipates conducting intermittent peninsula-wide pinniped and seabird surveys. As such, access to all ASPAs in the South Shetland Islands and in the Antarctic Peninsula region is proposed. Entry to sites will be made via U.S. AMLR charter, or other vessels as available, with immediate access via zodiac operations. Peninsula-wide pinniped and seabird surveys may include the use of unmanned aerial vehicles and photogrammetry. All species, pinniped and avian, are subject to harmful interference due to census (aerial or ground) and other work described in this application.

Location: Antarctic Peninsula region; ASPA 108—Green Island, Berthelot Islands, Antarctic Peninsula; ASPA 112—Coppermine Peninsula, Robert Island; ASPA 113—Litchfield Island, Arthur Harbor, Palmer Archipelago; ASPA 125—Fildes Peninsula, King George Island, South Shetland Islands; ASPA 126—Byers Peninsula, Livingston Island, South Shetland Islands; ASPA 128—Western Shore of Admiralty Bay, King George Island; ASPA 132—Potter Peninsula, King George Island, South Shetland Islands; ASPA 133—Harmony Point, Nelson Island, South Shetland Island; ASPA 134—Cierva Point offshore islands, Danco Coast, Antarctic Peninsula; ASPA 139—Biscoe Point, Anvers Island; ASPA 140—Shores of Port Foster, Deception Island, South Shetland Islands; ASPA 144—Chile Bay; ASPA 145—Port Foster, Deception Island, South Shetland Islands; ASPA 146—South Bay, Doumer Island, Palmer Archipelago; ASPA 148—Mount Flora, Hope Bay, Antarctic Peninsula; ASPA 149—Cape Shirreff, Livingston Island, South Shetland Islands; ASPA 150—Ardley Island, Maxwell Bay, King George Island, South Shetland Islands; ASPA 151—Lions Rump, King George Island, South Shetland Islands; ASPA 171—Narebski Point, Barton Peninsula, King George Island; ASPA 176—Rosenthal Islands, Anvers Island, Palmer Archipelago; ASPA 177—Leonie Islands and South-East Adelaide Island, Antarctic Peninsula; ASPA 180—Danger Islands Archipelago, North-eastern Antarctic Peninsula; ASPA 181—Farrier Col, Horseshoe Island, Marguerite Bay; ASPA 182—Western Bransfield Strait and Eastern Dallman Bay; ASPA 183—Parts of Signy Island and adjacent islands, South Orkney Island; ASPA 184—Collins Bay, Kyiv Peninsula, Graham Coast, Antarctic Peninsula.

Dates of Permitted Activities: November 1, 2026–October 31, 2031.

Permit Application: 2027–005

5. *Applicant:* David Rootes, Antarctic Logistics & Expeditions, 4741 S Commerce Dr., Salt Lake City, UT 84107

Activity for Which Permit Is Requested: Waste Management (45 CFR 671). The applicant proposes to continue waste management activities associated with logistics and tourism activities to be conducted in Antarctica. The applicant would continue to operate a remote camp at Union Glacier, Antarctica, and provide logistical support services for scientific and other expeditions, film crews, and tourists. These activities include aircraft support, cache positioning, camp and field support, resupply, search and rescue, medevac, medical support, and logistic support for some National Operators. Operations will be centered around a main camp located on Union Glacier that is adjacent to a blue-ice runway. The blue-ice runway is a natural feature that requires limited preparation and upkeep for aircraft use. There are standard programs offered on a regular basis from the remote camp at Union Glacier including: climbing trips to Vinson Massif, the Ellsworth Mountains, and the Transantarctic Mountains; ski trips to the Ellsworth Mountains and the Geographic South Pole; ice marathons, obstacle course runs, and sky diving; and flights to the Geographic South Pole and the emperor penguin colony at Gould Bay. Several aircraft will be operated by ALE throughout the Antarctic and may include: Ilyushin IL–76TD, Boeing 757–200, Bombardier Global 7500, Douglas DC3–TP67, Gulfstream 650 and 500, De Havilland DHC–6 Twin Otter, and Airbus AS 350 helicopters. ALE plans to allow clients to fly Unmanned Aerial Systems (UAS) provided their plan meets certain requirements, including ALE's standard operating procedures and Antarctic Treaty requirements.

Location: Union Glacier and the Patriot Hills and Ellsworth Mountains. Amundsen-Scott South Pole Station area and Gould Bay. General routes from Hercules Cove to South Pole, Berkner Island to South Pole, and Ross Ice Shelf to South Pole.

Dates of Permitted Activities: October 20, 2026–February 6, 2031.

Jean C Allen,

Office Director, Office of Polar Programs.

[FR Doc. 2026–20623 Filed 10–7–26; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–4555]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

Correction

In notice document 2026–19812 beginning on page 61466 in the issue of Tuesday, September 29, 2026, make the following correction:

On page 61466, in the first column, in the **DATES** section, in the fourth and fifth

line, ''December 28, 2026'' should read ''November 30, 2026''.

[FR Doc. C1–2026–19812 Filed 10–7–26; 8:45 am]

BILLING CODE 0099–10–D

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–616 and 50–617; NRC–2026–0265]

SMR, LLC; Palisades SMR, LLC; Pioneer Units 1 and 2; Phased Construction Permit Application—Limited Work Authorization

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is providing public notice each week, for four consecutive weeks, beginning October 1, 2026, of receipt and availability of the first part of a phased construction permit application, including a limited work authorization (LWA) request, from SMR, LLC, on behalf of Palisades SMR, LLC, a wholly-owned subsidiary of Holtec International (collectively, Holtec), for a dual-unit SMR–300 plant located at the Palisades Energy Center (PEC) in Covert, Michigan. The units are individually named Pioneer Unit 1 and Pioneer Unit 2. This is the second of four consecutive weekly notifications.

DATES: October 8, 2026.

ADDRESSES: Please refer to Docket ID NRC–2026–0265 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–0265. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The Pioneer Units 1 and 2 LWA application is available in ADAMS under Package Accession No. ML25365A983.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Victoria Huckabay, telephone: 301–415–5183, email: *Victoria.Huckabay@nrc.gov* and Jason Lising, telephone 301–415–1119; email: *Jason.Lising@nrc.gov.* Both are staff of the Office of Advanced Reactors at the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

On December 31, 2025, SMR, LLC, on behalf of Palisades SMR, LLC, a wholly-owned subsidiary of Holtec International (collectively, Holtec), filed with the NRC, the first part (Part 1) of a phased construction permit application for a utilization facility pursuant to Section 103 of the Atomic Energy Act and part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Production and Utilization Facilities.'' Part 1 of the application includes a LWA request pursuant to 10 CFR 50.10(d), ''Request for limited work authorization''; three exemption requests; and a comprehensive environmental report (ER). In its LWA request, Holtec seeks NRC approval to conduct certain early construction activities of a dual-unit SMR–300 plant at the PEC in Covert, Michigan. Holtec also states that the comprehensive ER addresses the environmental impacts associated with LWA activities (including the requested exemptions), the remainder of construction to complete the plant, and plant operations. Holtec submitted Part 1 of its application as part of a phased application approach for a construction permit for a utilization facility, as described in 10 CFR 2.101(a)(9) and 10 CFR 2.600(d).

On February 27, 2026, the NRC issued a **Federal Register** notice (91 FR 9892) stating that the NRC staff accepted Part 1 of the phased construction permit application for docketing and will perform a detailed technical review. These weekly notices of receipt and availability of the application are being provided in accordance with the requirements in 10 CFR 50.43(a)(3).

Authority: 42 U.S.C. 2011 *et seq.*

Dated: October 5, 2026.

For the Nuclear Regulatory Commission.

Michelle Hayes,

Chief, Advanced Reactor Licensing Branch 2, Division of Advanced Reactor Licensing, Office of Advanced Reactors.

[FR Doc. 2026–20626 Filed 10–7–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 99902137; NRC–2026–4654]

Blue Energy Global, Inc.; Blue Energy Center—Port of Victoria Nuclear Unit 1; Phased Construction Permit Application—Limited Work Authorization

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received the first part of a phased construction permit application, including a limited work authorization (LWA) request, from Blue Energy Global, Inc., for a single-unit BWRX–300 plant to be located at the Blue Energy Center in Victoria, Texas. The unit is named Blue Energy Center—Port of Victoria Nuclear Unit 1.

DATES: October 8, 2026.

ADDRESSES: Please refer to Docket ID NRC–2026–4654 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–4654. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT**'' section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The Blue Energy Limited Work Authorization application is available in ADAMS under Package Accession No. ML26265A371.

• *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Prosanta Chowdhury, telephone: 301–415–1647; email: *Prosanta.Chowdhury@nrc.gov* and Jackson Barth, telephone: 240–290–2848; email: *Jackson.Barth@nrc.gov.* Both are staff of the Office of Advanced Reactors at the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

On September 15, 2026, Blue Energy, Inc., filed with NRC, the first part of a phased construction permit application for a utilization facility pursuant to Section 103 of the Atomic Energy Act and part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Production and Utilization Facilities.'' Part 1 of the application includes an LWA request pursuant to 10 CFR 50.10(d), ''Request for limited work authorization.'' Blue Energy's LWA application requests NRC approval to conduct certain early construction activities for a BWRX–300 plant at the Blue Energy Center—Port of Victoria Nuclear Unit 1 site located in Victoria, Texas. The submittal includes two related exemption requests as well as an environmental report and applicable portions of the preliminary safety analysis report to support the LWA and exemption reviews. The information submitted by the applicant also includes certain administrative information such as financial qualifications submitted pursuant to 10 CFR 50.33 as well as technical information submitted pursuant to 10 CFR 50.34. Blue Energy, Inc., submitted Part 1 of its application as part of a phased application approach for a construction permit for a utilization facility, as described in 10 CFR 2.101(a)(9) and 10 CFR 2.600(d). Blue Energy, Inc., intends to submit a full construction permit application no later than 18 months after this Part 1 submittal.

II. Further Information

If the NRC staff finds the Part 1 of the phased construction permit application acceptable for docketing, the staff will begin a detailed technical review. Subsequent **Federal Register** notices will address the acceptability of the tendered application for docketing and opportunities for participation of the public during the course of the staff's review.

A copy of the application is available for public inspection at *https://www.nrc.gov/reactors/new-reactors/advanced/who-were-working-with/pre-application-activities/blue-energy.*

Authority: 42 U.S.C. 2011 *et seq.*

Dated: October 6, 2026.

For the Nuclear Regulatory Commission.

Jorge Hernandez Munoz,

Acting Chief, Advanced Reactor Licensing Branch 4, Division of Advanced Reactor Licensing, Office of Advanced Reactors.

[FR Doc. 2026–20678 Filed 10–7–26; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2027–1 and K2027–1]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 14, 2026.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).:* MC2027–1 and K2027–1; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 1105 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* October 5, 2026; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Christopher Mohr; *Comments Due:* October 14, 2026.

III. Summary Proceeding(s)

None. *See* Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Danielle LeFlore,

Legal Assistant.

[FR Doc. 2026–20633 Filed 10–7–26; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106585; File No. SR–Phlx–2026–59]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 3101 Concerning the Resumption of Trading Following a Level 3 Market-Wide Circuit Breaker Halt in Connection With the Industry's Expansion of Trading Hours to 23 Hours per Day, 5 Days per Week

October 5, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 25, 2026, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Equity 4, Rule 3101 (''Trading Halts Due to Extraordinary Market Volatility'') concerning the resumption of trading following a Level 3 market-wide circuit breaker halt in connection with the industry's expansion of trading hours to 23 hours per day, 5 days per week.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Equity 4, Rule 3101 (''Trading Halts Due to Extraordinary Market Volatility'') concerning the resumption of trading following a Level 3 market-wide circuit breaker (''MWCB'') halt (''Level 3 Market Decline'') [3] in connection with the industry's expansion of trading hours to 23 hours per day, 5 days per week (''23/5 Trading''). The Exchange does not intend to implement 23–5 Trading at this time. Some exchanges, however, including The Nasdaq Stock Market LLC (''Nasdaq''), are planning to offer overnight trading,[4] and as a result, the uniform Level 3 Market Decline rules of each exchange are being modified, as explained further below.

Background

The MWCB mechanism under Rule 3101 provides an important, automatic mechanism that is invoked to promote stability and investor confidence during a period of significant stress when U.S. securities markets experience extreme broad-based declines. All U.S. equity exchanges and the Financial Industry Regulatory Authority (''FINRA'') (collectively, the self-regulatory organizations or ''SROs'') adopted uniform rules relating to the MWCB mechanism in 2012, which are designed to slow the effects of extreme price movement through coordinated trading halts across U.S. securities markets when severe price declines reach levels that may exhaust market liquidity.[5] Such market-wide circuit breakers provide for trading halts in all U.S. cash equity and equities options markets during a severe market decline as measured by a single-day decline in the S&P 500 Index during regular trading hours.

Pursuant to Rule 3101, a market-wide trading halt will be triggered if the S&P 500 Index declines in price by specified percentages from the prior day's closing price of that index. Currently, the triggers are set at three circuit breaker thresholds: 7% (Level 1), 13% (Level 2), and 20% (Level 3). A market decline that triggers a Level 1 or Level 2 halt after 9:30 a.m. Eastern Time (''ET'') and before 3:25 p.m. ET would halt market-wide trading for 15 minutes, while a similar market decline at or after 3:25 p.m. ET would not halt market-wide trading. If a Level 3 Market Decline occurs at any time during the trading day, trading in all stocks will halt on the Exchange for the remainder of the trading day, and will resume the following trading day at 8:00 a.m. ET.[6]

Proposed Rule Change

The Exchange now proposes to amend Exchange Rule Equity 4, Rule 3101 to reflect extended trading hours under 23/5 Trading. On December 6, 2026, several exchanges, including Nasdaq, intend to offer new overnight trading sessions that would be available from 9:00 p.m. ET to 4:00 a.m. ET, significantly increasing their hours of operation in response to customer demand.

As discussed, consistent with the uniform rules in place across all SROs, current Equity 4, Rule 3101(b)(ii) provides that if a Level 3 Market Decline occurs at any time during the trading day, the Exchange shall halt trading in all stocks on the Exchange for the remainder of the trading day. Currently, that means that the earliest that any exchange would reopen trading after a Level 3 Market Decline is 4:00 a.m. ET

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A ''Level 3 Market Decline'' means a Market Decline of 20%. *See* Exchange Rule 3101(a)(iv).

[4] *See* Securities Exchange Act Release No. 34–105199 (April 10, 2026), 91 FR 20222 (April 15, 2026) (the ''23–5 Approval Order'').

[5] *See* Securities Exchange Act Release No. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–BATS–2011–038; SR–BYX–2011–025; SR–BX–2011–068; SR–CBOE–2011–087; SR–C2–2011–024; SR–CHX–2011–30; SR–EDGA–2011–31; SR–EDGX–2011–30; SR–FINRA–2011–054; SR–ISE–2011–61; SR–NASDAQ–2011–131; SR–NSX–2011–11; SR–NYSE–2011–48; SR–NYSEAmex–2011–73; SR–NYSEArca–2011–68; SR–Phlx–2011–129) (''MWCB Approval Order'').

[6] *See* Exchange Rule Equity 1, Section 1(g).

the following day, since no SROs are open for trading before 4:00 a.m. ET.

Unless amended, when 23/5 Trading is launched, the current rule's reference to halting ''for the remainder of the trading day'' [7] would require SROs participating in 23/5 Trading to reopen trading at an earlier time, *i.e.,* 9:00 p.m. ET on the same calendar day, when those SROs' systems would generally become available for overnight trading. The Exchange does not believe that this is an expected or desired result and is therefore amending this rule in coordination with the other SROs such that trading on any SRO will not resume until 4:00 a.m. ET or later on the following trading day, consistent with current market practice. This proposed rule change is therefore not intended to make any substantive changes to the MWCB mechanism. Rather, the proposed rule change would preserve the current resumption time following a Level 3 Market Decline.

To effect this change, the Exchange proposes to delete the language in Equity 4, Rule 3101(b)(ii) that provides that trading in all stocks will halt on the Exchange ''for the remainder of the trading day'' if a Level 3 Market Decline occurs at any time during the trading day, and replace it with new language that explicitly provides that trading in all stocks would halt on the Exchange until 4:00 a.m. ET or later on the following trading day.[8]

The Exchange proposes to establish the operative date of the proposed rule change in coordination with other SROs and the Commission, and at such time as the Exchange determines that implementation is operationally and technologically feasible. Notice to Exchange customers will be provided by Trader Alert.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The MWCB mechanism described in Exchange Rule Equity 4, Rule 3101 is an important, automatic mechanism that is invoked to promote stability and investor confidence during periods of significant stress when U.S. securities markets experience extreme broad-based declines. The proposed rule change, when applied uniformly by all SROs, would ensure that the current 4:00 a.m. ET resumption time following a Level 3 halt continues to apply under 23/5 Trading, notwithstanding current rule text implying that the resumption time would coincide with the start of overnight trading on SROs operating an overnight session.

Rather than leave the rule in place as is, which would result in an earlier resumption time than originally contemplated when the rule was adopted, the Exchange, the other U.S. equity exchanges, and FINRA met alongside industry representatives to determine the appropriate resumption time. Following those discussions, the collective decision was made to retain the 4:00 a.m. ET resumption time, notwithstanding the fact that an earlier resumption time would be possible with the introduction of 23/5 Trading. The proposed rule change codifies this decision into the Exchange's rules. The Exchange understands that the other SROs will also be filing similar proposed rule changes. As a result, the market as a whole, including on- and off-exchange, will continue to be subject to harmonized rules for the resumption of trading following a Level 3 Market Decline.

While the SROs had previously decided to tie the resumption time following a Level 3 halt to the earliest SRO opening time, the upcoming transition to 23/5 Trading raises various concerns that warrant a change from the current approach.

First, the Exchange notes that the MWCB mechanism was designed to provide a cooling-off period where market participants would be provided with additional time to evaluate the market events that led to the decline before determining how to position their trading activity for the next day. With the introduction of 23/5 Trading and the start of overnight trading on some SROs at 9:00 p.m. ET, however, this cooling-off period could be materially shortened, reducing one of the key benefits that the MWCB mechanism was designed to provide in the first place. Rather than shorten the cooling-off period and risk this benefit, the Exchange believes the market would be better served by a change to the length of the associated trading halt that mirrors current market practice. Under the proposed rule, as is the case today, after a Level 3 halt, all SROs would reopen trading at 4:00 a.m. ET or later, and no SRO would offer an overnight trading session starting on the day of a Level 3 halt.

Second, overnight trading may be subject to different liquidity and participation considerations than the current pre-market sessions that start at or after 4:00 a.m. ET. Notably, while retail investors have expressed interest in overnight trading, the Exchange expects that institutional investors will take more time to transition to a round-the-clock model. However, such institutional participation may be of heightened importance following a Level 3 halt, as these investors are likely to have views on the underlying market events that led to the Level 3 Market Decline in the first place. The Exchange is concerned that opening during hours that such participants do not normally trade may impact the quality of price discovery at a time of significant market volatility. Waiting until 4:00 a.m. ET to resume trading would facilitate broader participation and therefore price discovery.

Finally, the Exchange notes that the Commission recently approved an amendment to the Plan to Address Extraordinary Market Volatility (''LULD Plan'') that would establish new price protections from 9:00 p.m. ET to 4:00 a.m. ET.[11] While these price bands would help to assure a fair and orderly market during normal market conditions, it is possible that they would instead prevent normal price discovery following a Level 3 Market Decline. Rather than allowing trading to resume with such price bands in effect, which would represent a change from the current trading reopening following a Level 3 Market Decline, the Exchange believes that requiring SROs to wait until 4:00 a.m. ET or later to resume trading would ensure that price discovery can occur unimpeded during pre-market trading, as it does today, which may further inform prices going into the opening auction and regular market hours trading following a Level 3 halt.

Given the factors discussed above, the Exchange believes that trading in all securities on the Exchange should not resume before 4:00 a.m. ET on the trading day after a Level 3 halt. This decision, which the Exchange understands will also be reflected in the rules of the other SROs, would promote a fair and orderly market at a time of significant market volatility, and

[7] *See* Exchange Rule Equity 4, Rule 3101(b)(ii).

[8] *See* proposed Exchange Rule Equity 4, Rule 3101(b)(ii).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *See* Securities Exchange Act Release No. 106042 (August 5, 2026), 91 FR 51515 (August 10, 2026) (Order Granting Approval of the Twenty-Seventh Amendment to the National Market System Plan to Address Extraordinary Market Volatility to Establish Temporary Price Band Protections in Overnight Trading).

thereby protect investors and the public interest. In addition, while the actual Level 3 resumption time would not be changing in practice—as proposed, the current resumption time and future resumption time would both be no earlier than 4:00 a.m. ET—the Exchange believes that it is appropriate to amend its rules to ensure that its rules reflect the upcoming changes due to 23/5 Trading. Without this change, market participants may mistakenly believe that the Exchange intends for trading to reopen on overnight trading exchanges at 9:00 p.m. ET following a Level 3 halt. The proposed rule change would therefore facilitate operational transparency while providing for a fair and orderly market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act because the proposal would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across U.S. securities markets. Further, the Exchange understands that the other SROs intend to file proposed rule changes to ensure a consistent resumption time at 4:00 a.m. ET or later across markets. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or 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 from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [12] and subparagraph (f)(6) of Rule 19b–4 thereunder.[13]

[12] 15 U.S.C. 78s(b)(3)(A)(iii).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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–Phlx–2026–59 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–Phlx–2026–59. 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–Phlx–2026–59 and should be submitted on or before October 29, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20604 Filed 10–7–26; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106596; File No. SR–GEMX–2026–35]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Market Wide Risk Protection

October 5, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 1, 2026, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as 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 amend Options 3, Section 15(a)(1)(C) related to the Market Wide Risk Protection.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/gemx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Options 3, Section 15(a)(1)(C) (Market Wide Risk Protection) to eliminate the existing cross-market functionality between GEMX and its affiliate, Nasdaq ISE, LLC (''ISE'').

Background

The Market Wide Risk Protection (''MWRP'') imposes mandatory activity-based risk protections that require Members to provide parameters for order entry and order execution rate protections. The Exchange's System maintains one or more counting programs for each Member that maintain rolling counts of orders entered and contracts traded on GEMX. When a Member's designated thresholds are exceeded, the System automatically rejects subsequent incoming orders and, if the Member has so elected, cancels the Member's existing orders.

Currently, Options 3, Section 15(a)(1)(C) permits Members to elect to have the Exchange maintain counting programs for orders entered and contracts traded either (i) on GEMX only, or (ii) across both GEMX and ISE. Where a Member elects to apply the risk protection across both markets, a breach of the Member's threshold results in the System rejecting subsequent incoming orders, and optionally cancelling existing orders, on both GEMX and ISE.

Of the Nasdaq affiliated options exchanges,[3] only GEMX and ISE currently offer MWRP counting programs that may be applied on a cross-market basis; the corresponding rules of MRX, Phlx, NTX Options, and NOM apply MWRP on a per-exchange basis only.

Proposal

The Exchange has determined to harmonize the MWRP functionality across the Nasdaq affiliated options exchanges. Because MWRP on MRX, Phlx, NTX Options, and NOM operates on a per-exchange basis only, harmonization requires removing the cross-market functionality currently available between GEMX[4] and ISE.[5] The Exchange accordingly proposes to amend Options 3, Section 15(a)(1)(C) to delete the references that presently permit Members to elect cross-market application of the MWRP counting programs, rejection of subsequent orders, and cancellation of existing orders. Nasdaq ISE will file a companion rule change to make conforming amendments to its Options 3, Section 15(a)(1)(C).[6]

Following the proposed amendments, all Members will apply MWRP parameters on a per-exchange basis on GEMX. ISE separately offers a MWRP rule at ISE Options 3, Section 15(a)(1)(C) on a per-exchange basis. Members will retain the ability to configure separate risk parameters for each Nasdaq affiliated options exchange on which they are authorized to trade.

Implementation

The Exchange will announce the operative date of the proposed rule change in an Options Trader Alert. The Exchange will implement the change on or before Q2 2027.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section (6)(b)(5)[9] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that harmonizing the MWRP functionality across the Nasdaq affiliated options exchanges will remove impediments to and perfect the mechanism of a free and open market and a national market system by promoting consistent, transparent, and predictable risk-management functionality for Members that access more than one Nasdaq affiliated options exchange. Today, Members that trade across the Nasdaq affiliated options exchanges must understand and administer two different MWRP models: (i) a per-exchange model on MRX, Phlx, NTX Options, and NOM, and (ii) a hybrid model on GEMX and ISE that permits, but does not require, cross-market election. The Exchange believes that this differential treatment is a source of operational complexity that does not correspond to any material difference in the underlying risk protection provided. Aligning GEMX with the per-exchange model reduces the risk of Member confusion or inadvertent misconfiguration when establishing MWRP parameters across markets.

The Exchange further believes that the proposed rule change will protect investors and the public interest by preserving the substantive risk protection provided by MWRP on GEMX. All Members will remain subject to mandatory MWRP thresholds on GEMX. Members will continue to have discretion to establish their own parameters, subject to Exchange-established minimum and maximum time periods and default values, and will continue to be able to use multiple counting programs to separate risk protections for different groups established within the Member. The only substantive change is that a Member's parameters on GEMX will apply to that Member's activity on GEMX, and will no longer aggregate with the Member's activity on ISE. Members that wish to apply risk protections to their activity on ISE will continue to do so pursuant to ISE Options 3, Section 15(a)(1)(C).

Removing this election in the interest of harmonization with the four other Nasdaq affiliated options exchanges is likewise consistent with the Act. Cross-market risk aggregation on GEMX and ISE is an available feature that Members elect (or decline) to use; withdrawing the election does not diminish the mandatory MWRP that applies to every GEMX Member.

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 Exchange does not believe that the proposed rule change will impose any burden on intra-market competition because no Member will be disadvantaged relative to any other Member as a result of the proposed

[3] GEMX has five affiliated options exchanges, ISE; Nasdaq MRX, LLC (''MRX''); Nasdaq PHLX LLC (''Phlx''); Nasdaq Texas, LLC (''NTX Options''); and The Nasdaq Options Market LLC (''NOM'').

[4] *See* Securities Exchange Act Release No. 77875 (May 20, 2016), 81 FR 33561 (May 26, 2016) (SR–ISE–2016–08) (Order Approving Proposed Rule Change Related to Market Wide Risk Protection).

[5] *See* Securities Exchange Act Release No. 77881 (May 20, 2016), 81 FR 33565 (May 26, 2016) (SR–ISEGemini–2016–03) (Order Approving Proposed Rule Change Related to Market Wide Risk Protection).

[6] *See* SR–ISE–2026–52.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f(b)(5).

change. Further, Members that wish to obtain aggregated risk protection across multiple exchanges may continue to configure their own risk-management systems to that effect.

The Exchange does not believe that the proposed rule change will impose any burden on inter-market competition. Rather, removing the cross-market election will bring GEMX into greater alignment with the risk-protection framework generally available in the U.S. listed options markets and will harmonize the Exchange's MWRP with that of the other Nasdaq affiliated options exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or 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 from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [10] and subparagraph (f)(6) of Rule 19b–4 thereunder.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–GEMX–2026–35 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–GEMX–2026–35. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–GEMX–2026–35 and should be submitted on or before October 29, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20598 Filed 10–7–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0268]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 2a–7

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is submitting to the Office of Management and Budget (OMB) this request for extension of the proposed collection of information described below.

Money market funds are open-end management investment companies that differ from other open-end management investment companies in that they seek to maintain a stable price per share, usually $1.00, or seek to minimize fluctuations in their price per share. Rule 2a–7 [17 CFR 270.2a–7] under the Investment Company Act of 1940 [15 U.S.C. 80a–1 *et seq.*] (the ''Act'') exempts certain money market funds from the valuation requirements of the Act, and, subject to certain risk-limiting conditions, permits these money market funds to use the ''amortized cost method'' of asset valuation or the ''penny-rounding method'' of share pricing.

Rule 2a–7 imposes certain recordkeeping obligations on money market funds, some of which vary based on the type of money market fund. For example, the board of directors of a government or retail money market fund, in supervising the fund's operations, must establish written procedures designed to stabilize the fund's net asset value (''NAV''). An institutional prime or institutional tax-exempt money market fund must have written guidelines established and reviewed by the board related to mandatory liquidity fees, while non-government money market funds similarly must have written guidelines related to discretionary liquidity fees. In addition, money market fund boards must adopt written procedures that provide for periodic stress testing (and reporting to the board) of the fund's ability to minimize principal volatility and maintain sufficient minimum liquidity under certain hypothetical events and to maintain policies and procedures that specifically address ongoing minimal credit risk monitoring. A money market fund's board must also adopt guidelines and procedures relating to certain responsibilities it delegates to the fund's investment adviser. These procedures and guidelines typically address various aspects of the fund's operations. The fund must maintain and preserve for six years a written copy of both these procedures and guidelines. The fund also must maintain and preserve for six years a written record of the board's considerations and actions taken in connection with the discharge of its responsibilities, to be included in the board's minutes. In addition, the fund must maintain and preserve for three years written records of certain credit risk analyses, evaluations with respect to securities subject to demand features or guarantees, and determinations with

[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] 17 CFR 200.30–3(a)(12).

respect to adjustable rate securities and asset backed securities.

Funds must also post monthly portfolio information and certain other information on their websites and maintain records of creditworthiness evaluations on counterparties to repurchase agreements that the fund intends to ''look through'' for purposes of rule 2a–7's diversification limitations. If a retail or government money market fund determines to use a share cancellation method to maintain a stable net asset value in a period with negative interest rates, it must provide certain disclosures to investors in advance of using share cancellation and when share cancellation is used. Compliance with rule 2a–7's information collection requirements is required to obtain or retain benefits.

We estimate that approximately 284 money market funds are subject to rule 2a–7. We estimate that each money market fund incurs an average of 700 hours per year to comply with the recordkeeping requirements of rule 2a–7 (relating to the establishment and maintenance of policies and procedures, records of credit risk analyses, certain notices or reports to the fund's board of directors, determinations made by the fund's board of directors, and other information collection requirements that do not involve third-party disclosures) and an average of 75 hours per year to comply with the third-party disclosure requirements of rule 2a–7 (including requirements to provide certain information on money market fund websites and requirements for certain funds to provide disclosures to investors related to share cancellation). We estimate the total annual burden of the collection of information requirements of rule 2a–7 to be 220,100 hours, with an aggregate external cost burden of $51,120,000.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202607-3235-026* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by November 9, 2026.

Dated: October 6, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20671 Filed 10–7–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106591; File No. SR–CboeEDGX–2026–065]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 13.8(d)

October 5, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 28, 2026, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as 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

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') proposes to amend Rule 13.8(d) to remove the Last Sale market data feed (the ''Last Sale Feed'') and to amend the Exchange's fee schedule to remove all fees associated with the Last Sale Feed. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/edgx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to sunset the Last Sale Feed at a later date to be announced via Exchange Notice. By way of background, the Last Sale Feed is a market data feed that disseminates execution information for equity orders entered into the Exchange's System. The Last Sale Feed is referenced in Rule 13.8(d) and has associated fees set forth in the Exchange's fee schedule. To facilitate sunsetting this feed, the Exchange proposes to amend Rule 11.22(g) to remove the Last Sale Feed and to amend the fee schedule to remove all fees associated with the Last Sale Feed upon the implementation of this proposed change. Lastly, the Exchange also proposes to remove the reference to a complimentary Last Sale Feed offering when a subscriber takes in the EDGX Top Feed as the Exchange will no longer offer the Last Sale Feed.

The Exchange is not required to offer any market data feed, including the Last Sale Feed. The Exchange notes that all information disseminated via the Last Sale Feed is available through other Exchange market data feeds, including the EDGX Top and EDGX Depth Market Data Feeds, making the Last Sale Feed redundant. Given this redundancy, the Exchange has determined that continuing to maintain the Last Sale Feed is no longer warranted. For all market data feeds the Exchange offers, the Exchange must maintain and provide technical support for these optional market data offerings. As such, the Exchange does not believe it is beneficial to continue expending resources to maintain a redundant product when the same information is readily accessible through alternative feeds. The Exchange will announce the specific sunset date via Exchange Notice within 90 days after the date this filing is submitted to the Commission.

The Exchange notes, however, that subscribers that currently receive the Last Sale Feed may wish to purchase an alternative data feed through the Exchange. More specifically, a subscriber may choose to purchase EDGX Top in lieu of the Last Sale Feed they previously received. For both Internal Distributors and External Distributors, there is a modest increase in the difference in fees between EDGX Top and Last Sale.[3] While there is an

[3] For Internal Distribution, the Distribution Fee is $750/month for EDGX Top in comparison to $500/month for Last Sale and the Professional User Fee

increase in price, the Exchange notes that the EDGX Top Feed also contains top of book quotations (a data point that the Last Sale Feed does not contain). As there is only a modest increase in fees for a subscriber that currently receives Last Sale and chooses to instead subscribe to EDGX Top, the Exchange believes the proposed rule change is reasonable.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change is consistent with Section 6(b)(5) of the Act because it removes an impediment to and perfects the mechanism of a free and open market and a national market system by eliminating a redundant market data product while preserving access to all execution information disseminated by that product through alternative feeds, such as EDGX Top and EDGX Depth Market Data Feeds. As noted above, all information currently provided via the Last Sale Feed remains fully available through these alternative feeds, and the Exchange has determined that continuing to maintain a redundant product is no longer warranted. Because the Last Sale Feed is not required to be offered and no data that is not otherwise available will be removed, the proposal will not disadvantage any market participant or impair the protection of investors or the public interest. The proposal applies equally to all market participants and is not designed to permit unfair discrimination among customers, issuers, brokers, or dealers. In addition, sunsetting the Last Sale Feed will reduce the operational burden associated with maintaining this product, allowing the Exchange to focus its resources on other market data products.

The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[7] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. Removing the Last Sale Feed and its associated fees provides for the equitable allocation of reasonable dues, fees, and other charges because the Exchange will not charge for a product it no longer offers, and all similarly situated market participants are affected equally. By removing the fees associated with the Last Sale Feed from its fee schedule (on the effective date of removal), the Exchange provides clarity to participants on what market data feeds are available for purchase.

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 proposal will discontinue a redundant Exchange market data product, apply equally to all market participants, and leave the underlying execution information available through other Exchange market data feeds. Accordingly, the proposal does not impose an unnecessary or inappropriate burden on competition.

The proposal is a discontinuation of a redundant Exchange product and does not burden competition among exchanges. It does not restrict any other exchange from offering its own market data products, and other exchanges remain free to offer their own data products on the terms they determine.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6)[9] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the 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–CboeEDGX–2026–065 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–CboeEDGX–2026–065. This file number should be included on the subject line if email is used. To help the Commission process and review your

for EDGX Top is $4/month in comparison to $0/month for Last Sale. However, the Non-Professional User Fee is the same ($0/month) for both. Furthermore, for External Distribution, the Distribution Fee is $2,250/month for EDGX Top in comparison to $1,500 for Last Sale. However, the following fees are the same for both feeds: Professional User Fee: $4.00/month; Non-Professional User Fee: $0.10/month; Enterprise Fee: $15,000/month and Digital Media Enterprise Fee: $2,500/month. See EDGX Equities Fee Schedule.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] *Id.*

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

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–CboeEDGX–2026–065 and should be submitted on or before October 29, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20595 Filed 10–7–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106584; File No. SR–CboeEDGX–2026–062]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 11.24(b)(2) Concerning the Resumption of Trading Following a Level 3 Market-Wide Circuit Breaker Halt in Connection With the Industry's Expansion of Trading Hours to 23 Hours per Day, 5 Days per Week

October 5, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on September 24, 2026, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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

Cboe EDGX Exchange, Inc. (''EDGX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to amend Rule 11.24(b)(2) concerning the resumption of trading following a Level 3 market-wide circuit breaker (''MWCB'') halt (''Level 3 Market Decline'') in connection with the industry's expansion of trading hours to 23 hours per day, 5 days per week (''23/5 Trading''). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/edgx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.24(b)(2) concerning the resumption of trading following a Level 3 Market Decline in connection with the extension of exchange trading hours to 23/5 Trading.[3] As discussed herein, the proposed rule change would retain the Exchange's current 4 a.m. resumption time following a Level 3 Market Decline, notwithstanding the fact that the Exchange would normally begin trading at 9 p.m. once the Exchange has implemented 23/5 trading hours.

Background

The MWCB mechanism under Rule 11.24 provides an important, automatic mechanism that is invoked to promote stability and investor confidence during a period of significant stress when U.S. securities markets experience extreme broad-based declines. All U.S. equity exchanges and FINRA (collectively, the self-regulatory organizations or ''SROs'') adopted uniform rules relating to the MWCB mechanism in 2012, which are designed to slow the effects of extreme price movement through coordinated trading halts across U.S. securities markets when severe price declines reach levels that may exhaust market liquidity.[4] Currently, market-wide circuit breaker rules provide for trading halts in all U.S. cash equities and equity options markets during a severe market decline as measured by a single-day decline in the S&P 500 Index during Regular Trading Hours.

Pursuant to Rule 11.24, a market-wide trading halt will be triggered if the S&P 500 Index declines in price by specified percentages from the prior day's closing price of that index. Currently, the triggers are set at three circuit breaker thresholds: 7% (Level 1), 13% (Level 2), and 20% (Level 3). A market decline that triggers a Level 1 or Level 2 halt after 9:30 a.m. ET and before 3:25 p.m. ET would halt market-wide trading for 15 minutes, while a similar market decline at or after 3:25 p.m. ET would not halt market-wide trading. If a Level 3 Market Decline occurs at any time during the trading day, trading in all stocks will halt on the Exchange for the remainder of the trading day and will resume the following trading day at 4 a.m., at the start of the Early Trading Session.[5]

Proposal

The Exchange now proposes to amend Rule 11.24 to reflect extended trading hours, *i.e.,* 23/5 trading.

Currently, the Exchange offers four trading sessions on each day it is open for trading: (1) the Early Trading Session (4:00 a.m. to 8:00 a.m.); (2) the Pre-Opening Session (8:00 a.m. to 9:30 a.m.); (3) Regular Trading Hours (9:30 a.m. to 4:00 p.m.); and (4) the Post-Closing Session (4:00 p.m. to 8:00 p.m.). Under the approved rule text in the EDGX 23x5 Filing, which will take effect in December 2026 pending industry readiness, the Exchange intends to offer a new ''Overnight Trading Session,'' which would be available from 9:00 p.m. to 4:00 a.m., significantly increasing the Exchange's hours of operation in response to customer demand.

As discussed, current Rule 11.24(b)(2) provides that if a Level 3 Market Decline

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 105587 (May 29, 2026), 91 FR 33238 (June 3, 2026), SR–CboeEDGX–2026–019 (''EDGX 23x5 Filing'').

[4] *See* Securities Exchange Act Release No. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–BATS–2011–038; SR–BYX–2011–025; SR–BX–2011–068; SR–CBOE–2011–087; SR–C2–2011–024; SR–CHX–2011–30; SR–EDGA–2011–31; SR–EDGX–2011–30; SR–FINRA–2011–054; SR–ISE–2011–61; SR–NASDAQ–2011–131; SR–NSX–2011–11; SR–NYSE–2011–48; SR–NYSEAmex–2011–73; SR–NYSEArca–2011–68; SR–Phlx–2011–129) (''MWCB Approval Order'').

occurs at any time during the trading day, trading in all stocks will halt on the Exchange for the remainder of the trading day. Currently, this means the Exchange would re-open at its normal time, *i.e.,* 4 a.m. at the start of the Early Trading Session, following a Level 3 Market Decline. However, the Exchange intends to begin 23/5 trading on December 6, 2026.[6]

Unless amended, when the Exchange launches the Overnight Trading Session, the current rule's reference to halting ''for the remainder of the trading day'' [7] would require that the Exchange re-open at an earlier time, *i.e.,* 9 p.m. on the same calendar day, when the Exchange's systems would generally become available for the Overnight Trading Session. The Exchange does not believe that this is an expected or desired result and is therefore amending this rule in coordination with the other SROs such that trading on the Exchange will not resume until 4 a.m. ET or later on the following trading day, consistent with current market practice. This proposed rule change is therefore not intended to make any substantive changes to the MWCB mechanism. Rather, the proposed rule change would *preserve* the resumption time following a Level 3 Market Decline, notwithstanding changes to the Exchange's rules that would otherwise allow the Exchange to begin trading at 9 p.m. as it would on any other trading day.

To effect this change, the Exchange proposes to delete the language in Rule 11.24(b)(2) that provides that trading in all stocks will halt on the Exchange for the remainder of the trading day if a Level 3 Market Decline occurs at any time during the trading day and replace it with new language that hard codes a 4 a.m. resumption whereby trading in all stocks will halt on the Exchange until 4 a.m. on the following trading day.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[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 MWCB mechanism described in Rule 11.24 is an important, automatic mechanism that is invoked to promote stability and investor confidence during periods of significant stress when U.S. securities markets experience extreme broad-based declines. The proposed rule change would ensure that the Exchange's current 4 a.m. resumption time following a Level 3 halt continues to apply when the Exchange and various other U.S. equities exchanges begin trading on a 23/5 basis, notwithstanding current rule text implying that the resumption time would coincide with the start of overnight trading on the Exchange.

Rather than leave the rule in place as is, which would result in an earlier resumption time than originally contemplated when the rule was adopted, the Exchange, the other U.S. equity exchanges, and FINRA met alongside industry representatives to determine the appropriate resumption time. Following those discussions, the collective decision was made to retain the 4 a.m. resumption time, notwithstanding the fact that an earlier resumption time would be possible with the introduction of 23/5 trading. The proposed rule change codifies this decision into the Exchange's rules. The Exchange understands that the other SROs will also be filing similar proposed rule changes. As a result, the market as a whole, including on- and off-exchange, will continue to be subject to harmonized rules for the resumption of trading following a Level 3 Market Decline.

While the SROs had previously decided to tie the resumption time following a Level 3 halt to an SRO's normal hours of operation, the upcoming transition to 23/5 trading raises various concerns that warrant a change from the current approach.

First, the Exchange notes that the MWCB mechanism was designed to provide a cooling off period where market participants would be provided with additional time to evaluate the market events that led to the decline before determining how to position their trading activity for the next day. With the introduction of 23/5 trading and the start of the Overnight Trading Session at 9 p.m., however, this cooling off period could be materially shortened, reducing one of the key benefits that the MWCB mechanism was designed to provide in the first place. Rather than shorten the cooling off period and risk this benefit, the Exchange believes the market would be better served by a change to the length of the associated trading halt that mirrors current market practice. As is the case today, the Exchange would re-open for trading at 4 a.m. at the start of the Early Trading Session, and would not offer an Overnight Trading Session starting on the day of a Level 3 halt.

Second, the new Overnight Trading Session may be subject to different liquidity and participation considerations than the current Early Trading Session and Pre-Opening Session. Notably, while retail investors have expressed interest in overnight trading, the Exchange expects that institutional investors will take more time to transition to a round the clock model. However, such institutional participation may be of heightened importance following a Level 3 halt as these investors are likely to have views on the underlying market events that led to the Level 3 Market Decline in the first place. The Exchange is concerned that opening during hours that such participants do not normally trade may impact the quality of price discovery at a time of significant market volatility. Waiting until 4 a.m. to resume trading would facilitate broader participation and therefore price discovery.

Finally, the Exchange notes that the Commission recently approved an amendment to the Plan to Address Extraordinary Market Volatility that would establish new price protections from 9 p.m. to 4 a.m.[10] While these price bands would help to assure a fair and orderly market during normal market conditions, it is possible that they would instead prevent normal price discovery following a Level 3 Market Decline. Rather than allowing trading to resume with such price bands in effect, which would represent a change from the current trade reopening following a Level 3 Market Decline, the Exchange believes that waiting until 4 a.m. to resume trading would ensure that price discovery can occur unimpeded during the Early Trading Session and Pre-Opening Session, as it does today, which may further inform prices going into the opening auction and Regular Trading Hours trading following a Level 3 halt.

Given the factors discussed above, the Exchange believes that trading in all securities on the Exchange should resume at 4 a.m. following a Level 3 halt. This decision, which will also be reflected in the rules of the other SROs that the Exchange understands will be amended to provide that trading will resume on or after 4 a.m. depending on

[6] *Supra* note 3.

[7] *See* EDGX Rule 11.24(b)(2).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *See* Securities Exchange Act Release No. 106042 (August 5, 2026), 91 FR 51515 (August 10, 2026), File No. 4–631 (''LULD Overnight Protection Approval Order'').

the Exchange's normal re-opening time, would promote a fair and orderly market at a time of significant market volatility, and thereby protect investors and the public interest. In addition, while the actual Level 3 resumption time would not be changing in practice—as proposed, the current resumption time and future resumption time on the Exchange would both be 4 a.m.—the Exchange believes that it is appropriate to amend its rules to ensure that its rules reflect the upcoming changes to the Exchange's hours of operation. Without this change, market participants may mistakenly believe that the Exchange's intention is to re-open the Exchange at 9 p.m. following a Level 3 halt. The proposed rule change would therefore facilitate operational transparency while providing for a fair and orderly market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act because the proposal would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across U.S. securities markets. Further, the Exchange understands that the other SROs intend to file proposed rule changes to ensure a consistent resumption time on or after 4 a.m. across all markets. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or 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 from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [11] and subparagraph (f)(6) of Rule 19b–4 thereunder.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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–CboeEDGX–2026–062 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–CboeEDGX–2026–062. 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–CboeEDGX–2026–062 and should be submitted on or before October 29, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20603 Filed 10–7–26; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106587; File No. SR–NasdaqTX–2026–048]

Self-Regulatory Organizations; Nasdaq Texas, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 4121 Concerning the Resumption of Trading Following a Level 3 Market-Wide Circuit Breaker Halt in Connection With the Industry's Expansion of Trading Hours to 23 Hours per Day, 5 Days per Week

October 5, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 25, 2026, Nasdaq Texas, LLC (''Nasdaq Texas'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to introduce to amend Equity 4, Rule 4121 (''Trading Halts Due to Extraordinary Market Volatility'') concerning the resumption of trading following a Level 3 market-wide circuit breaker halt in connection with the industry's expansion of trading hours to 23 hours per day, 5 days per week.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaqtx/rulefilings,* and at the principal office of the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Equity 4, Rule 4121 (''Trading Halts Due to Extraordinary Market Volatility'') concerning the resumption of trading following a Level 3 market-wide circuit breaker (''MWCB'') halt (''Level 3 Market Decline'') [3] in connection with the industry's expansion of trading hours to 23 hours per day, 5 days per week (''23/5 Trading''). The Exchange does not intend to implement 23–5 Trading at this time. Some exchanges, however, including The Nasdaq Stock Market LLC (''Nasdaq''), are planning to offer overnight trading,[4] and as a result, the uniform Level 3 Market Decline rules of each exchange are being modified, as explained further below.

Background

The MWCB mechanism under Rule 4121 provides an important, automatic mechanism that is invoked to promote stability and investor confidence during a period of significant stress when U.S. securities markets experience extreme broad-based declines. All U.S. equity exchanges and the Financial Industry Regulatory Authority (''FINRA'') (collectively, the self-regulatory organizations or ''SROs'') adopted uniform rules relating to the MWCB mechanism in 2012, which are designed to slow the effects of extreme price movement through coordinated trading halts across U.S. securities markets when severe price declines reach levels that may exhaust market liquidity. [5] Such market-wide circuit breakers provide for trading halts in all U.S. cash equity and equities options markets during a severe market decline as measured by a single-day decline in the S&P 500 Index during regular trading hours.

Pursuant to Rule 4121, a market-wide trading halt will be triggered if the S&P 500 Index declines in price by specified percentages from the prior day's closing price of that index. Currently, the triggers are set at three circuit breaker thresholds: 7% (Level 1), 13% (Level 2), and 20% (Level 3). A market decline that triggers a Level 1 or Level 2 halt after 9:30 a.m. Eastern Time (''ET'') and before 3:25 p.m. ET would halt market-wide trading for 15 minutes, while a similar market decline at or after 3:25 p.m. ET would not halt market-wide trading. If a Level 3 Market Decline occurs at any time during the trading day, trading in all stocks will halt on the Exchange for the remainder of the trading day, and will resume the following trading day at 7:00 a.m. ET.[6]

Proposed Rule Change

The Exchange now proposes to amend Equity 4, Rule 4121 to reflect extended trading hours under 23/5 Trading. On December 6, 2026, several exchanges, including Nasdaq, intend to offer new overnight trading sessions that would be available from 9:00 p.m. ET to 4:00 a.m. ET, significantly increasing their hours of operation in response to customer demand.

As discussed, consistent with the uniform rules in place across all SROs, current Equity 4, Rule 4121(b)(ii) provides that if a Level 3 Market Decline occurs at any time during the trading day, the Exchange shall halt trading in all stocks on the Exchange for the remainder of the trading day. Currently, that means that the earliest that any exchange would reopen trading after a Level 3 Market Decline is 4:00 a.m. ET the following day, since no SROs are open for trading before 4:00 a.m. ET.

Unless amended, when 23/5 Trading is launched, the current rule's reference to halting ''for the remainder of the trading day'' [7] would require SROs participating in 23/5 Trading to reopen trading at an earlier time, *i.e.,* 9:00 p.m. ET on the same calendar day, when those SROs' systems would generally become available for overnight trading. The Exchange does not believe that this is an expected or desired result and is therefore amending this rule in coordination with the other SROs such that trading on any SRO will not resume until 4:00 a.m. ET or later on the following trading day, consistent with current market practice. This proposed rule change is therefore not intended to make any substantive changes to the MWCB mechanism. Rather, the proposed rule change would preserve the current resumption time following a Level 3 Market Decline.

To effect this change, the Exchange proposes to delete the language in Equity 4, Rule 4121(b)(ii) that provides that trading in all stocks will halt on the Exchange ''for the remainder of the trading day'' if a Level 3 Market Decline occurs at any time during the trading day, and replace it with new language that explicitly provides that trading in all stocks would halt on the Exchange until 4:00 a.m. ET or later on the following trading day.[8]

The Exchange proposes to establish the operative date of the proposed rule change in coordination with other SROs and the Commission, and at such time as the Exchange determines that implementation is operationally and technologically feasible. Notice to Exchange customers will be provided by Trader Alert.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The MWCB mechanism described in Equity 4, Rule 4121 is an important, automatic mechanism that is invoked to promote stability and investor confidence during periods of significant stress when U.S. securities markets experience extreme broad-based declines. The proposed rule change, when applied uniformly by all SROs, would ensure that the current 4:00 a.m. ET resumption time following a Level 3 halt continues to apply under 23/5 Trading, notwithstanding current rule text implying that the resumption time would coincide with the start of

[3] A ''Level 3 Market Decline'' means a Market Decline of 20%. *See* Exchange Rule 4121(a)(iv).

[4] *See* Securities Exchange Act Release No. 34–105199 (April 10, 2026), 91 FR 20222 (April 15, 2026) (the ''23–5 Approval Order'').

[5] *See* Securities Exchange Act Release No. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–BATS–2011–038; SR–BYX–2011–025; SR–BX–2011–068; SR–CBOE–2011–087; SR–C2–2011–024; SR–CHX–2011–30; SR–EDGA–2011–31; SR–EDGX–2011–30; SR–FINRA–2011–054; SR–ISE–2011–61; SR–NASDAQ–2011–131; SR–NSX–2011–11; SR–NYSE–2011–48; SR–NYSEAmex–2011–73; SR–NYSEArca–2011–68; SR–Phlx–2011–129) (''MWCB Approval Order'').

[6] *See* Equity 1, Section 1(a)(13).

[7] *See* Equity 4, Rule 4121(b)(ii).

[8] *See* proposed Equity 4, Rule 4121(b)(ii).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

overnight trading on SROs operating an overnight session.

Rather than leave the rule in place as is, which would result in an earlier resumption time than originally contemplated when the rule was adopted, the Exchange, the other U.S. equity exchanges, and FINRA met alongside industry representatives to determine the appropriate resumption time. Following those discussions, the collective decision was made to retain the 4:00 a.m. ET resumption time, notwithstanding the fact that an earlier resumption time would be possible with the introduction of 23/5 Trading. The proposed rule change codifies this decision into the Exchange's rules. The Exchange understands that the other SROs will also be filing similar proposed rule changes. As a result, the market as a whole, including on- and off-exchange, will continue to be subject to harmonized rules for the resumption of trading following a Level 3 Market Decline.

While the SROs had previously decided to tie the resumption time following a Level 3 halt to the earliest SRO opening time, the upcoming transition to 23/5 Trading raises various concerns that warrant a change from the current approach.

First, the Exchange notes that the MWCB mechanism was designed to provide a cooling-off period where market participants would be provided with additional time to evaluate the market events that led to the decline before determining how to position their trading activity for the next day. With the introduction of 23/5 Trading and the start of overnight trading on some SROs at 9:00 p.m. ET, however, this cooling-off period could be materially shortened, reducing one of the key benefits that the MWCB mechanism was designed to provide in the first place. Rather than shorten the cooling-off period and risk this benefit, the Exchange believes the market would be better served by a change to the length of the associated trading halt that mirrors current market practice. Under the proposed rule, as is the case today, after a Level 3 halt, all SROs would reopen trading at 4:00 a.m. ET or later, and no SRO would offer an overnight trading session starting on the day of a Level 3 halt.

Second, overnight trading may be subject to different liquidity and participation considerations than the current pre-market sessions that start at or after 4:00 a.m. ET. Notably, while retail investors have expressed interest in overnight trading, the Exchange expects that institutional investors will take more time to transition to a round-the-clock model. However, such institutional participation may be of heightened importance following a Level 3 halt, as these investors are likely to have views on the underlying market events that led to the Level 3 Market Decline in the first place. The Exchange is concerned that opening during hours that such participants do not normally trade may impact the quality of price discovery at a time of significant market volatility. Waiting until 4:00 a.m. ET to resume trading would facilitate broader participation and therefore price discovery.

Finally, the Exchange notes that the Commission recently approved an amendment to the Plan to Address Extraordinary Market Volatility (''LULD Plan'') that would establish new price protections from 9:00 p.m. ET to 4:00 a.m. ET.[11] While these price bands would help to assure a fair and orderly market during normal market conditions, it is possible that they would instead prevent normal price discovery following a Level 3 Market Decline. Rather than allowing trading to resume with such price bands in effect, which would represent a change from the current trading reopening following a Level 3 Market Decline, the Exchange believes that requiring SROs to wait until 4:00 a.m. ET or later to resume trading would ensure that price discovery can occur unimpeded during pre-market trading, as it does today, which may further inform prices going into the opening auction and regular market hours trading following a Level 3 halt.

Given the factors discussed above, the Exchange believes that trading in all securities on the Exchange should not resume before 4:00 a.m. ET on the trading day after a Level 3 halt. This decision, which the Exchange understands will also be reflected in the rules of the other SROs, would promote a fair and orderly market at a time of significant market volatility, and thereby protect investors and the public interest. In addition, while the actual Level 3 resumption time would not be changing in practice—as proposed, the current resumption time and future resumption time would both be no earlier than 4:00 a.m. ET—the Exchange believes that it is appropriate to amend its rules to ensure that its rules reflect the upcoming changes due to 23/5 Trading. Without this change, market participants may mistakenly believe that the Exchange intends for trading to reopen on overnight trading exchanges at 9:00 p.m. ET following a Level 3 halt. The proposed rule change would therefore facilitate operational transparency while providing for a fair and orderly market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act because the proposal would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across U.S. securities markets. Further, the Exchange understands that the other SROs intend to file proposed rule changes to ensure a consistent resumption time at 4:00 a.m. ET or later across markets. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or 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 from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[12] 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

[11] *See* Securities Exchange Act Release No. 106042 (August 5, 2026), 91 FR 51515 (August 10, 2026) (Order Granting Approval of the Twenty-Seventh Amendment to the National Market System Plan to Address Extraordinary Market Volatility to Establish Temporary Price Band Protections in Overnight Trading).

[12] 15 U.S.C. 78s(b)(3)(A)(iii).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the 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–NasdaqTX–2026–048 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–NasdaqTX–2026–048. 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–NasdaqTX–2026–048 and should be submitted on or before October 29, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20606 Filed 10–7–26; 8:45 am]

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[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106581; File No. SR–CboeBYX–2026–034]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 11.29 Concerning the Resumption of Trading Following a Level 3 Market-Wide Circuit Breaker Halt in Connection With the Industry's Expansion of Trading Hours to 23 Hours per Day, 5 Days per Week

October 5, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on September 23, 2026, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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

Cboe BYX Exchange, Inc. (''BYX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to amend Rule 11.29 (''Trading Halts Due to Extraordinary Market Volatility'') concerning the resumption of trading following a Level 3 market-wide circuit breaker (''MWCB'') halt (''Level 3 Market Decline'') in connection with the industry's expansion of trading hours to 23 hours per day, 5 days per week (''23/5 Trading''). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/byx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.29(b)(2) concerning the resumption of trading following a Level 3 Market Decline in connection with the extension of exchange trading hours to 23/5 Trading. Some exchanges, including the Exchange's affiliate exchange, Cboe EDGX Exchange, Inc. (''EDGX''), are planning to offer overnight trading[3], and as a result, the uniform Level 3 Market Decline rules of each exchange are being modified, as explained further below.

Background

The MWCB mechanism under Rule 11.29 provides an important, automatic mechanism that is invoked to promote stability and investor confidence during a period of significant stress when U.S. securities markets experience extreme broad-based declines. All U.S. equity exchanges and FINRA (collectively, the self-regulatory organizations or ''SROs'') adopted uniform rules relating to the MWCB mechanism in 2012, which are designed to slow the effects of extreme price movement through coordinated trading halts across U.S. securities markets when severe price declines reach levels that may exhaust market liquidity.[4] Such market-wide circuit breakers provide for trading halts in all U.S. cash equity and equities options markets during a severe market decline as measured by a single-day decline in the S&P 500 Index during regular trading hours.

Pursuant to Rule 11.29, a market-wide trading halt will be triggered if the S&P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See, e.g.,* Securities Exchange Act Release No. 105587 (May 29, 2026), 91 FR 33238 (June 3, 2026) (SR–CboeEDGX–2026–019) (''Cboe EDGX 23/5 Trading Notice''). The Exchange does not intend to implement 23/5 Trading at this time.

[4] *See* Securities Exchange Act Release No. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–BATS–2011–038; SR–BYX–2011–025; SR–BX–2011–068; SR–CBOE–2011–087; SR–C2–2011–024; SR–CHX–2011–30; SR–EDGA–2011–31; SR–EDGX–2011–30; SR–FINRA–2011–054; SR–ISE–2011–61; SR–NASDAQ–2011–131; SR–NSX–2011–11; SR–NYSE–2011–48; SR–NYSEAmex–2011–73; SR–NYSEArca–2011–68; SR–Phlx–2011–129) (''MWCB Approval Order'').

500 Index declines in price by specified percentages from the prior day's closing price of that index. Currently, the triggers are set at three circuit breaker thresholds: 7% (Level 1), 13% (Level 2), and 20% (Level 3). A market decline that triggers a Level 1 or Level 2 halt after 9:30 a.m. ET and before 3:25 p.m. ET would halt market-wide trading for 15 minutes, while a similar market decline at or after 3:25 p.m. ET would not halt market-wide trading. If a Level 3 Market Decline occurs at any time during the trading day, trading in all stocks will halt on the Exchange for the remainder of the trading day, and will resume the following trading day at 7:00 a.m. ET.

Proposal

The Exchange now proposes to amend Rule 11.29 to reflect extended trading hours under 23/5 Trading. On December 6, 2026, several exchanges, including EDGX, intend to offer new overnight trading sessions that would be available from 9:00 p.m. ET to 4:00 a.m. ET, significantly increasing their hours of operation in response to customer demand. As discussed, consistent with the uniform rules in place across all SROs, current Rule 11.29(b)(2) provides that if a Level 3 Market Decline occurs at any time during the trading day, the Exchange shall halt trading in all stocks on the Exchange for the remainder of the trading day. Currently, that means that the earliest that any exchange would re-open trading after a Level 3 Market Decline is 4:00 a.m. ET the following day, since no SROs are open for trading before 4:00 a.m. ET.

Unless amended, when 23/5 Trading is launched, the current rule's reference to halting ''for the remainder of the trading day'' [5] would require SROs participating in 23/5 Trading to re-open trading at an earlier time, *i.e.,* 9:00 p.m. ET on the same calendar day, when those SROs' systems would generally become available for overnight trading. The Exchange does not believe that this is an expected or desired result and is therefore amending this rule in coordination with the other SROs such that trading on any SRO will not resume until 4:00 a.m. ET or later on the following trading day, consistent with current market practice. This proposed rule change is therefore not intended to make any substantive changes to the MWCB mechanism. Rather, the proposed rule change would preserve the current resumption time following a Level 3 Market Decline.

To effect this change, the Exchange proposes to delete the language in Rule 11.29(b)(2) that provides that trading in all stocks will halt on the Exchange ''for the remainder of the trading day'' if a Level 3 Market Decline occurs at any time during the trading day, and replace it with new language that explicitly provides that trading in all stocks would halt on the Exchange until 4:00 a.m. ET or later on the following trading day.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [7] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The MWCB mechanism described in Rule 11.29 is an important, automatic mechanism that is invoked to promote stability and investor confidence during periods of significant stress when U.S. securities markets experience extreme broad-based declines. The proposed rule change, when applied uniformly by all SROs, would ensure that the current 4:00 a.m. ET resumption time following a Level 3 halt continues to apply under 23/5 Trading, notwithstanding current rule text implying that the resumption time would coincide with the start of overnight trading on SROs operating an overnight session.

Rather than leave the rule in place as is, which would result in an earlier resumption time than originally contemplated when the rule was adopted, the Exchange, the other U.S. equity exchanges, and FINRA met alongside industry representatives to determine the appropriate resumption time. Following those discussions, the collective decision was made to retain the 4:00 a.m. ET resumption time, notwithstanding the fact that an earlier resumption time would be possible with the introduction of 23/5 Trading. The proposed rule change codifies this decision into the Exchange's rules. The Exchange understands that the other SROs will also be filing similar proposed rule changes. As a result, the market as a whole, including on- and off-exchange, will continue to be subject to harmonized rules for the resumption of trading following a Level 3 Market Decline.

While the SROs had previously decided to tie the resumption time following a Level 3 halt to the earliest SRO opening time, the upcoming transition to 23/5 Trading raises various concerns that warrant a change from the current approach.

First, the Exchange notes that the MWCB mechanism was designed to provide a cooling-off period where market participants would be provided with additional time to evaluate the market events that led to the decline before determining how to position their trading activity for the next day. With the introduction of 23/5 Trading and the start of overnight trading on some SROs at 9:00 p.m. ET, however, this cooling-off period could be materially shortened, reducing one of the key benefits that the MWCB mechanism was designed to provide in the first place. Rather than shorten the cooling-off period and risk this benefit, the Exchange believes the market would be better served by a change to the length of the associated trading halt that mirrors current market practice. Under the proposed rule, as is the case today, after a Level 3 halt, all SROs would re-open trading at 4:00 a.m. ET or later, and no SRO would offer an overnight trading session starting on the day of a Level 3 halt.

Second, overnight trading may be subject to different liquidity and participation considerations than the current pre-market sessions that start at or after 4:00 a.m. ET. Notably, while retail investors have expressed interest in overnight trading, the Exchange expects that institutional investors will take more time to transition to a round-the-clock model. However, such institutional participation may be of heightened importance following a Level 3 halt, as these investors are likely to have views on the underlying market events that led to the Level 3 Market Decline in the first place. The Exchange is concerned that opening during hours that such participants do not normally trade may impact the quality of price discovery at a time of significant market volatility. Waiting until 4:00 a.m. ET to resume trading would facilitate broader participation and therefore price discovery.

Finally, the Exchange notes that the Commission recently approved an amendment to the Plan to Address

[5] *See* Rule 11.29(b)(2).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

Extraordinary Market Volatility (''LULD Plan'') that would establish new price protections from 9:00 p.m. ET to 4:00 a.m. ET.[8] While these price bands would help to assure a fair and orderly market during normal market conditions, it is possible that they would instead prevent normal price discovery following a Level 3 Market Decline. Rather than allowing trading to resume with such price bands in effect, which would represent a change from the current trading reopening following a Level 3 Market Decline, the Exchange believes that requiring SROs to wait until 4:00 a.m. ET or later to resume trading would ensure that price discovery can occur unimpeded during pre-market trading, as it does today, which may further inform prices going into the opening auction and regular market hours trading following a Level 3 halt.

Given the factors discussed above, the Exchange believes that trading in all securities on the Exchange should not resume before 4:00 a.m. ET on the trading day after a Level 3 halt. This decision, which the Exchange understands will also be reflected in the rules of the other SROs, would promote a fair and orderly market at a time of significant market volatility, and thereby protect investors and the public interest. In addition, while the actual Level 3 resumption time would not be changing in practice—as proposed, the current resumption time and future resumption time would both be 4:00 a.m. ET at the earliest—the Exchange believes that it is appropriate to amend its rules to ensure that its rules reflect the upcoming changes due to 23/5 Trading. Without this change, market participants may mistakenly believe that the Exchange intends for trading to re-open on overnight trading exchanges at 9:00 p.m. ET following a Level 3 halt. The proposed rule change would therefore facilitate operational transparency while providing for a fair and orderly market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposal would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across U.S. securities markets. Further, the Exchange understands that the other SROs intend to file proposed rule changes to ensure a consistent resumption time at 4:00 a.m. ET or later across markets. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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–CboeBYX–2026–034 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–CboeBYX–2026–034. 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–CboeBYX–2026–034 and should be submitted on or before October 29, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20600 Filed 10–7–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106583; File No. SR–CboeEDGA–2026–030]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 11.23 Concerning the Resumption of Trading Following a Level 3 Market-Wide Circuit Breaker Halt in Connection With the Industry's Expansion of Trading Hours to 23 Hours per Day, 5 Days per Week

October 5, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the

[8] *See* Securities Exchange Act Release No. 106042 (August 5, 2026), 91 FR 51515 (August 10, 2026) (Order Granting Approval of the Twenty-Seventh Amendment to the National Market System Plan to Address Extraordinary Market Volatility to Establish Temporary Price Band Protections in Overnight Trading).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] 17 CFR 200.30–3(a)(12).

''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on September 22, 2026, Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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

Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') proposes to amend Rule 11.23 (''Trading Halts Due to Extraordinary Market Volatility'') concerning the resumption of trading following a Level 3 market-wide circuit breaker (''MWCB'') halt (''Level 3 Market Decline'') in connection with the industry's expansion of trading hours to 23 hours per day, 5 days per week (''23/5 Trading''). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/edga/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.23(b)(2) concerning the resumption of trading following a Level 3 Market Decline in connection with the industry's expansion of trading hours to 23/5 Trading. Some exchanges, including the Exchange's affiliate exchange, Cboe EDGX Exchange, Inc. (''EDGX''), are planning to offer overnight trading,[3] and as a result, the uniform Level 3 Market Decline rules of each exchange are being modified, as explained further below.

Background

The MWCB mechanism under Rule 11.23 provides an important, automatic mechanism that is invoked to promote stability and investor confidence during a period of significant stress when U.S. securities markets experience extreme broad-based declines. All U.S. equity exchanges and FINRA (collectively, the self-regulatory organizations or ''SROs'') adopted uniform rules relating to the MWCB mechanism in 2012, which are designed to slow the effects of extreme price movement through coordinated trading halts across U.S. securities markets when severe price declines reach levels that may exhaust market liquidity.[4] Such market-wide circuit breakers provide for trading halts in all U.S. cash equity and equities options markets during a severe market decline as measured by a single-day decline in the S&P 500 Index during regular trading hours.

Pursuant to Rule 11.23, a market-wide trading halt will be triggered if the S&P 500 Index declines in price by specified percentages from the prior day's closing price of that index. Currently, the triggers are set at three circuit breaker thresholds: 7% (Level 1), 13% (Level 2), and 20% (Level 3). A market decline that triggers a Level 1 or Level 2 halt after 9:30 a.m. ET and before 3:25 p.m. ET would halt market-wide trading for 15 minutes, while a similar market decline at or after 3:25 p.m. ET would not halt market-wide trading. If a Level 3 Market Decline occurs at any time during the trading day, trading in all stocks will halt on the Exchange for the remainder of the trading day, and will resume the following trading day at 7:00 a.m. ET.

Proposal

The Exchange now proposes to amend Rule 11.23 to reflect extended trading hours under 23/5 Trading. On December 6, 2026, several exchanges, including EDGX, intend to offer new overnight trading sessions that would be available from 9:00 p.m. ET to 4:00 a.m. ET, significantly increasing their hours of operation in response to customer demand.

As discussed, consistent with the uniform rules in place across all SROs, current Rule 11.23(b)(2) provides that if a Level 3 Market Decline occurs at any time during the trading day, the Exchange shall halt trading in all stocks on the Exchange for the remainder of the trading day. Currently, that means that the earliest that any exchange would re-open trading after a Level 3 Market Decline is 4:00 a.m. ET the following day, since no SROs are open for trading before 4:00 a.m. ET.

Unless amended, when 23/5 Trading is launched, the current rule's reference to halting ''for the remainder of the trading day'' [5] would require SROs participating in 23/5 Trading to re-open trading at an earlier time, *i.e.,* 9:00 p.m. ET on the same calendar day, when those SROs' systems would generally become available for overnight trading. The Exchange does not believe that this is an expected or desired result and is therefore amending this rule in coordination with the other SROs such that trading on any SRO will not resume until 4:00 a.m. ET or later on the following trading day, consistent with current market practice. This proposed rule change is therefore not intended to make any substantive changes to the MWCB mechanism. Rather, the proposed rule change would preserve the current resumption time following a Level 3 Market Decline.

To effect this change, the Exchange proposes to delete the language in Rule 11.23(b)(2) that provides that trading in all stocks will halt on the Exchange ''for the remainder of the trading day'' if a Level 3 Market Decline occurs at any time during the trading day, and replace it with new language that explicitly provides that trading in all stocks would halt on the Exchange until 4:00 a.m. ET or later on the following trading day.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See, e.g.,* Securities Exchange Act Release No. 105587 (May 29, 2026), 91 FR 33238 (June 3, 2026) (SR–CboeEDGX–2026–019) (''Cboe EDGX 23/5 Trading Notice''). The Exchange does not intend to implement 23/5 Trading at this time.

[4] *See* Securities Exchange Act Release No. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–BATS–2011–038; SR–BYX–2011–025; SR–BX–2011–068; SR–CBOE–2011–087; SR–C2–2011–024; SR–CHX–2011–30; SR–EDGA–2011–31; SR–EDGX–2011–30; SR–FINRA–2011–054; SR–ISE–2011–61; SR–NASDAQ–2011–131; SR–NSX–2011–11; SR–NYSE–2011–48; SR–NYSEAmex–2011–73; SR–NYSEArca–2011–68; SR–Phlx–2011–129) (''MWCB Approval Order'').

[5] *See* Rule 11.23(b)(2).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

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.

The MWCB mechanism described in Rule 11.23 is an important, automatic mechanism that is invoked to promote stability and investor confidence during periods of significant stress when U.S. securities markets experience extreme broad-based declines. The proposed rule change, when applied uniformly by all SROs, would ensure that the current 4:00 a.m. ET resumption time following a Level 3 halt continues to apply under 23/5 Trading, notwithstanding current rule text implying that the resumption time would coincide with the start of overnight trading on SROs operating an overnight session.

Rather than leave the rule in place as is, which would result in an earlier resumption time than originally contemplated when the rule was adopted, the Exchange, the other U.S. equity exchanges, and FINRA met alongside industry representatives to determine the appropriate resumption time. Following those discussions, the collective decision was made to retain the 4:00 a.m. ET resumption time, notwithstanding the fact that an earlier resumption time would be possible with the introduction of 23/5 Trading. The proposed rule change codifies this decision into the Exchange's rules. The Exchange understands that the other SROs will also be filing similar proposed rule changes. As a result, the market as a whole, including on- and off-exchange, will continue to be subject to harmonized rules for the resumption of trading following a Level 3 Market Decline.

While the SROs had previously decided to tie the resumption time following a Level 3 halt to the earliest SRO opening time, the upcoming transition to 23/5 Trading raises various concerns that warrant a change from the current approach.

First, the Exchange notes that the MWCB mechanism was designed to provide a cooling-off period where market participants would be provided with additional time to evaluate the market events that led to the decline before determining how to position their trading activity for the next day. With the introduction of 23/5 Trading and the start of overnight trading on some SROs at 9:00 p.m. ET, however, this cooling-off period could be materially shortened, reducing one of the key benefits that the MWCB mechanism was designed to provide in the first place. Rather than shorten the cooling-off period and risk this benefit, the Exchange believes the market would be better served by a change to the length of the associated trading halt that mirrors current market practice. Under the proposed rule, as is the case today, after a Level 3 halt, all SROs would re-open trading at 4:00 a.m. ET or later, and no SRO would offer an overnight trading session starting on the day of a Level 3 halt.

Second, overnight trading may be subject to different liquidity and participation considerations than the current pre-market sessions that start at or after 4:00 a.m. ET. Notably, while retail investors have expressed interest in overnight trading, the Exchange expects that institutional investors will take more time to transition to a round-the-clock model. However, such institutional participation may be of heightened importance following a Level 3 halt, as these investors are likely to have views on the underlying market events that led to the Level 3 Market Decline in the first place. The Exchange is concerned that opening during hours that such participants do not normally trade may impact the quality of price discovery at a time of significant market volatility. Waiting until 4:00 a.m. ET to resume trading would facilitate broader participation and therefore price discovery.

Finally, the Exchange notes that the Commission recently approved an amendment to the Plan to Address Extraordinary Market Volatility (''LULD Plan'') that would establish new price protections from 9:00 p.m. ET to 4:00 a.m. ET.[8] While these price bands would help to assure a fair and orderly market during normal market conditions, it is possible that they would instead prevent normal price discovery following a Level 3 Market Decline. Rather than allowing trading to resume with such price bands in effect, which would represent a change from the current trading reopening following a Level 3 Market Decline, the Exchange believes that requiring SROs to wait until 4:00 a.m. ET or later to resume trading would ensure that price discovery can occur unimpeded during pre-market trading, as it does today, which may further inform prices going into the opening auction and regular market hours trading following a Level 3 halt.

Given the factors discussed above, the Exchange believes that trading in all securities on the Exchange should not resume before 4:00 a.m. ET on the trading day after a Level 3 halt. This decision, which the Exchange understands will also be reflected in the rules of the other SROs, would promote a fair and orderly market at a time of significant market volatility, and thereby protect investors and the public interest. In addition, while the actual Level 3 resumption time would not be changing in practice—as proposed, the current resumption time and future resumption time would both be 4:00 a.m. ET at the earliest—the Exchange believes that it is appropriate to amend its rules to ensure that its rules reflect the upcoming changes due to 23/5 Trading. Without this change, market participants may mistakenly believe that the Exchange intends for trading to re-open on overnight trading exchanges at 9:00 p.m. ET following a Level 3 halt. The proposed rule change would therefore facilitate operational transparency while providing for a fair and orderly market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across U.S. securities markets. Further, the Exchange understands that the other SROs intend to file proposed rule changes to ensure a consistent resumption time at 4:00 a.m. or later ET across markets. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on

[8] *See* Securities Exchange Act Release No. 106042 (August 5, 2026), 91 FR 51515 (August 10, 2026) (Order Granting Approval of the Twenty-Seventh Amendment to the National Market System Plan to Address Extraordinary Market Volatility to Establish Temporary Price Band Protections in Overnight Trading).

which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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–CboeEDGA–2026–030 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeEDGA–2026–030. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*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–CboeEDGA–2026–030 and should be submitted on or before October 29, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20602 Filed 10–7–26; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0133]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 17a–19 and Form X–17A–19

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17a–19 (17 CFR 240.17a–19) and Form X–17A–19 of the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17a–19 requires every national securities exchange and registered national securities association to file a Form X–17A–19 with the Commission and the Securities Investor Protection Corporation (''SIPC'') within 5 business days of the initiation, suspension, or termination of any member and, when terminating the membership interest of any member, to notify that member of its obligation to file financial reports as required by Exchange Act Rule 17a–5(b).[1] There are currently a total of 30 national securities exchanges and registered national securities associations that are potential respondents under the rule.

Commission staff anticipates that the national securities exchanges and registered national securities associations collectively will make 206 total filings annually pursuant to Rule 17a–19 and that each filing will take approximately 15 minutes. The total reporting burden is estimated to be approximately 52 total annual hours.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202607-3235-024* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by November 9, 2026.

Dated: October 6, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20669 Filed 10–7–26; 8:45 am]

BILLING CODE 8011–01–P

[1] 17 CFR 240.17a–5(b).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106595; File No. SR–ISE–2026–52]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Market Wide Risk Protection

October 5, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 25, 2026, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as 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 amend Options 3, Section 15(a)(1)(C) related to the Market Wide Risk Protection.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rulefilings,* and at the principal office of the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Options 3, Section 15(a)(1)(C) (Market Wide Risk Protection) to eliminate the existing cross-market functionality between ISE and its affiliate, Nasdaq GEMX, LLC (''GEMX'').

Background

The Market Wide Risk Protection (''MWRP'') imposes mandatory activity-based risk protections that require Members to provide parameters for order entry and order execution rate protections. The Exchange's System maintains one or more counting programs for each Member that maintain rolling counts of orders entered and contracts traded on ISE. When a Member's designated thresholds are exceeded, the System automatically rejects subsequent incoming orders and, if the Member has so elected, cancels the Member's existing orders.

Currently, Options 3, Section 15(a)(1)(C) permits Members to elect to have the Exchange maintain counting programs for orders entered and contracts traded either (i) on ISE only, or (ii) across both ISE and GEMX. Where a Member elects to apply the risk protection across both markets, a breach of the Member's threshold results in the System rejecting subsequent incoming orders, and optionally cancelling existing orders, on both ISE and GEMX.

Of the Nasdaq affiliated options exchanges,[3] only ISE and GEMX currently offer MWRP counting programs that may be applied on a cross-market basis; the corresponding rules of MRX, Phlx, NTX Options, and NOM apply MWRP on a per-exchange basis only.

Proposal

The Exchange has determined to harmonize the MWRP functionality across the Nasdaq affiliated options exchanges. Because MWRP on MRX, Phlx, NTX Options, and NOM operates on a per-exchange basis only, harmonization requires removing the cross-market functionality currently available between ISE[4] and GEMX.[5] The Exchange accordingly proposes to amend Options 3, Section 15(a)(1)(C) to delete the references that presently permit Members to elect cross-market application of the MWRP counting programs, rejection of subsequent orders, and cancellation of existing orders. Nasdaq GEMX will file a companion rule change to make conforming amendments to its Options 3, Section 15(a)(1)(C).[6]

Following the proposed amendments, all Members will apply MWRP parameters on a per-exchange basis on ISE. GEMX separately offers a MWRP rule at GEMX Options 3, Section 15(a)(1)(C) on a per-exchange basis. Members will retain the ability to configure separate risk parameters for each Nasdaq affiliated options exchange on which they are authorized to trade.

Implementation

The Exchange will announce the operative date of the proposed rule change in an Options Trader Alert. The Exchange will implement the change on or before Q2 2027.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section (6)(b)(5)[9] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that harmonizing the MWRP functionality across the Nasdaq affiliated options exchanges will remove impediments to and perfect the mechanism of a free and open market and a national market system by promoting consistent, transparent, and predictable risk-management functionality for Members that access more than one Nasdaq affiliated options exchange. Today, Members that trade across the Nasdaq affiliated options exchanges must understand and administer two different MWRP models: (i) a per-exchange model on MRX, Phlx, NTX Options, and NOM, and (ii) a hybrid model on ISE and GEMX that permits, but does not require, cross-market election. The Exchange believes that this differential treatment is a source of operational complexity that does not correspond to any material difference in the underlying risk protection provided. Aligning ISE with the per-exchange model reduces the risk of Member confusion or inadvertent misconfiguration when establishing MWRP parameters across markets.

The Exchange further believes that the proposed rule change will protect investors and the public interest by preserving the substantive risk protection provided by MWRP on ISE. All Members will remain subject to mandatory MWRP thresholds on ISE. Members will continue to have discretion to establish their own parameters, subject to Exchange-established minimum and maximum time periods and default values, and will continue to be able to use multiple counting programs to separate risk protections for different groups established within the Member. The only substantive change is that a Member's parameters on ISE will apply to that Member's activity on ISE, and will no longer aggregate with the Member's activity on GEMX. Members that wish to apply risk protections to their activity on GEMX will continue to do so pursuant to GEMX Options 3, Section 15(a)(1)(C).

Removing this election in the interest of harmonization with the four other Nasdaq affiliated options exchanges is likewise consistent with the Act. Cross-market risk aggregation on ISE and

[3] ISE has five affiliated options exchanges, GEMX; Nasdaq MRX, LLC (''MRX''); Nasdaq PHLX LLC (''Phlx''); Nasdaq Texas, LLC (''NTX Options''); and The Nasdaq Options Market LLC (''NOM'').

[4] *See* Securities Exchange Act Release No. 77875 (May 20, 2016), 81 FR 33561 (May 26, 2016) (SR–ISE–2016–08) (Order Approving Proposed Rule Change Related to Market Wide Risk Protection).

[5] *See* Securities Exchange Act Release No. 77881 (May 20, 2016), 81 FR 33565 (May 26, 2016) (SR–ISEGemini–2016–03) (Order Approving Proposed Rule Change Related to Market Wide Risk Protection).

[6] *See* SR–GEMX–2026–35.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f(b)(5).

GEMX is an available feature that Members elect (or decline) to use; withdrawing the election does not diminish the mandatory MWRP that applies to every ISE Member.

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 Exchange does not believe that the proposed rule change will impose any burden on intra-market competition because no Member will be disadvantaged relative to any other Member as a result of the proposed change. Further, Members that wish to obtain aggregated risk protection across multiple exchanges may continue to configure their own risk-management systems to that effect.

The Exchange does not believe that the proposed rule change will impose any burden on inter-market competition. Rather, removing the cross-market election will bring ISE into greater alignment with the risk-protection framework generally available in the U.S. listed options markets and will harmonize the Exchange's MWRP with that of the other Nasdaq affiliated options exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or 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 from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [10] and subparagraph (f)(6) of Rule 19b–4 thereunder.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–ISE–2026–52 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–ISE–2026–52. 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–ISE–2026–52 and should be submitted on or before October 29, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20597 Filed 10–7–26; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0705]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 30b1–8 and Form N–CR

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is submitting to the Office of Management and Budget (OMB) this request for extension of the proposed collection of information discussed below.

A money market fund is required to file Form N–CR if a portfolio security defaults, an affiliate provides financial support to the fund, or the fund experiences a significant decline in its shadow price.[1] In most cases, a money market fund is required to submit a brief summary filing on Form N–CR within one business day of the occurrence of the event, and a follow up filing within four business days that includes a more complete description and information. Compliance with rule 30b1–8 is mandatory for any fund that holds itself out as a money market fund in reliance on rule 2a 7. Responses to the disclosure requirements will not be kept confidential.

The Commission estimates that it will receive, in the aggregate, an average of 1 report per year filed on Form N–CR.[2] Taking into account a blend of legal and financial in-house professionals, as well as the additional burdens associated with the amendments,[3] we estimate that

[1] 17 CFR 270.30b1–8.

[2] The number of reports per year filed on Form N–CR, based on initial and follow-up amendment filings with the Commission in 2023–2025, was 0, 0, and 2 respectively.

[3] We have estimated the time costs for a financial manager to be $731 per hour, costs for lawyers to be $744 per hour, and costs for a computer programmer to be $416 per hour; to calculate the occupational hourly rates the Commission uses occupational mean hourly wage data from the Occupational Employment and Wage Statistics (OEWS) program of the Bureau of Labor Statistics (BLS) for [''Securities, Commodity Contracts, and Other Financial Investments and Related Activities'' (NAICS 523)] [the private sector]; *see Occupational Employment and Wage Statistics,* U.S. Bureau of Labor Statistics, *https://www.bls.gov/oes/; see also Standard Occupational Classification,* U.S. Bureau of Labor Statistics, *https://www.bls.gov/soc/* (describing occupational classification system used by BLS); Exec. Off. of the President, Off. of Mgmt. & Budget, North American Industry Classification System (2022), *available at*

a fund will spend, on average, 10.5 burden hours [4] and time costs of approximately $7,104 [5] for one report. The Commission therefore estimates that the total annual burden for Form N–CR reporting will be 10.5 burden hours and the total annual time cost will be $7,104.[6]

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202605-3235-008* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by November 9, 2026.

Dated: October 6, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20670 Filed 10–7–26; 8:45 am]

BILLING CODE 8011–01–P

https://www.census.gov/naics/reference_files_tools/2022_NAICS_Manual.pdf (describing the industry classification system used by BLS and other agencies); the mean hourly wage for each occupation is adjusted for changes in the seasonally adjusted employment cost index for private wages and salaries between the data reference period and when the data are released by BLS; *see Employment Cost Index,* U.S. Bureau of Labor Statistics, *https://www.bls.gov/eci/;* the adjusted mean hourly wage is then multiplied by a factor that accounts for nonwage costs borne by employers, such as bonuses, benefits, and overhead; this factor is calculated as an average over the 10 most recently available years of data of the ratio of the Bureau of Economic Analysis's annual gross output data for [NAICS 523] [the private sector] to total annual wages across all occupations for [NAICS 523] [the private sector] in the OEWS data; *see Gross Output by Industry,* U.S. Bureau of Economic Analysis, *https://www.bea.gov/data/industries/gross-output-by-industry; Occupational Employment and Wage Statistics,* U.S. Bureau of Labor Statistics, *https://www.bls.gov/oes/;* the final product is the occupational hourly rate; *see generally* Updated Methodology for Calculating Occupational Hourly Rates (Dec. 19, 2025), *available at https://www.sec.gov/files/method-occupational-hourly-rates.pdf.*

[4] When filing a report, the Commission estimates that a fund will spend on average approximately 4.5 hours of lawyer time, 4 hours of financial manager time, and 2 hours of computer programmer time to prepare, review and submit a filing.

[5] This estimate is based on the following calculations: (4.5 hours × $744 per hour for a lawyer = $ 3,348) + (4 hours × $731 per hour for a financial manager = $2,924) + (2 hours × $416 per hour for a computer programmer) = $7,104.

[6] This estimate is based on the following calculation: 1 reports per year × 10.5 burden hours per report = 10.5 burden hours; 1 reports per year × $ 7,104 time cost per report = $7,104 in time costs.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106597; File No. SR–IEX–2026–37]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Pursuant to IEX Rule 15.110(a) and (c) To Amend the Exchange's Fee Schedule

October 5, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 29, 2026, Investors Exchange LLC (the ''Exchange'' or ''IEX'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as 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

Pursuant to the provisions of Section 19(b)(1) under the Act,[3] and Rule 19b–4 thereunder,[4] the Exchange is filing with the Commission a proposed rule change to amend the IEX Equities Fee Schedule, pursuant to IEX Rules 15.110(a) and (c), to adopt fees for non-display use of two of its proprietary equities market data feeds, DEEP and DEEP+. Changes to the Fee Schedule pursuant to this proposal are effective upon filing,[5] and will be operative beginning on October 1, 2026.

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

The Exchange proposes to amend the Market Data Fees section of the IEX Equities Fee Schedule (''Fee Schedule'') to adopt separate fees for non-display use of its depth of book proprietary market data feeds, DEEP and DEEP+. DEEP is an uncompressed data feed [6] that provides aggregated depth of book quotations for all displayed orders resting on the Order Book at each price level, and execution information (*i.e.,* last sale information) for executions on the Exchange.[7] DEEP+ is an uncompressed data feed that provides order-by-order depth of book quotations for all displayed orders resting on the Order Book at each price level, and execution information (*i.e.,* last sale information) for executions on the Exchange.[8]

The Exchange currently charges a single flat monthly fee of $2,500 for DEEP and $3,500 for DEEP+ for Real-Time [9] access to each data feed, which covers all uses of that data feed, including non-display use. The Exchange proposes to retain those fees for access to each data feed, which it proposes to rename a ''Real-Time Access Fee'' for clarity, and to adopt a separate flat monthly fee of $2,500 for DEEP and $3,500 for DEEP+ that would cover all non-display use of the respective data feed.[10] A Data

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(1).

[4] 17 CFR 240.19b–4.

[5] 15 U.S.C. 78s(b)(3)(A)(ii).

[6] An uncompressed data feed is a transmission of raw, unprocessed data without applying compression techniques.

[7] *See* IEX Rule 11.330(a)(2).

[8] *See* IEX Rule 11.330(a)(3).

[9] ''Real-Time'' means IEX market data that is accessed, used or distributed less than fifteen (15) minutes after it was made available by the Exchange. IEX provides only Real-Time IEX market data to Data Subscribers. A Data Subscriber may redistribute Real-Time IEX market data that it receives from the Exchange on a Real-Time basis to a natural person or entity. Receipt of IEX market data on a Real-Time basis by an affiliate of a Data Subscriber is not subject to additional Fees beyond those paid by such Data Subscriber. ''Delayed IEX Market Data'' is IEX Market Data that is accessed, used or distributed at least fifteen (15) minutes after it was made available by the Exchange. *See* IEX Equities Fee Schedule—Market Data Fees (''Fee Schedule''), available at *https://www.iex.io/resources/trading/fee-schedule#MktDataFees.*

[10] The Exchange is not proposing to adopt non-display fees for its TOPS (Real-Time) data feed, nor any of the Delayed data feeds that the Exchange makes available through third-parties.

Subscriber [11] that makes any non-display use of a data feed would therefore pay both the Access Fee and the single non-display fee for that data feed. As proposed, the Exchange would only charge such a Data Subscriber once per month for the Access Fee and Non-Display Fee for the applicable data feed, and would not charge any additional fees based upon how the Data Subscriber uses the data feeds.

In the Exchange's Market Data Policies,[12] the Exchange defines non-display use as accessing, processing, or consuming Real-Time IEX Market Data for a purpose other than (i) solely facilitating a display of the Real-Time IEX Market Data or (ii) solely internally or externally distributing the Real-Time IEX Market Data. Non-display use includes, but is not limited to, using Real-Time IEX Market Data in operating a trading platform,[13] automated trading, order routing, order management, investment analysis, risk management, surveillance, compliance, and portfolio valuation.[14] A Data Subscriber would not incur the proposed non-display fees if it uses the data feeds solely to facilitate its own display of Real-Time IEX Market Data or to distribute Real-Time IEX Market Data internally or externally.[15]

The Exchange understands that Data Subscribers use real-time market data on a non-display basis for a range of revenue-generating activities, including proprietary and agency trading, automated order and quote generation, and the operation of trading platforms. Data Subscribers also use real-time market data on a non-display basis for functions that do not directly generate revenue, such as risk management, surveillance, compliance, order verification, and portfolio valuation.

As proposed, the non-display fees for each data feed would not differentiate between the various forms of non-display use that a Data Subscriber may use. The proposed fees would be in addition to the current fees the Exchange charges a Data Subscriber to gain access to the data feeds.[16] For clarity, the Exchange proposes renaming the existing fee a ''Real-Time Access Fee,'' but is not proposing any changes to those fees. In addition, the proposed non-display fees for the respective data feeds would be the same for each Data Subscriber, regardless of whether the Data Subscriber is using the data feed internally or distributing it externally in connection with its non-display use.

As of August 31, 2026, approximately 87% of current DEEP Data Subscribers and 94% of DEEP+ Data Subscribers report non-display use and would be subject to the proposed non-display fees.[17] The Exchange believes the proposed fees are reasonable when compared with the fees charged by other exchanges for non-display use of comparable market data products, notwithstanding that the other exchanges may have different fee structures. More specifically, as described in the Statutory Basis section, the total monthly amount a Data Subscriber would pay IEX for access to and non-display use of DEEP is the same as the amount charged by each of the two exchanges that offer a comparable aggregated depth of book data feed and which have a similar market share as IEX. The total monthly amount payable for access to and non-display use of DEEP+ is within the range charged by other exchanges for comparable order-by-order depth of book data feeds.

The Exchange also proposes to add a definition of ''Non-Display'' use to the Definitions subsection of the Market Data Fees section of the Fee Schedule. The proposed definition is substantively the same as the definition of non-display use in the Exchange's Market Data Policies described above, and the Exchange is not proposing to change the scope of what constitutes non-display use. The purpose of adding the definition to the Fee Schedule is to place the term that determines the applicability of the proposed fees in the same document as the fees themselves, so that a Data Subscriber can determine from the Fee Schedule alone whether a contemplated use would be subject to a non-display fee. Other exchanges have added market data definitions to their fee schedules for the same reason.[18]

The Exchange also proposes to indicate in the table in the Market Data Fees section of the Fee Schedule that it does not charge non-display fees for TOPS Feed (Real-Time), DEEP Feed (Delayed), TOPS Feed (Delayed), DEEP+ (Delayed), and Trial Usage by populating those rows in the table with ''FREE.''

Implementation

The Exchange plans to implement the proposed fee change on October 1, 2026, subject to effectiveness of this proposed rule change, in order to provide an opportunity for Data Subscribers to update their subscriptions to suit their particular market data needs. On July 2, 2026, the Exchange announced the planned implementation on October 1, 2026 of the proposed non-display fees for DEEP and DEEP+, subject to the filing and effectiveness of an SEC rule filing.[19]

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6(b) of the Act [20] in general and furthers the objectives of Section 6(b)(4) of the Act,[21] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. In addition, the Exchange believes that the proposed fee is consistent with the purposes of Section 6(b)(5) [22] of the Act in that it is designed 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 a free and open

[11] ''Data Subscriber'' means any natural person or entity that receives Real-Time IEX market data either directly from the Exchange or from another non-affiliated Data Subscriber via uncontrolled distribution where such non-affiliated Data Subscriber does not control both the entitlement to and display of the Real-Time IEX Market Data by the Data Subscriber. A Data Subscriber must enter into a Data Subscriber Agreement with IEX in order to receive Real-Time IEX market data. A natural person or entity that receives Real-Time IEX market data from an affiliated Data Subscriber is subject to the Data Subscriber Agreement of such affiliated Data Subscriber. *See* Fee Schedule, *supra* note 10.

[12] *See* IEX Market Data Policies, available at *https://www.iex.io/documents/iex-market-data-policies.*

[13] The term ''trading platform'' includes, but is not limited to, alternative trading systems (ATS's), broker crossing networks, broker crossing systems not filed as ATS's, dark pools, multilateral trading facilities, exchanges, and systematic internalization systems. *See* IEX Market Data Policies, *supra* note 13.

[14] *Id.*

[15] Internal or external distribution of the data refers solely to the transportation or dissemination to another server, location, or device. *See* IEX Market Data Policies, Section 13, *supra* note 13.

[16] The Exchange charges $2,500 per month for Real-Time access to DEEP and $3,500 per month for Real-Time access to DEEP+. *See* Fee Schedule, *supra* note 10.

[17] The Exchange requires Data Subscribers to regularly report their usage of IEX Market Data. *See* IEX Data Subscriber Agreement, Section 7, available at *https://www.iex.io/documents/iex-data-subscriber-agreement;* IEX Market Data Policies, Section 8, *supra* note 13. The reporting data included herein is as of August 31, 2026.

[18] *See e.g.,* Securities Exchange Act Release No. 100319 (June 12, 2024), 89 FR 51562 (June 18, 2024) (SR–PEARL–2024–25) (establishing market data fees and a Market Data Definitions section in the MIAX Pearl Equities Fee Schedule); Securities Exchange Act Release No. 97130 (March 13, 2023), 88 FR 16491 (March 17, 2023) (SR–MEMX–2023–04) (adopting fees for proprietary market data products and certain related definitions in the MEMX Fee Schedule).

[19] *See* IEX Trading Alert #2026–008, available at *https://notifications.iex.io/tradingalerts/40.*

[20] 15 U.S.C. 78f(b).

[21] 15 U.S.C. 78f(b)(4).

[22] 15 U.S.C. 78f(b)(5).

market and national market system, and, in general, to protect investors and the public interest, and particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange notes that use of the DEEP and DEEP+ data feeds is optional. The Exchange is not required to make its depth of book market data feeds available to Members or market data customers for non-display use, nor is any Member or customer required, either by any Exchange rule or the federal securities laws, to subscribe to or purchase non-display use of the data feeds.

The Proposed Fees Are Reasonable and Comparable to the Fees Charged by Other Exchanges for Non-Display Use of Similar Data Feeds

Based on publicly available information as of September 1, 2026, the Exchange compared the proposed fees to the non-display fees charged by other exchanges with market share similar to or lower than IEX's for similar data products. IEX's year-to-date market share as of August 31, 2026 was approximately 3.89%.[23] Based on usage data reported to IEX by current Data Subscribers, approximately 49% of current DEEP subscribers who report non-display use also report using the data feed in connection with operating a trading platform. Approximately 24% of current DEEP+ subscribers who report non-display use also report using the data feed in connection with operating a trading platform. Accordingly, the Exchange believes that the reasonableness of the proposed non-display fees is most appropriately evaluated in comparison with the aggregate of the corresponding non-display fees that other exchanges charge, rather than against any single component of another exchange's non-display fee structure.

The comparisons below present, for each category of use, the total monthly amount a Data Subscriber would pay each exchange for that use of the exchange's comparable data feed, comprised of the exchange's access or internal distribution fee plus any applicable non-display fee. The Exchange has used this approach because the proposed fees are all-inclusive, while other exchanges assess non-display charges in separate components, and a comparison limited to any single component would not reflect what a Data Subscriber actually pays.

For the reasons set forth below, the Exchange believes that the proposed fees are reasonable because they are the same as or within the range of non-display fees charged by other exchanges with similar or lower market share for similar data feeds.

DEEP (Aggregated Price-Level Depth of Book Data Feed)

The Exchange believes that the proposed fee of $2,500 per month for non-display use of DEEP is reasonable because the total monthly amount a Data Subscriber would pay for access to and non-display use of DEEP is the same as the total monthly amount charged by Cboe EDGX (''EDGX'') and Cboe BZX (''BZX'') for access to and non-display use of their comparable aggregated depth of book data feeds.[24]

Exchange	Market share (%)	Comparable data feed	Access/ internal distribution fee	Non-display fee—trading platform	Total cost
IEX	3.89	DEEP	$2,500	$2,500 (proposed)	$5,000 (proposed).
EDGX	4.35	EDGX Summary Depth	5,000	None	5,000.
BZX	3.64	BZX Summary Depth	5,000	None	5,000.

EDGX. EDGX Summary Depth is a data feed that offers aggregated two-sided quotations for all displayed orders entered into the System for up to twelve (12) price levels, and also contains last sale information, market status, trading status, and trade break messages.[25] A Data Subscriber that accesses EDGX Summary Depth and uses it for non-display purposes pays $5,000 per month.[26] EDGX does not assess a separate fee for non-display use of EDGX Summary Depth; the $5,000 monthly fee covers that use. That amount is the same as the $5,000 per month a Data Subscriber would pay IEX for access to and non-display use of DEEP. EDGX's year-to-date market share as of August 2026, approximately 4.35%.

BZX. The same is true of BZX Summary Depth, which is a data feed that offers aggregated two-sided quotations for all displayed orders entered into the System for up to twelve (12) price levels and also contains last sale information, market status, trading status, and trade break messages.[27] BZX charges $5,000 per month covering both access and non-display use of BZX Summary Depth.[28] That amount is the same as the $5,000 per month a Data Subscriber would pay IEX for access to and non-display use of DEEP, notwithstanding that BZX's year-to-date market share as of August 2026, approximately 3.64%, was approximately 6% lower than IEX's.

DEEP+ (Order-by-Order Depth of Book Data Feed)

The total monthly amount a Data Subscriber would pay IEX for access to and non-display use of DEEP+ in connection with operating a trading platform, $7,000, is within the range charged by other exchanges for the same use of their comparable order-by-order depth of book data feeds, which runs from $6,500 to $7,500. The Exchange does not draw a distinction between trading platform and other non-display use in its proposed fees; a Data Subscriber would pay the same non-display fee regardless of whether it operates a trading platform. While the other exchanges compared below charge a lower access/internal distribution fee compared to IEX's Real-Time Access

[23] Exchange market share data noted in this rule filing represents the percent of executed share volume by the relevant exchange compared to market-wide executed share volume in NMS securities (*see* Rule 600(64) of Regulation NMS) as of August 31, 2026 based on NYSE TAQ (Trade and Quote) data.

[24] The Exchange is able to compare the proposed fee for non-display use of DEEP, which provides aggregated depth of book quotations at each price level, to the fees charged by only two other exchanges because most other equities exchanges do not offer a comparable aggregated price-level depth of book data feed. EDGX and BZX each offer such a data feed, EDGX Summary Depth and BZX Summary Depth. *See* Cboe EDGX U.S. Equities Market Data Fee Schedule, Effective September 1, 2026 (''EDGX Fee Schedule''), available at *https://www.cboe.com/us/equities/membership/fee_schedule/edgx/;* Cboe BZX U.S. Equities Market Data Fee Schedule, Effective September 1, 2026 (''BZX Fee Schedule''), available at *https://www.cboe.com/us/equities/membership/fee_schedule/bzx/.*

[25] *See* EDGX Rule 13.8(f).

[26] *See* EDGX Fee Schedule, *supra* note 25.

[27] *See* BZX Rule 11.22(m).

[28] *See* BZX Fee Schedule, *supra* note 25.

Fee, their non-display fees for use by a trading platform are higher than IEX's proposed non-display fee.

Non-Display Use for a Trading Platform

Exchange	Market share (%)	Comparable data feed	Access/ internal distribution fee	Non-display fee—trading platform	Total cost
NYSE American	0.28	Integrated Feed	$2,500	$5,000	$7,500.
NYSE National	0.32	Integrated Feed	2,500	5,000	7,500.
IEX	3.89	DEEP+	3,500	3,500 (proposed)	7,000 (proposed).
EDGX	4.35	EDGX Depth	1,500	5,000	6,500.
BZX	3.64	BZX Depth	1,500	5,000	6,500.

NYSE American and NYSE National. NYSE American's Integrated Feed includes depth of book order data, last sale data, opening and closing imbalance data, security status updates (*e.g.,* trade corrections and trading halts), and stock summary messages.[29] NYSE National's Integrated Feed includes depth of book order data, last sale data, security status updates (*e.g.,* trade corrections and trading halts), and stock summary messages.[30]

Each exchange charges $7,500 per month for this use of its Integrated Feed, comprised of a $2,500 access fee and a $5,000 non-display fee for use by a trading platform,[31] or approximately 7% more than the proposed total fee for DEEP+. NYSE American and NYSE National split non-display use into three categories and assess a separate non-display fee for each category of non-display use.[32] Category 3 covers internal order matching and trading platforms, and the exchanges assess a separate non-display fee on a per-platform basis, up to a maximum of three platforms ($15,000).

In contrast, IEX would assess the proposed non-display fees once per Data Subscriber per data feed, regardless of the number of trading platforms the Data Subscriber operates. On NYSE American or NYSE National, a Data Subscriber would pay $15,000 in non-display fees to use the data feed to operate three trading platforms; the same Data Subscriber would pay $3,500 in non-display fees on IEX. In addition, both NYSE exchanges charge per-user fees for their Integrated Feed data feeds so after taking into account those per-user fees, the total costs would be even higher.[33]

Neither exchange is a peer of IEX in terms of market share. NYSE American's year-to-date market share as of August 2026 was approximately 0.28% and NYSE National's was approximately 0.32%, approximately 93% and 92% lower than IEX's, respectively. Notwithstanding their substantially lower market share, each charges more than IEX proposes to charge for non-display use of the comparable data feed in connection with operating a trading platform.

EDGX and BZX. EDGX Depth is a data feed that contains all displayed orders for listed securities trading on EDGX, order executions, order cancellations, order modifications, order identification numbers, and administrative messages.[34] BZX's TCP Depth is an uncompressed data feed that provides depth of book quotations and execution information based on equity orders entered into the System.[35] For non-display use in connection with operating a trading platform, EDGX and BYX each charge $6,500 per month of its order-by-order depth of book data feed, comprised of a $1,500 access and internal distribution fee and a separate $5,000 non-display fee for use by a trading platform.[36] In total, the non-display fee each charges for trading platform use of their data feeds that are comparable to DEEP+ is approximately 7% less than IEX's proposed fees.

Non-Display Use Other Than for a Trading Platform

The total monthly amount a Data Subscriber would pay IEX for access to and non-display use of DEEP+ other than for a trading platform, $7,000, is within the range charged by other exchanges for the same use of their comparable data feeds, which runs from $4,000 to $7,500.

Exchange	Market share (%)	Comparable data feed	Access/ internal distribution fee	Non-display fee—ex. trading platform	Total cost
NYSE American	0.28	Integrated Feed	$2,500	$5,000	$7,500.
NYSE National	0.32	Integrated Feed	2,500	5,000	7,500.
IEX	3.89	DEEP+	3,500	3,500 (proposed)	7,000 (proposed).
MIAX Pearl	0.85	Depth of Market (DoM)	2,000	2,500	4,500.
MEMX	2.22	MEMOIR Depth	1,500	2,500	4,000.

NYSE American and NYSE National. Each charges $7,500 per month for non-display use other than for a trading platform of its Integrated Feed, comprised of a $2,500 access fee and a $5,000 non-display fee, or

[29] Securities Exchange Act Release No. 74127 (January 23, 2015), 80 FR 4956 (January 29, 2015) (SR–NYSEMKT–2015–06).

[30] Securities Exchange Act Release No. 83350 (May 31, 2018), 83 FR 26332 (June 6, 2018) (SR–NYSENAT–2018–09).

[31] NYSE American LLC Equities Proprietary Market Data Fees, as of March 16, 2026 (''NYSE American Fee Schedule''), available at *https://www.nyse.com/publicdocs/nyse/data/NYSE_American_Equities_Market_Data_Fee_Schedule.pdf;* NYSE National Proprietary Market Data Fees, as of April 9, 2021 (''NYSE National Fee Schedule''), available at *https://www.nyse.com/publicdocs/nyse/data/NYSE_National_Market_Data_Fee_Schedule.pdf.*

[32] Category 1 Fees apply when a data recipient's Non-Display Use of real-time market data is on its own behalf as opposed to use on behalf of its clients. Category 2 Fees apply when a data recipient's Non-Display Use of real-time market data is on behalf of its clients as opposed to use on its own behalf. Category 3 Fees apply when a data recipient's Non-Display Use of real-time market data is for the purpose of internally matching buy and sell orders within an organization, including matching customer orders on a data recipient's own behalf and/or on behalf of its clients. *See* NYSE American Fee Schedule, footnote 1, *supra* note 32; NYSE National Fee Schedule, footnote 1, *supra* note 32.

[33] *See id.*

[34] EDGX Rule 13.8(a).

[35] BZX Rule 11.22(a).

[36] *See* EDGX Fee Schedule, *supra* note 25; BZX Fee Schedule, *supra* note 25.

approximately 7% more than the proposed total for DEEP+.[37] As noted above, both exchanges have substantially lower market share than IEX. Yet each charges more than IEX proposes to charge for the same use of comparable data products.

MIAX Pearl and MEMX. MIAX Pearl's Depth of Market Feed is a data feed containing the displayed price and displayed size of each order in an equity security entered into the System, as well as order execution information, order cancellations, order modifications, order identification numbers, and administrative messages.[38] MIAX Pearl charges $4,500 per month for non-display use other than for a trading platform of its Depth of Market data feed, comprised of a $2,000 internal distribution fee and a $2,500 non-display fee.[39] MIAX Pearl's year-to-date market share as of August 31, 2026 was 0.85%, approximately 78% lower than IEX's market share.

MEMX's MEMOIR Depth is a data feed that contains all displayed orders for listed securities trading on MEMX, order executions, order cancellations, order modifications, order identification numbers, and administrative messages.[40] MEMX charges $4,000 for non-display use other than for a trading platform of its MEMOIR Depth data feed, comprised of a $1,500 internal distributor (or access) fee and a $2,500 non-display fee.[41] MEMX's year-to-date market share as of August 2026 was 2.22%, approximately 43% lower than IEX's market share.

Non-Display Use by a Trading Platform and All Other Uses

As proposed, the total monthly fees a Data Subscriber would pay IEX for access to and non-display use of DEEP+ both in connection with operating a trading platform and all other use cases, would be $7,000. As discussed below, that amount is lower than the fees that EDGX and BZX charge for the same uses of their comparable data feeds, the same as MIAX Pearl's fees, and approximately 7% higher than MEMX's fees.

Exchange	Market share (%)	Comparable data feed	Access/ internal distribution fee	Non-display fee—trading platform	Non-display fee—ex. trading platform	Total cost
EDGX	4.35	EDGX Depth	$1,500	$5,000	$2,000	$8,500
BZX	3.64	BZX Depth	1,500	5,000	2,000	8,500
IEX	3.89	DEEP+	3,500	3,500 (proposed)		7,000
MIAX Pearl	0.85	Depth of Market (DoM)	2,000	2,500	2,500	7,000
MEMX	2.22	MEMOIR Depth	1,500	2,500	2,500	6,500

EDGX and BZX. EDGX and BZX charge $8,500 per month for non-display use in connection with operating a trading platform and all other forms of non-display use of EDGX Depth and BZX Depth,[42] or approximately 21% more than the proposed total for DEEP+. While EDGX's market share of 4.35% is slightly higher than IEX's, BZX's market share of 3.64% is slightly lower than IEX's.

MIAX Pearl. MIAX Pearl charges $7,000 per month for non-display use in connection with operating a trading platform and all other forms of non-display use of its Depth of Market data feed.[43] MIAX Pearl's year-to-date market share as of August 31, 2026 was 0.85%, approximately 78% lower than IEX's market share.

MEMX. MEMX charges $6,500 per month for non-display use in connection with operating a trading platform and all other forms of non-display use of MEMOIR Depth,[44] approximately 7% lower than the proposed total fees for DEEP+. MEMX's year-to-date market share as of August 2026 was approximately 43% lower than IEX's market share.

The Proposed Fees Are Equitably Allocated and Not Designed To Permit Unfair Discrimination

The Exchange believes that its proposed fees for non-display use of the DEEP and DEEP+ data feeds are reasonable, fair, equitable, and not designed to permit unfair discrimination. The Exchange believes the proposed fees are fair and equitable because subscribing to the DEEP and DEEP+ data feeds is optional and the fees would apply uniformly to all Data Subscribers, irrespective of their relationship with the Exchange (*i.e.,* Member, non-Member, etc.) or what type of business they operate.

The Exchange further believes that the proposed fees are equitably allocated because a Data Subscriber would incur a non-display fee only if it actually makes non-display use of the data feed. A Data Subscriber that uses DEEP or DEEP+ solely to facilitate its own display of Real-Time IEX Market Data, or solely to distribute the data internally or externally, would pay only the Access Fee for that data feed and would not incur a non-display fee. Whether a Data Subscriber incurs the proposed fees therefore turns on an objective difference in how it uses the data, which remains within each Data Subscriber's control.

The Exchange also believes the proposed fees are equitably allocated because a Data Subscriber would pay a single non-display fee per data feed, regardless of the number of non-display uses it makes of that feed or the number of trading platforms it operates using the data feed. A Data Subscriber that uses DEEP+ in connection with operating several trading platforms, and also for risk management and compliance purposes, would pay the same $7,000 per month as a Data Subscriber with a single non-display use. Several other exchanges instead assess separate non-display fees by category of use, by trading platform, or both, with the result that a Data Subscriber with multiple non-display uses pays those exchanges more than once for non-display use of the same data feed.[45] The Exchange

[37] NYSE American Fee Schedule, *supra* note 32; NYSE National Fee Schedule, *supra* note 32.

[38] MIAX Pearl Rule 2625(a)(1)(i).

[39] *See* MIAX Pearl Equities Fee Schedule, effective May 1, 2026 (''MIAX Pearl Fee Schedule''), available at *https://www.miaxglobal.com/sites/default/files/fee_schedule-files/MIAX_Pearl_Equities_Fee_Schedule_05012026_0.pdf.*

[40] MEMX Rule 13.8(a).

[41] *See* MEMX Equities Fee Schedule, Effective August 3, 2026 (''MEMX Fee Schedule''), available at *https://info.memxtrading.com/equities-trading-resources/us-equities-fee-schedule/.*

[42] *See* EDGX Fee Schedule, *supra* note 25; BZX Fee Schedule, *supra* note 25.

[43] *See* MIAX Pearl Fee Schedule, *supra* note 40.

[44] *See* MEMX Fee Schedule, *supra* note 42.

[45] *See* NYSE American Fee Schedule, *supra* note 32; NYSE National Fee Schedule, *supra* note 32; EDGX Fee Schedule, *supra* note 25; BZX Fee Schedule, *supra* note 25; and MIAX Pearl Fee Schedule, *supra* note 40.

notes that Data Subscribers that operate multiple trading platforms or make multiple categories of non-display use would benefit from the proposed fee structure relative to the fee structures of those exchanges.

Moreover, the proposed non-display fees would apply equally to all Data Subscribers. The decision to subscribe to the DEEP and DEEP+ data feeds or any other market data feed offered by IEX is within the control of any particular market participant, and each market participant has the ability to choose the market data product (or combination of products) best suited to its business objectives. Each Data Subscriber would be subject to the same non-display fee for each data feed. The proposed fees also do not favor certain categories of market participants in a manner that would impose a burden on competition because each market participant can select the market data product best suited to its needs. Thus, the Exchange believes that the proposed non-display fees of $2,500 per month for non-display use of DEEP and $3,500 per month for non-display use of DEEP+ is not designed to permit unfair discrimination.

The Exchange believes that adding the definition of ''Non-Display'' use to the Fee Schedule is reasonable, equitable, and not designed to permit unfair discrimination. The definition does not change the scope of what constitutes non-display use, which is already set out in the Exchange's Market Data Policies, and it would apply in the same manner to every Data Subscriber. Stating the definition in the Fee Schedule alongside the fees it applies to allows each Data Subscriber to determine from a single document whether a contemplated use would be subject to a non-display fee, which the Exchange believes promotes just and equitable principles of trade and removes impediments to a free and open market by providing clarity about the application of the fees.

Finally, the Exchange notes that it publicly announced the proposed fees in advance of this filing, on July 2, 2026, in order to give Data Subscribers notice and an opportunity to evaluate their subscriptions before the fees become operative.[46] The Exchange also notes that a Data Subscriber who does not wish to pay the proposed fees has alternatives. It may continue to subscribe to DEEP or DEEP+ for display or distribution purposes without incurring a non-display fee; it may use the Exchange's TOPS data feed; it may receive DEEP or DEEP+ on a Delayed basis free of charge; or it may use the consolidated data disseminated pursuant to the effective national market system plans.[47]

Accordingly, based on the foregoing analysis, IEX believes that the proposed fees for non-display use of DEEP and DEEP+ are consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[48] IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe that the proposed rule change will result in any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. Non-display use of DEEP and DEEP+ is optional. As discussed in the Statutory Basis section, each Data Subscriber that makes non-display use of a data feed would be subject to the same non-display fee for that data feed, irrespective of whether it is a Member[49] of the Exchange, what type of business it operates, or the extent of its activity, and a Data Subscriber that does not make non-display use of a data feed would not incur the fee at all. Whether the proposed fees apply to a particular Data Subscriber is a function of that Data Subscriber's use of the data, which remains within its control. Because the proposed fees would be assessed once per data feed, they do not place Data Subscribers with more extensive non-display operations at a relative disadvantage. As a result, the proposed fees also do not favor certain categories of market participants in a manner that would impose a burden on competition because each market participant can select the market data product best suited to its needs. Moreover, the Exchange will continue to make access to non-display use of DEEP and DEEP+ available to market participants on a fair and impartial basis, and on terms that are not designed to permit unfair discrimination, as discussed in the Statutory Basis section.

Further, as discussed in the Statutory Basis section, the proposed fees are the same as, or within the range of, fees charged by other exchanges for non-display use of comparable market data products, including by exchanges with market share similar to or lower than IEX. Thus, IEX does not believe that the proposed fees would operate as a barrier to entry, or impose a significant cost burden, on smaller Members or Data Subscribers.

The Exchange also does not believe that the proposed rule change will impose any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. As discussed in the Statutory Basis section, other exchanges charge fees for non-display use of comparable market data products that are equal to or higher than the fees IEX proposes, including exchanges with lower market share than IEX. Market participants are not required to subscribe to any market data feed, and are not required to use any data feed on a non-display basis. An exchange that overprices non-display use of its market data runs the risk that Data Subscribers will decline to use the data on a non-display basis or will substitute another exchange's data product or consolidated market data, and that competitive pressure constrains the Exchange in setting the proposed fees. Accordingly, the Exchange does not believe that adopting fees for non-display use of DEEP and DEEP+ will harm inter-market competition. Moreover, competing exchanges are free to adopt comparable fee structures subject to the Commission rule filing process.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii)[50] of the Act.

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)[51] of the Act to determine whether the proposed rule

[46] *See* IEX Trading Alert #2026–008, *supra* note 20.

[47] The Exchange does not charge for Delayed access to DEEP or DEEP+ or for non-display use of TOPS. *See* Fee Schedule, *supra* note 10.

[48] 15 U.S.C. 78f(b)(8).

[49] *See* Rule 1.160(s).

[50] 15 U.S.C. 78s(b)(3)(A)(ii).

[51] 15 U.S.C. 78s(b)(2)(B).

change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–IEX–2026–37 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–2026–37. 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–2026–37 and should be submitted on or before October 29, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[52]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20599 Filed 10–7–26; 8:45 am]

BILLING CODE 8011–01–P

[52] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106582; File No. SR–CboeBZX–2026–077]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 11.30 Concerning the Resumption of Trading Following a Level 3 Market-Wide Circuit Breaker Halt in Connection With the Industry's Expansion of Trading Hours to 23 Hours per Day, 5 Days per Week

October 5, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on September 23, 2026, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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

Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to amend Rule 11.30 (''Trading Halts Due to Extraordinary Market Volatility'') concerning the resumption of trading following a Level 3 market-wide circuit breaker (''MWCB'') halt (''Level 3 Market Decline'') in connection with the industry's expansion of trading hours to 23 hours per day, 5 days per week (''23/5 Trading''). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.30(b)(2) concerning the resumption of trading following a Level 3 Market Decline in connection with the industry's expansion of trading hours to 23/5 Trading. Some exchanges, including the Exchange's affiliate exchange, Cboe EDGX Exchange, Inc. (''EDGX''), are planning to offer overnight trading,[3] and as a result, the uniform Level 3 Market Decline rules of each exchange are being modified, as explained further below.

Background

The MWCB mechanism under Rule 11.30 provides an important, automatic mechanism that is invoked to promote stability and investor confidence during a period of significant stress when U.S. securities markets experience extreme broad-based declines. All U.S. equity exchanges and FINRA (collectively, the self-regulatory organizations or ''SROs'') adopted uniform rules relating to the MWCB mechanism in 2012, which are designed to slow the effects of extreme price movement through coordinated trading halts across U.S. securities markets when severe price declines reach levels that may exhaust market liquidity.[4] Such market-wide circuit breakers provide for trading halts in all U.S. cash equity and equities options markets during a severe market decline as measured by a single-day decline in the S&P 500 Index during regular trading hours.

Pursuant to Rule 11.30, a market-wide trading halt will be triggered if the S&P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See, e.g.,* Securities Exchange Act Release No. 105587 (May 29, 2026), 91 FR 33238 (June 3, 2026) (SR–CboeEDGX–2026–019) (''Cboe EDGX 23/5 Trading Notice''). The Exchange does not intend to implement 23/5 Trading at this time.

[4] *See* Securities Exchange Act Release No. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–BATS–2011–038; SR–BYX–2011–025; SR–BX–2011–068; SR–CBOE–2011–087; SR–C2–2011–024; SR–CHX–2011–30; SR–EDGA–2011–31; SR–EDGX–2011–30; SR–FINRA–2011–054; SR–ISE–2011–61; SR–NASDAQ–2011–131; SR–NSX–2011–11; SR–NYSE–2011–48; SR–NYSEAmex–2011–73; SR–NYSEArca–2011–68; SR–Phlx–2011–129) (''MWCB Approval Order'').

500 Index declines in price by specified percentages from the prior day's closing price of that index. Currently, the triggers are set at three circuit breaker thresholds: 7% (Level 1), 13% (Level 2), and 20% (Level 3). A market decline that triggers a Level 1 or Level 2 halt after 9:30 a.m. ET and before 3:25 p.m. ET would halt market-wide trading for 15 minutes, while a similar market decline at or after 3:25 p.m. ET would not halt market-wide trading. If a Level 3 Market Decline occurs at any time during the trading day, trading in all stocks will halt on the Exchange for the remainder of the trading day, and will resume the following trading day at 4:00 a.m. ET.

Proposal

The Exchange now proposes to amend Rule 11.30 to reflect extended trading hours under 23/5 Trading. On December 6, 2026, several exchanges, including EDGX, intend to offer new overnight trading sessions that would be available from 9:00 p.m. ET to 4:00 a.m. ET, significantly increasing their hours of operation in response to customer demand.

As discussed, consistent with the uniform rules in place across all SROs, current Rule 11.30(b)(2) provides that if a Level 3 Market Decline occurs at any time during the trading day, the Exchange shall halt trading in all stocks on the Exchange for the remainder of the trading day. Currently, that means that the earliest that any exchange would re-open trading after a Level 3 Market Decline is 4:00 a.m. ET the following day, since no SROs are open for trading before 4:00 a.m. ET.

Unless amended, when 23/5 Trading is launched, the current rule's reference to halting ''for the remainder of the trading day'' [5] would require SROs participating in 23/5 Trading to re-open trading at an earlier time, *i.e.,* 9:00 p.m. ET on the same calendar day, when those SROs' systems would generally become available for overnight trading. The Exchange does not believe that this is an expected or desired result and is therefore amending this rule in coordination with the other SROs such that trading on any SRO will not resume until 4:00 a.m. ET or later on the following trading day, consistent with current market practice. This proposed rule change is therefore not intended to make any substantive changes to the MWCB mechanism. Rather, the proposed rule change would preserve the current resumption time following a Level 3 Market Decline.

To effect this change, the Exchange proposes to delete the language in Rule 11.30(b)(2) that provides that trading in all stocks will halt on the Exchange ''for the remainder of the trading day'' if a Level 3 Market Decline occurs at any time during the trading day, and replace it with new language that explicitly provides that trading in all stocks would halt on the Exchange until 4:00 a.m. ET or later on the following trading day.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [7] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The MWCB mechanism described in Rule 11.30 is an important, automatic mechanism that is invoked to promote stability and investor confidence during periods of significant stress when U.S. securities markets experience extreme broad-based declines. The proposed rule change, when applied uniformly by all SROs, would ensure that the current 4:00 a.m. ET resumption time following a Level 3 halt continues to apply under 23/5 Trading, notwithstanding current rule text implying that the resumption time would coincide with the start of overnight trading on SROs operating an overnight session.

Rather than leave the rule in place as is, which would result in an earlier resumption time than originally contemplated when the rule was adopted, the Exchange, the other U.S. equity exchanges, and FINRA met alongside industry representatives to determine the appropriate resumption time. Following those discussions, the collective decision was made to retain the 4:00 a.m. ET resumption time, notwithstanding the fact that an earlier resumption time would be possible with the introduction of 23/5 Trading. The proposed rule change codifies this decision into the Exchange's rules. The Exchange understands that the other SROs will also be filing similar proposed rule changes. As a result, the market as a whole, including on- and off-exchange, will continue to be subject to harmonized rules for the resumption of trading following a Level 3 Market Decline.

While the SROs had previously decided to tie the resumption time following a Level 3 halt to the earliest SRO opening time, the upcoming transition to 23/5 Trading raises various concerns that warrant a change from the current approach.

First, the Exchange notes that the MWCB mechanism was designed to provide a cooling-off period where market participants would be provided with additional time to evaluate the market events that led to the decline before determining how to position their trading activity for the next day. With the introduction of 23/5 Trading and the start of overnight trading on some SROs at 9:00 p.m. ET, however, this cooling-off period could be materially shortened, reducing one of the key benefits that the MWCB mechanism was designed to provide in the first place. Rather than shorten the cooling-off period and risk this benefit, the Exchange believes the market would be better served by a change to the length of the associated trading halt that mirrors current market practice. Under the proposed rule, as is the case today, after a Level 3 halt, all SROs would re-open trading at 4:00 a.m. ET or later, and no SRO would offer an overnight trading session starting on the day of a Level 3 halt.

Second, overnight trading may be subject to different liquidity and participation considerations than the current pre-market sessions that start at or after 4:00 a.m. ET. Notably, while retail investors have expressed interest in overnight trading, the Exchange expects that institutional investors will take more time to transition to a round-the-clock model. However, such institutional participation may be of heightened importance following a Level 3 halt, as these investors are likely to have views on the underlying market events that led to the Level 3 Market Decline in the first place. The Exchange is concerned that opening during hours that such participants do not normally trade may impact the quality of price discovery at a time of significant market volatility. Waiting until 4:00 a.m. ET to resume trading would facilitate broader participation and therefore price discovery.

[5] *See* Rule 11.30(b)(2).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

Finally, the Exchange notes that the Commission recently approved an amendment to the Plan to Address Extraordinary Market Volatility (''LULD Plan'') that would establish new price protections from 9:00 p.m. ET to 4:00 a.m. ET.[8] While these price bands would help to assure a fair and orderly market during normal market conditions, it is possible that they would instead prevent normal price discovery following a Level 3 Market Decline. Rather than allowing trading to resume with such price bands in effect, which would represent a change from the current trading reopening following a Level 3 Market Decline, the Exchange believes that requiring SROs to wait until 4:00 a.m. ET or later to resume trading would ensure that price discovery can occur unimpeded during pre-market trading, as it does today, which may further inform prices going into the opening auction and regular market hours trading following a Level 3 halt.

Given the factors discussed above, the Exchange believes that trading in all securities on the Exchange should not resume before 4:00 a.m. ET on the trading day after a Level 3 halt. This decision, which the Exchange understands will also be reflected in the rules of the other SROs, would promote a fair and orderly market at a time of significant market volatility, and thereby protect investors and the public interest. In addition, while the actual Level 3 resumption time would not be changing in practice—as proposed, the current resumption time and future resumption time would both be 4:00 a.m. ET at the earliest—the Exchange believes that it is appropriate to amend its rules to ensure that its rules reflect the upcoming changes due to 23/5 Trading. Without this change, market participants may mistakenly believe that the Exchange intends for trading to re-open on overnight trading exchanges at 9:00 p.m. ET following a Level 3 halt. The proposed rule change would therefore facilitate operational transparency while providing for a fair and orderly market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act because the proposal would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across U.S. securities markets. Further, the Exchange understands that the other SROs intend to file proposed rule changes to ensure a consistent resumption time at 4:00 a.m. or later ET across markets. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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–CboeBZX–2026–077 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–CboeBZX–2026–077. 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–CboeBZX–2026–077 and should be submitted on or before October 29, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20601 Filed 10–7–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106586; File No. SR–NASDAQ–2026–080]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 4121 Concerning the Resumption of Trading Following a Level 3 Market-Wide Circuit Breaker Halt in Connection With the Industry's Expansion of Trading Hours to 23 Hours per Day, 5 Days per Week

October 5, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

[8] *See* Securities Exchange Act Release No. 106042 (August 5, 2026), 91 FR 51515 (August 10, 2026) (Order Granting Approval of the Twenty-Seventh Amendment to the National Market System Plan to Address Extraordinary Market Volatility to Establish Temporary Price Band Protections in Overnight Trading).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] 17 CFR 200.30–3(a)(12).

(''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 25, 2026, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Equity 4, Rule 4121(b)(ii) concerning the resumption of trading following a Level 3 market-wide circuit breaker halt. The Exchange has designated this proposal as non-controversial pursuant to Section 19(b)(3)(A)(iii) of the Act and provided the Commission with the notice required by Rule 19b–4(f)(6)(iii) thereunder.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings*, and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Equity 4, Rule 4121(b)(ii) concerning the resumption of trading following a Level 3 market-wide circuit breaker (''MWCB'') halt in connection with the extension of exchange trading hours to 23 hours per day, 5 days per week (''23–5 Trading'').[3] As discussed herein, the proposed rule change would retain the Exchange's current 4:00 a.m. ET or later resumption time following a Level 3 Market Decline,[4] notwithstanding the fact that the Exchange may otherwise begin trading at 9:00 p.m. Eastern Time (''ET'') once the Exchange has implemented 23–5 Trading.

Background

The MWCB mechanism under Equity 4, Rule 4121 provides an important, automatic mechanism that is invoked to promote stability and investor confidence during a period of significant stress when U.S. securities markets experience extreme broad-based declines. All U.S. equity exchanges and the Financial Industry Regulatory Authority (''FINRA'') (collectively, the self-regulatory organizations or ''SROs'') adopted uniform rules relating to the MWCB mechanism in 2012, which are designed to slow the effects of extreme price movement through coordinated trading halts across U.S. securities markets when severe price declines reach levels that may exhaust market liquidity.[5] Currently, market-wide circuit breaker rules provide for trading halts in all U.S. cash equities and equity options markets during a severe market decline as measured by a single-day decline in the S&P 500 Index during Regular Market Hours.

Pursuant to Equity 4, Rule 4121, a market-wide trading halt will be triggered if the S&P 500 Index declines in price by specified percentages from the prior day's closing price of that index. Currently, the triggers are set at three circuit breaker thresholds: 7% (Level 1), 13% (Level 2), and 20% (Level 3). A market decline that triggers a Level 1 or Level 2 halt after 9:30 a.m. ET and before 3:25 p.m. ET would halt market-wide trading for 15 minutes, while a similar market decline at or after 3:25 p.m. ET would not halt market-wide trading. If a Level 3 Market Decline occurs at any time during the trading day, trading in all stocks will halt on the Exchange for the remainder of the trading day and will resume the following trading day at 4:00 a.m. ET during the Pre-Market Hours Session.

Proposal

The Exchange now proposes to amend Equity 4, Rule 4121 to reflect extended trading hours, *i.e.,* 23–5 Trading. Currently, the Exchange operates three market sessions as follows: a Pre-Market Hours session from 4:00 a.m. to 9:30 a.m. ET; a Regular Market Hours session commencing at 9:30 a.m. with the execution of the Nasdaq Opening Cross and continuing until 4:00 p.m. ET; and a Post-Market Hours session commencing at 4:00 p.m. with the execution of the Nasdaq Closing Cross and continuing until 8:00 p.m. ET. During weekdays, between the hours of 8:00 p.m. and 4:00 a.m. ET, and during weekends, the Exchange is closed to trading. In connection with 23–5 Trading, however, the Exchange will offer a Night Session beginning at 9:00 p.m. ET and ending at 4:00 a.m. ET,[6] significantly increasing the Exchange's hours of operation in response to customer demand.

As discussed, current Equity 4, Rule 4121(b)(ii) provides that if a Level 3 Market Decline occurs at any time during the trading day, the Exchange shall halt trading in all stocks for the remainder of the trading day. Currently, this means the Exchange would reopen at its normal time, *i.e.,* 4:00 a.m. ET, following a Level 3 Market Decline. However, the Exchange intends to begin 23–5 Trading on December 6, 2026.[7]

Thus, unless amended, when the Exchange launches overnight trading, the current rule's reference to halting

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 34–105199 (April 10, 2026), 91 FR 20222 (April 15, 2026) (the ''23–5 Approval Order''). *See also* Exchange Rule Equity 1, Section 1(a)(19) (defining the term ''Night Session'' as the time between 9:00 p.m. on one calendar day through 4:00 a.m. the next calendar day Sunday through Thursday provided that each such next calendar day is a Business Day and further providing (1) that the Exchange shall not commence operation of the Night Session unless the Equity Data Plans have established a mechanism to collect, consolidate, process and disseminate quotation and transaction information at all times during the Night Session that is equivalent to the mechanism established for Exchange trading hours during Regular Market Hours, and have provided the Exchange with notification that they are prepared to collect, consolidate, process and disseminate quotation and transaction information to accommodate the Night Session; (2) that, prior to commencing operation during the Night Session, the Exchange will file a proposed rule change pursuant to Section 19(b) of the Exchange Act and the rules thereunder to amend its rules confirming that the Exchange is able to comply with its obligations under the Exchange Act and the rules thereunder during the Night Session and that such Equity Data Plans are prepared to collect, consolidate, process and disseminate quotation and transaction information at all times during the Night Session; and (3) that if the Night Session Proposed Rule Change is not filed within 18 months of the SEC's approval of this proposed rule change, the Exchange will promptly file a proposed rule change to remove the rules that apply to the Night Session. The Exchange anticipates that the Night Session will become operative on or about December 6, 2026).

[4] A ''Level 3 Market Decline'' means a Market Decline of 20%. *See* Exchange Rule 4121(a)(iv).

[5] *See* Securities Exchange Act Release No. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–BATS–2011–038; SR–BYX–2011–025; SR–BX–2011–068; SR–CBOE–2011–087; SR–C2–2011–024; SR–CHX–2011–30; SR–EDGA–2011–31; SR–EDGX–2011–30; SR–FINRA–2011–054; SR–ISE–2011–61; SR–NASDAQ–2011–131; SR–NSX–2011–11; SR–NYSE–2011–48; SR–NYSEAmex–2011–73; SR–NYSEArca–2011–68; SR–Phlx–2011–129) (''MWCB Approval Order'').

[6] *See supra* note 3 and accompanying text.

[7] *See id.*

''for the remainder of the trading day'' could require the Exchange to reopen at an earlier time, *i.e.,* 9:00 p.m. ET when the Exchange's systems would generally become available for the Night Session. The Exchange does not believe that this is an expected or desired result and is therefore amending this rule in coordination with the other SROs such that trading on the Exchange will not resume until 4:00 a.m. ET or later on the following trading day, consistent with coordinated market practice. This proposed rule change is therefore not intended to make any substantive changes to the MWCB mechanism. Rather, the proposed rule change would preserve the current resumption time following a Level 3 Market Decline, notwithstanding changes to the Exchange's rules that would otherwise allow the Exchange to begin trading at 9:00 p.m. ET.

To effect this change, the Exchange proposes to delete the language in Equity 4, Rule 4121(b)(ii) that provides that trading in all stocks will halt on the Exchange ''for the remainder of the'' trading day if a Level 3 Market Decline occurs at any time during the trading day and replace it with language providing that trading will not resume until 4:00 a.m. ET or later on the following trading day.[8]

The Exchange proposes to establish the operative date of the proposed rule change in coordination with other SROs and the Commission, and at such time as the Exchange determines that implementation is operationally and technologically feasible. Notice to Exchange customers will be provided by Trader Alert.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The MWCB mechanism described in Equity 4, Rule 4121 is an important, automatic mechanism that is invoked to promote stability and investor confidence during periods of significant stress when U.S. securities markets experience extreme broad-based declines. The proposed rule change would ensure that the Exchange's resumption time following a Level 3 halt continues to apply when the Exchange and various other U.S. equities exchanges begin trading on a 23–5 basis, notwithstanding current rule text implying that the resumption time would coincide with the start of overnight trading on the Exchange.

Rather than leave the rule in place as is, which could result in an earlier resumption time than originally contemplated when the rule was adopted, the Exchange, the other U.S. equity exchanges, and FINRA met alongside industry representatives to determine the appropriate resumption time. Following those discussions, the Exchange determined, in coordination with other SROs, to retain a morning resumption time, notwithstanding the fact that an earlier resumption time would be possible with the introduction of 23–5 Trading. The proposed rule change codifies this decision into the Exchange's rules. The Exchange understands that the other SROs will also be filing similar proposed rule changes. As a result, the market as a whole, including on- and off-exchange, will continue to be subject to harmonized rules for the resumption of trading following a Level 3 Market Decline.

While the SROs had previously decided to tie the resumption time following a Level 3 halt to an SRO's normal hours of operation, the upcoming transition to 23–5 Trading raises various concerns that warrant a change from the current approach.

First, the Exchange notes that the MWCB mechanism was designed to provide a cooling off period where market participants would be provided with additional time to evaluate the market events that led to the decline before determining how to position their trading activity for the next day. With the introduction of 23–5 Trading and the start of the Night Session at 9:00 p.m. ET, however, this cooling off period could be materially shortened, reducing one of the key benefits that the MWCB mechanism was designed to provide in the first place. Rather than shorten the cooling off period and risk this benefit, the Exchange believes the market would be better served by a change to the length of the associated trading halt that mirrors coordinated market practice. As is the case today, the Exchange would reopen for pre-market trading at 4:00 a.m. ET or later on the following trading day.

Second, the new Night Session may be subject to different liquidity and participation considerations than the current pre-market session. Notably, while retail investors have expressed interest in overnight trading, the Exchange expects that institutional investors will take more time to transition to a round-the-clock model. However, such institutional participation may be of heightened importance following a Level 3 halt as these investors are likely to have views on the underlying market events that led to the Level 3 Market Decline in the first place. The Exchange is concerned that opening during hours that such participants do not normally trade may impact the quality of price discovery at a time of significant market volatility. Waiting until 4:00 a.m. ET or later to resume trading would facilitate broader participation and therefore price discovery.

Finally, the Commission recently approved an amendment to the Plan to Address Extraordinary Market Volatility that would establish new price protections from 9:00 p.m. ET to 4:00 a.m. ET. While these price bands would help to assure a fair and orderly market during normal market conditions, it is possible that they would instead prevent normal price discovery following a Level 3 Market Decline. Rather than allowing trading to resume with such price bands in effect, which would represent a change from the current reopening following a Level 3 Market Decline, the Exchange believes that waiting until 4:00 a.m. ET to resume trading would ensure that price discovery can occur during pre-market trading, as it does today, which may further inform prices going into the opening auction and regular market hours trading following a Level 3 halt.

Given the factors discussed above, the Exchange believes that trading in all NMS stocks should not resume until 4:00 a.m. ET or later following a Level 3 halt. This decision, which will also be reflected in the rules of the other SROs that the Exchange understands will be amended to provide that trading will resume on or after 4:00 a.m. ET or the applicable morning resumption time depending on the normal reopening time of each SRO, would promote a fair and orderly market at a time of significant market volatility, and thereby protect investors and the public interest. In addition, while the actual Level 3 resumption time would not be changing in practice (as proposed, the current Level 3 resumption time would remain as it is today (at or after 4:00 a.m. ET)), the Exchange believes that it is appropriate to amend its rules to ensure that its rules reflect the upcoming changes to the Exchange's hours of operation. Without this change, market participants may mistakenly believe that the Exchange's intention is

[8] *See* proposed Equity 4, Rule 4121.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

to reopen the Exchange at 9:00 p.m. ET following a Level 3 halt. The proposed rule change would therefore facilitate operational transparency while providing for a fair and orderly market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across U.S. securities markets. Further, the Exchange understands that the other SROs intend to file proposed rule changes to ensure a consistent resumption time across all markets. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or 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 from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [11] and subparagraph (f)(6) of Rule 19b–4 thereunder.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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–NASDAQ–2026–080 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–NASDAQ–2026–080. 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–NASDAQ–2026–080 and should be submitted on or before October 29, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20605 Filed 10–7–26; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106594; File No. SR–NASDAQ–2026–081]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the Operative Date of SR–Nasdaq–2026–004

October 5, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 25, 2026, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as 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 modify the operative date of SR–Nasdaq–2026–004.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On July 22, 2026, the Division of Trading and Markets took action, pursuant to delegated authority,[3]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 200.30–3(a)(12).

granting approval of the proposed rule change by the Nasdaq Stock Market LLC to adopt a new Market Value of Listed Securities continued listing requirement of at least $5 million.[4] That rule change became operative upon approval.

On July 29, 2026, the Commission notified Nasdaq that it had received, pursuant to Rule 430 of the Commission's Rules of Practice[5] notices of intention to petition for review of the delegated action and that in accordance with Rule 431(e), the Commission's July 22nd Order was stayed until the Commission ordered otherwise (the ''Automatic Stay'').[6] On September 11, 2026, the Commission issued an Order granting the petitions for review, scheduling the filing of statements in support of or in opposition to the approval order, and continuing the stay pending further order of the Commission (together with the Automatic Stay, the ''Stay'').[7]

Pursuant to the approved rule change, a company becomes non-compliant with the new $5 million continued listing requirement when it fails to maintain that minimum threshold for thirty consecutive business days. The Stay creates uncertainty around the application of the rule given that certain companies were below the threshold for the period between the rule's approval and the implementation of the Automatic Stay. To eliminate any such uncertainty or confusion, Nasdaq is filing this proposed rule change to modify the operative date of SR–Nasdaq–2026–004.

As revised, the rule will become operative upon termination of the Stay and the first business day that Nasdaq will consider towards determining whether a company is non-compliant with Rules 5450(a)(3) and 5550(a)(6) (*i.e.,* in determining whether the company's Market Value of Listed Securities has been below $5 million for 30 consecutive business days) will be the business day immediately following the termination of the Stay. For example, if, hypothetically, the Stay is terminated on September 24, 2026, the first business day considered in determining whether a company is non-compliant with the $5 million Market Value of Listed Securities continued listing requirement would be September 25, 2026, and the company would first become non-compliant with the requirement if it remains below the threshold for thirty consecutive business days thereafter. For clarity, no consideration would be given to the company's market capitalization for the period between the rule's approval on July 22, 2026, and the implementation of the Automatic Stay on July 29, 2026, nor during the operation of the Stay. Of course, if the proposed rule change is ultimately disapproved by the Commission, then Nasdaq would not apply it.

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, by removing uncertainty in the application of the rule arising from the Stay. Companies and their advisors have raised questions about the proper calculation of time under the rule due to the Stay. These questions are compounded by the fact that the Market Value of Listed Securities of some companies may fluctuate during the Stay, such that a company may be above the $5 million threshold for periods during the Stay but not upon its termination. Given the short period between the rule's approval and the implementation of the Automatic Stay, and the length of time that the Stay has been in effect, Nasdaq believes that modifying the operative date so that the rule becomes operative only following termination of the Stay will protect investors and the public interest by removing any uncertainty or confusion around the operation of the rule, which would otherwise operate as an impediment to the mechanism of a free and open market and a national market system.

Nasdaq also believes that this proposed change to the operative date will have no impact on the conclusion in the July 22nd Order that the approved rule change provides a fair procedure for the prohibition or limitation by the Exchange of any person with respect to access to services offered, as required by Section 6(b)(7) of the Act.[10] All aspects of a company's ability to seek review of a Staff Delisting Determination by the Hearings Panel, as discussed in the July 22nd Order, remain unaffected by the proposed change in the operative date.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed operative date change does not impose any burden on competition between exchanges as it merely effects a Nasdaq rule. The proposed operative date change also does not impose any burden on competition among listed companies because the new operative date will be applied to all companies in the same way.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or 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 from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[11] and subparagraph (f)(6) of Rule 19b–4 thereunder.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[4] Exchange Act Release 105971 (July 22, 2026), 91 FR 46995 (July 27, 2026) (the ''July 22nd Order'').

[5] 17 CFR 201.430.

[6] Letter from J. Matthew Delesdernier, Office of the Secretary, SEC, to Nikolai Utochkin, Senior Counsel, Listing and Governance, Nasdaq, available at *https://www.sec.gov/files/rules/sro/nasdaq/2026/letter-deputy-secretary-regarding-sr-nasdaq-2026-004.pdf.*

[7] Exchange Act Release 106338 (September 11, 2026), 91 FR 58499 (September 15, 2026).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78f(b)(7).

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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–NASDAQ–2026–081 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–NASDAQ–2026–081. 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–NASDAQ–2026–081 and should be submitted on or before October 29, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20596 Filed 10–7–26; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106588; File No. SR–CboeBYX–2026–036]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.22(g)

October 5, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 28, 2026, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The 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

Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') proposes to amend Rule 11.22(g) to remove the Last Sale market data feed (the ''Last Sale Feed'') and to amend the Exchange's fee schedule to remove all fees associated with the Last Sale Feed. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/byx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to sunset the Last Sale Feed at a later date to be announced via Exchange Notice. By way of background, the Last Sale Feed is a market data feed that disseminates execution information for equity orders entered into the Exchange's System. The Last Sale Feed is referenced in Rule 11.22(g) and has associated fees set forth in the Exchange's fee schedule. To facilitate sunsetting this feed, the Exchange proposes to amend Rule 11.22(g) to remove the Last Sale Feed and to amend the fee schedule to remove all fees associated with the Last Sale Feed upon the implementation of this proposed change. Lastly, the Exchange also proposes to remove from its Fee Schedule the reference to a complimentary Last Sale Feed offering when a subscriber takes in the BYX Top Feed as the Last Sale Feed will no longer be offered.

The Exchange is not required to offer any market data feed, including the Last Sale Feed. The Exchange notes that all information disseminated via the Last Sale Feed is available through other Exchange market data feeds, including the BYX Top and BYX Depth Market Data Feeds, making the Last Sale Feed redundant. Given this redundancy, the Exchange has determined that continuing to maintain the Last Sale Feed is no longer warranted. For all market data feeds the Exchange offers, the Exchange must maintain and provide technical support for these optional market data offerings. As such, the Exchange does not believe it is beneficial to continue expending resources to maintain a redundant product when the same information is readily accessible through alternative feeds. The Exchange will announce the specific sunset date via Exchange Notice within 90 days after the date this filing is submitted to the Commission.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[3] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[4] requirements that the rules of

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change is consistent with Section 6(b)(5) of the Act because it removes an impediment to and perfects the mechanism of a free and open market and a national market system by eliminating a redundant market data product while preserving access to all execution information disseminated by that product through alternative feeds, such as BYX Top and BYX Depth Market Data Feeds. As noted above, all information currently provided via the Last Sale Feed remains fully available through these alternative feeds, and the Exchange has determined that continuing to maintain a redundant product is no longer warranted. Because the Last Sale Feed is not required to be offered and no data that is not otherwise available will be removed, the proposal will not disadvantage any market participant or impair the protection of investors or the public interest. The proposal applies equally to all market participants and is not designed to permit unfair discrimination among customers, issuers, brokers, or dealers. In addition, sunsetting the Last Sale Feed will reduce the operational burden associated with maintaining this product, allowing the Exchange to focus its resources on other market data products.

The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[6] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. Removing the Last Sale Feed and its associated fees provides for the equitable allocation of reasonable dues, fees, and other charges because the Exchange will not charge for a product it no longer offers, and all similarly situated market participants are affected equally. By removing the fees associated with the Last Sale Feed from its fee schedule (on the effective date of removal), the Exchange provides clarity to participants on what market data feeds are available for purchase.

The Exchange notes, however, that subscribers that currently receive the Last Sale Feed may wish to purchase an alternative data feed through the Exchange. More specifically, a subscriber may choose to purchase BYX Top in lieu of the Last Sale Feed they previously received. For Internal Distributors, there is no difference in fees between BYX Top and Last Sale.[7] Meaning, that an Internal Distributor who previously subscribed to Last Sale may now subscribe to BYX Top at no further cost. Additionally, an External Distributor to BYX Top may receive this at the same cost, or less than the price it pays for the Last Sale Feed.[8] As there is no increase in fees for a subscriber that currently receives Last Sale and chooses to instead subscribe to BYX Top, the Exchange believes the proposed rule change is reasonable.

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 proposal will discontinue a redundant Exchange market data product, apply equally to all market participants, and leave the underlying execution information available through other Exchange market data feeds. Accordingly, the proposal does not impose an unnecessary or inappropriate burden on competition.

The proposal is a discontinuation of a redundant Exchange product and does not burden competition among exchanges. It does not restrict any other exchange from offering its own market data products, and other exchanges remain free to offer their own data products on the terms they determine.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6)[10] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the 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–CboeBYX–2026–036 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–CboeBYX–2026–036. 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

[5] *Id.*

[6] 15 U.S.C. 78f(b)(4).

[7] For both feeds the following fees are applicable for Internal Distribution: Distribution Fee: $500/month; Professional User Fee: $0/month; and Non-Professional User Fee: $0/month. See BYX Equities Fee Schedule.

[8] The Distribution Fee for External Distribution is $1,000 for Last Sale and $250 for Top. The Following fees are applicable for External Distributions for both feeds: Professional User Fee $1.00/month; Non-Professional User Fee: $0.025/month; Enterprise Fee: $10,000/month; and Digital Media Enterprise Fee: $2,500/month. See BYX Equities Fee Schedule.

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

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–CboeBYX–2026–036 and should be submitted on or before October 29, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20592 Filed 10–7–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0793]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Regulation SE

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Regulation SE (17 CFR 242.800 *et seq.*), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Regulation SE provides for the registration and regulation of security-based swap execution facilities (''SBSEFs'') and addressed other issues relating to security-based swap (''SBS'') execution generally. Key rules within Regulation SE include Rule 803, which establishes a process for SBSEF registration; Rules 804 to 810, which establish procedures for rule and product filings by SBSEFs; Rules 818 to 831, which implement the 14 Core Principles for SBSEFs set forth in Section 3D(d) of the SEA; Rules 832 to 833, which address cross-border matters relating to SBS execution; and Rule 834, which impose requirements addressing conflicts of interest involving SBSEFs and SBS exchanges, as required by Section 765 of the Dodd-Frank Act.

Regulation SE contains 12 collections of information. The Commission estimates that the total annual hour burden for Regulation SE, for all respondents, is approximately 4,920 hours per year. A detailed break-down of the burdens applicable to each type of entity is provided in the supporting statement.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to *PaperworkReductionAct@sec.gov* by December 7, 2026.

Dated: October 5, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20616 Filed 10–7–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106590; File No. SR–CboeEDGA–2026–032]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 13.8(d)

October 5, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 28, 2026, Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as 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

Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') proposes to amend Rule 13.8(d) to remove the Last Sale market data feed (the ''Last Sale Feed'') and to amend the Exchange's fee schedule to remove all fees associated with the Last Sale Feed. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/edga/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant 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 sunset the Last Sale Feed at a later date to be announced via Exchange Notice. By way of background, the Last Sale Feed is a market data feed that disseminates execution information for equity orders entered into the Exchange's System. The Last Sale Feed is referenced in Rule 13.8(d) and has associated fees set forth in the Exchange's fee schedule. To facilitate sunsetting this feed, the Exchange proposes to amend Rule 13.8(d) to remove the Last Sale Feed and

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

to amend the fee schedule to remove all fees associated with the Last Sale Feed upon the implementation of this proposed change.

The Exchange is not required to offer any market data feed, including the Last Sale Feed. The Exchange notes that all information disseminated via the Last Sale Feed is available through other Exchange market data feeds, including the EDGA Top and EDGA Depth Market Data Feeds, making the Last Sale Feed redundant. Given this redundancy, the Exchange has determined that continuing to maintain the Last Sale Feed is no longer warranted. For all market data feeds the Exchange offers, the Exchange must maintain and provide technical support for these optional market data offerings. As such, the Exchange does not believe it is beneficial to continue expending resources to maintain a redundant product when the same information is readily accessible through alternative feeds. The Exchange will announce the specific sunset date via Exchange Notice within 90 days after the date this filing is submitted to the Commission.

The Exchange notes, however, that subscribers that currently receive the Last Sale Feed may wish to purchase an alternative data feed through the Exchange. More specifically, a subscriber may choose to purchase EDGA Top in lieu of the Last Sale Feed they previously received. For both Internal Distributors and External Distributors, there is no difference in fees between EDGA Top and Last Sale.[3] Meaning, that an Internal or External Distributor who previously subscribed to Last Sale may now subscribe to EDGA Top at no further cost. As there is no increase in fees for a subscriber that currently receives Last Sale and chooses to instead subscribe to EDGA Top, the Exchange believes the proposed rule change is reasonable.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change is consistent with Section 6(b)(5) of the Act because it removes an impediment to and perfects the mechanism of a free and open market and a national market system by eliminating a redundant market data product while preserving access to all execution information disseminated by that product through alternative feeds, such as EDGA Top and EDGA Depth Market Data Feeds. As noted above, all information currently provided via the Last Sale Feed remains fully available through these alternative feeds, and the Exchange has determined that continuing to maintain a redundant product is no longer warranted. Because the Last Sale Feed is not required to be offered and no data that is not otherwise available will be removed, the proposal will not disadvantage any market participant or impair the protection of investors or the public interest. The proposal applies equally to all market participants and is not designed to permit unfair discrimination among customers, issuers, brokers, or dealers. In addition, sunsetting the Last Sale Feed will reduce the operational burden associated with maintaining this product, allowing the Exchange to focus its resources on other market data products.

The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[7] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. Removing the Last Sale Feed and its associated fees provides for the equitable allocation of reasonable dues, fees, and other charges because the Exchange will not charge for a product it no longer offers, and all similarly situated market participants are affected equally. By removing the fees associated with the Last Sale Feed from its fee schedule (on the effective date of removal), the Exchange provides clarity to participants on what market data feeds are available for purchase.

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 proposal will discontinue a redundant Exchange market data product, apply equally to all market participants, and leave the underlying execution information available through other Exchange market data feeds. Accordingly, the proposal does not impose an unnecessary or inappropriate burden on competition.

The proposal is a discontinuation of a redundant Exchange product and does not burden competition among exchanges. It does not restrict any other exchange from offering its own market data products, and other exchanges remain free to offer their own data products on the terms they determine.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6)[9] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the

[3] For both feeds the following fees are applicable for Internal Distribution: Distribution Fee: $0/month; Professional User Fee: $0/month; and Non-Professional User Fee: $0/month. Additionally, the following fees are applicable for External Distribution: Distribution Fee: $0/month; Professional User Fee: $1.00/month; Non-Professional User Fee: $0.025/month; Enterprise Fee: $10,000/month; and Digital Media Enterprise Fee: $2,500/month. *See* EDGA Equities Fee Schedule.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] *Id.*

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the 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–CboeEDGA–2026–032 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeEDGA–2026–032. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeEDGA–2026–032 and should be submitted on or before October 29, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20594 Filed 10–7–26; 8:45 am]

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[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106589; File No. SR–CboeBZX–2026–080]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.22(g)

October 5, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 28, 2026, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as 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

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') proposes to amend Rule 11.22(g) to remove the Last Sale market data feed (the ''Last Sale Feed'') and to amend the Exchange's fee schedule to remove all fees associated with the Last Sale Feed. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to sunset the Last Sale Feed at a later date to be announced via Exchange Notice. By way of background, the Last Sale Feed is a market data feed that disseminates execution information for equity orders entered into the Exchange's System. The Last Sale Feed is referenced in Rule 11.22(g) and has associated fees set forth in the Exchange's fee schedule. To facilitate sunsetting this feed, the Exchange proposes to amend Rule 11.22(g) to remove the Last Sale Feed and to amend the fee schedule to remove all fees associated with the Last Sale Feed upon the implementation of this proposed change. Lastly, the Exchange also proposes to remove from its Fee Schedule the reference to a complimentary Last Sale Feed offering when a subscriber takes in the BZX Top Feed as the Last Sale Feed will no longer be offered.

The Exchange is not required to offer any market data feed, including the Last Sale Feed. The Exchange notes that all information disseminated via the Last Sale Feed is available through other Exchange market data feeds, including the BZX Top and BZX Depth Market Data Feeds, making the Last Sale Feed redundant. Given this redundancy, the Exchange has determined that continuing to maintain the Last Sale Feed is no longer warranted. For all market data feeds the Exchange offers, the Exchange must maintain and provide technical support for these optional market data offerings. As such, the Exchange does not believe it is beneficial to continue expending resources to maintain a redundant product when the same information is readily accessible through alternative feeds. The Exchange will announce the specific sunset date via Exchange Notice within 90 days after the date this filing is submitted to the Commission.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[3] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[4] requirements that the rules of

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change is consistent with Section 6(b)(5) of the Act because it removes an impediment to and perfects the mechanism of a free and open market and a national market system by eliminating a redundant market data product while preserving access to all execution information disseminated by that product through alternative feeds, such as BZX Top and BZX Depth Market Data Feeds. As noted above, all information currently provided via the Last Sale Feed remains fully available through these alternative feeds, and the Exchange has determined that continuing to maintain a redundant product is no longer warranted. Because the Last Sale Feed is not required to be offered and no data that is not otherwise available will be removed, the proposal will not disadvantage any market participant or impair the protection of investors or the public interest. The proposal applies equally to all market participants and is not designed to permit unfair discrimination among customers, issuers, brokers, or dealers. In addition, sunsetting the Last Sale Feed will reduce the operational burden associated with maintaining this product, allowing the Exchange to focus its resources on other market data products.

The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[6] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. Removing the Last Sale Feed and its associated fees provides for the equitable allocation of reasonable dues, fees, and other charges because the Exchange will not charge for a product it no longer offers, and all similarly situated market participants are affected equally. By removing the fees associated with the Last Sale Feed from its fee schedule (on the effective date of removal), the Exchange provides clarity to participants on what market data feeds are available for purchase.

The Exchange notes, however, that subscribers that currently receive the Last Sale Feed may wish to purchase an alternative data feed through the Exchange upon the Last Sale Feed being decommissioned. More specifically, a subscriber may choose to purchase BZX Top in lieu of the Last Sale Feed they previously received. Presuming that is the case, for Internal Distributors, there is a small difference in fees between BZX Top and Last Sale.[7] Meaning, that an Internal Distributor who previously subscribed to Last Sale may now subscribe to BZX Top at an incremental increase. While there is an increase in price, the Exchange notes that the BZX Top Feed also contains top of book quotations (a data point that the Last Sale Feed does not contain). In contrast, an External Distributor to BZX Top may receive BZX Top at the same price as the Last Sale Feed.[8] As there is no increase in fees for External Distributors, and only a modest increase for Internal Distributors that currently receive Last Sale and choose to instead subscribe to BZX Top, the Exchange believes the proposed rule change is reasonable.

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 proposal will discontinue a redundant Exchange market data product, apply equally to all market participants, and leave the underlying execution information available through other Exchange market data feeds. Accordingly, the proposal does not impose an unnecessary or inappropriate burden on competition.

The proposal is a discontinuation of a redundant Exchange product and does not burden competition among exchanges. It does not restrict any other exchange from offering its own market data products, and other exchanges remain free to offer their own data products on the terms they determine.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6)[10] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the 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–CboeBZX–2026–080 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.

[5] *Id.*

[6] 15 U.S.C. 78f(b)(4).

[7] For BZX Last Sale, the following fees apply for Internal Distribution: Distribution Fee: $500/month; Professional User Fee: $0/month; and Non-Professional User Fee: $0/month. In contrast, the BZX Top Fees for Internal Distribution are as follows: Distribution Fee: $750/month; Professional User Fee: $4/month; and Non-Professional User Fee: $0/month. See BZX Equities Fee Schedule.

[8] The Following fees are applicable for External Distributions for both feeds: Distribution Fee: $2,500/month; Professional User Fee $4.00/month; Non-Professional User Fee: $0.10/month; Enterprise Fee: $15,000/month; and Digital Media Enterprise Fee: $2,500/month. See BZX Equities Fee Schedule.

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

All submissions should refer to file number SR–CboeBZX–2026–080. 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–CboeBZX–2026–080 and should be submitted on or before October 29, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20593 Filed 10–7–26; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21751 and #21752; WEST VIRGINIA Disaster Number WV–20027]

Presidential Declaration Amendment of a Major Disaster for the State of West Virginia

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of West Virginia (FEMA–4932–DR), dated August 3, 2026.

Incident: Severe Storms, Straight-line Winds, Tornadoes, Flooding, Landslides, and Mudslides.

DATES: Issued on October 2, 2026.

Incident Period: July 21, 2026 through July 22, 2026.

Physical Loan Application Deadline Date: October 17, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: May 3, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Shaquille Lewis, Office of Disaster Recovery, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of West Virginia, dated August 3, 2026, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to October 17, 2026.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery.

[FR Doc. 2026–20667 Filed 10–7–26; 8:45 am]

BILLING CODE 8026–09–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[USTR–2026–0661]

Request for Comments on the Effect of the European Union's Carbon Border Adjustment Mechanism and the Proposals To Expand Coverage on U.S. Trade

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments.

SUMMARY: The Office of the United States Trade Representative (USTR) invites comments regarding the current and potential impact of the European Union's (EU) Carbon Border Adjustment Mechanism (CBAM) on U.S. producers, including small- and medium-sized producers; workers; U.S. direct and indirect exports; and overall U.S. trade with the EU. Under CBAM, EU importers of products covered by the CBAM (covered products) in the aluminum, cement, electricity, fertilizer, hydrogen, and iron and steel sectors are required to declare information on carbon dioxide and other specified greenhouse gas emissions generated in the production of imported goods and to purchase CBAM certificates based on the amount of that embedded carbon. The EU began the full implementation of CBAM on January 1, 2026. The EU is also considering legislative proposals to expand CBAM coverage to downstream steel- and aluminum-intensive products. USTR is seeking comments on the impact of the CBAM on U.S. trade with the EU, as well as the potential impact of the EU's proposals to expand CBAM coverage. Such comments will help inform continued USTR and U.S. government engagement with the EU on CBAM.

DATES: The deadline for submission of comments is November 9, 2026.

ADDRESSES: Submit written comments in response to this notice on *regulations.gov.* Follow the instructions for submission in section III below. The docket number is USTR–2026–0661. For alternatives to online submissions, please contact Timothy Wedding, at *twedding@ustr.eop.gov* or (202) 395–6072.

FOR FURTHER INFORMATION CONTACT: Timothy Wedding, at *twedding@ustr.eop.gov* or (202) 395–6072.

SUPPLEMENTARY INFORMATION:

I. Background on the EU CBAM

The EU's CBAM is a carbon pricing mechanism that requires EU importers of covered products in the aluminum, cement, electricity, fertilizer, hydrogen, and iron and steel sectors to declare the embedded emissions (carbon dioxide and other specified greenhouse gas emissions generated in production) of the imported goods. Importers are then required to purchase CBAM certificates. The price of the certificates is based on the EU Emissions Trading System (ETS) allowance auction prices. According to the EU, the CBAM is intended to apply to imported goods a carbon price that is equivalent to the carbon price that EU producers pay under the ETS on domestically produced goods. To provide information on the embedded emissions generated in the production of imported goods, EU importers must either gather this information from foreign producers (*e.g.,* U.S. producers of covered products that are exported to the EU) or, when company-level data is not available, use EU-provided default values. The EU calculates the default values using country- and sector-level production and energy data to estimate the emissions intensity across countries and sectors. However, the EU adds a punitive mark-up that increases the overall values, in order to encourage the use of company-level data. CBAM requires that any company-level data provided must be verified by an EU-accredited third-party verifier.

The EU's CBAM legislation was enacted in 2023 (Regulation (EU) 2023/956). Following a transition period, CBAM entered into full operation (the ''definitive regime'' or ''definitive phase'') on January 1, 2026. While EU importers of covered products are not required to begin paying CBAM obligations until September 2027, all covered products that are imported on

[11] 17 CFR 200.30–3(a)(12).

or after January 1, 2026 are accruing financial obligations based on their embedded emissions; and importers are required to, *inter alia,* maintain accurate records of embedded emissions per ton of product, carbon price already paid in the country of production, and supplier information. (For more information on the EU's CBAM, including the current product coverage, see *https://taxation-customs.ec.europa.eu/carbon-border-adjustment-mechanism_en.*)

In December 2025, the European Commission issued a legislative proposal to expand CBAM coverage to additional iron and steel products and a new sector of ''combined metal products'' that include over a hundred downstream steel- and aluminum-intensive goods. The Commission's proposal also included new anti-circumvention provisions. The Commission's *Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2023/956 as regards the extension of its scope to downstream goods and anti-circumvention measures* can be found here (see Annex 1 for the list of proposed products): *https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52025PC0989.*

In June 2026, the Council of the EU, and in September 2026, the European Parliament adopted their positions on the Commission's legislative proposal. Both the Council and the Parliament expanded the list of covered products beyond the Commission's proposal. The Council's position would add over 300 products, and the Parliament's position would add approximately 400 products to the existing CBAM covered products. The Council's *Draft Regulation of the European Parliament and of the Council amending Regulation (EU) 2023/956 as regards the extension of its scope to downstream goods and anti-circumvention measures—General approach* can be found here (see Annex 1 for the list of proposed products): *https://data.consilium.europa.eu/doc/document/ST-10423-2026-INIT/en/pdf.*

The Parliament's *Amendments adopted by the European Parliament on 15 September 2026 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2023/956 as regards the extension of its scope to downstream goods and anti-circumvention measures (COM(2025)0989–C10–0352/2025–2025/0419(COD))* can be found here: *https://www.europarl.europa.eu/doceo/document/TA-10-2026-0276_EN.html.*

Before the proposals become adopted into law, the three EU institutions (the Commission, Council, and Parliament) will need to engage in ''trilogue'' negotiations to reconcile any difference in positions, and then formally approve the legislation, which may occur later this year.

II. Topics on Which USTR Seeks Information

USTR is seeking comments on:

(1) CBAM's *current impact* on the costs, regulatory burden, and access to the EU's market for U.S. producers, including small- and medium-sized producers; workers; direct and indirect exports; and overall trade with the EU;

(2) The *potential impact* of the EU's three proposals (the Commission, Council and Parliament proposals) to expand CBAM coverage to additional products on the costs, processes, and access to the EU's market for U.S. producers, including small- and medium-sized producers; workers, direct and indirect exports; and overall trade with the EU;

(3) Whether CBAM and the EU's three proposals (the Commission, Council and Parliament proposals) disadvantage, advantage, or have other impacts and potential impacts on U.S. companies as compared to EU companies or third-country companies; and

(4) Whether and what enforcement action may be appropriate to remedy any negative effects of CBAM.

Such comments may provide specific issues of concern or challenges related to complying with CBAM, economic analyses or data, and suggestions for changes to CBAM to address these issues. Such comments may identify whether or explain how CBAM acts as a trade barrier or limits opportunities in the EU market or provides advantages to EU companies. Such comments may also include specific products, trade values, loss of sales, impact on jobs, or other details to help USTR assess the impact of CBAM on U.S. producers, workers, exports, and overall trade with the EU. Such comments may also include information on the size of the producer (*e.g.,* whether the producer is a micro-, small- or medium-sized business), geographic location of production, and any other relevant information to help USTR assess the potential impacts of CBAM on U.S. producers, workers, and exports.

III. Submission Instructions

To be assured of consideration, submit your written comments by the November 9, 2026, 11:59 p.m. ET deadline. All submissions must be in English. USTR strongly encourages submissions via *Regulations.gov,* using the Docket Number USTR–2026–0661.

To submit via *Regulations.gov,* use Docket Number USTR–2026–0661 in the 'search for' field on the home page and click 'search.' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting 'notice' under 'document type' in the 'refine documents results' section on the left side of the screen and click on the 'comment' link.

Regulations.gov allows users to make submissions by filling in a 'type comment' field, or by attaching a document using the 'upload file' filed. USTR prefers that you provide submissions in an attached document and note ''see attached comments with respect to CBAM'' in the 'comment' field on the online submission form. The first page of the submission should identify 'Comments Regarding CBAM.' USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If you use an application other than those two, please indicate the name of the application in the 'type comment' field.

You will receive a tracking number upon completion of the submission procedure at *Regulations.gov.* The tracking number is confirmation that *Regulations.gov* received your submission. Keep the confirmation number for your records. USTR is not able to provide technical assistance for *Regulations.gov.*

For further information on using *Regulations.gov,* please consult the resources provided on the website by clicking on 'How to Use *Regulations.gov*' on the bottom of the home page. USTR may not consider submissions that you do not make in accordance with these instructions.

If you are unable to provide submissions as requested, please contact Timothy Wedding, in advance of the deadline at *twedding@ustr.eop.gov* or 202–395–6072 to arrange for an alternative method of transmission. USTR will not accept hand-delivered submissions.

General information concerning USTR is available at *https://www.ustr.gov.*

IV. Business Confidential Information (BCI) Submissions

If you ask USTR to treat information you submit as BCI, you must certify that the information is business confidential and you would not customarily release it to the public. For any comments submitted electronically containing BCI, the file name of the business confidential version should begin with the characters ''BCI.'' You must clearly mark any page containing BCI with ''BUSINESS CONFIDENTIAL'' on the top of that page. Filers of submissions

containing BCI also must submit a public version that will be placed in the docket for public inspection. The file name of the public version should begin with the character ''P.'' Follow the ''BCI'' and ''P'' with the name of the person or entity submitting the comments.

V. Public Viewing of Review Submissions

USTR will post written submissions in the docket for public inspection, except properly designated BCI. You can view comments on *Regulations.gov* by entering Docket Number USTR–2026–0661 in the search field on the home page.

Amy Kreps,

Acting Assistant United States Trade Representative for Environment and Natural Resources, Office of the United States Trade Representative.

[FR Doc. 2026–20615 Filed 10–7–26; 8:45 am]

BILLING CODE 3390–F4–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2026–9043; Summary Notice No. 2026–23]

Petition for Exemption of the Terms of the Order Limiting Scheduled Operations at LaGuardia Airport

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

ACTION: Notice of grant of petition with condition.

SUMMARY: Federal Aviation Administration (FAA) is granting JetBlue Airways Corporation's (JetBlue) and Spirit Airlines, LLC's (Spirit) (together, the carriers) joint petition for an exemption from the prohibition on transferring Operating Authorizations (slots) at LaGuardia Airport (LGA) beyond the duration of the applicable order. The relief permits the carriers to consummate a transaction in which Spirit would transfer to JetBlue 22 slots at LGA. The relief is granted on the condition that JetBlue is prohibited from leasing or trading any of those 22 slots to any carrier until after April 2028.

DATES: This exemption is effective October 8, 2026.

FOR FURTHER INFORMATION CONTACT: *Nondie.R.Hemphill@faa.gov,* Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, at 202–267–9677.

SUPPLEMENTARY INFORMATION:

The Proposed Transaction and the Exemption Request

FAA limits the number of scheduled and unscheduled operations during peak hours at LGA pursuant to an Order that was originally published in December 2006 and extended several times since (the Order).[1] The Order allocates slots to carriers and establishes rules for the use and operation of slots. The Order allows for a temporary lease or trade for consideration of a slot between carriers, subject to FAA approval, provided the transfer does not extend beyond the duration of the Order. The Order prohibits the sale or purchase of slots.[2] The only way for a carrier to transfer a slot at LGA beyond the duration of the Order and any extension(s) thereof is through an exemption from the Order.

Spirit ceased all passenger operations on May 2, 2026, and began a wind-down and liquidation. Spirit, therefore, ceased operating its 22 slots at LGA. Based on the unique circumstances of this case, FAA granted relief from the use-or-lose requirements to allow Spirit to continue holding the slots and pursue an appropriate sale via the bankruptcy process—subject to further review and approval by FAA. On June 22, 2026, the U.S. Bankruptcy Court for the Southern District of New York approved competitive bidding and auction procedures for the disposition of Spirit's assets, including the 22 slots.[3] JetBlue participated in and became the ''Successful Bidder'' for the slots at the conclusion of the auction. Spirit notified interested parties of the auction's results through the bankruptcy proceeding. At a hearing on July 22, 2026, the Bankruptcy Court approved the transfer subject to necessary regulatory approvals.

On July 23, 2026, JetBlue and Spirit petitioned the Department of Transportation (the Department) and FAA for an exemption from the prohibition on transferring slots beyond the duration of the Order at LGA.[4] The carriers requested, in part, an exemption to allow them to consummate a transaction in which Spirit would sell 22 slots to JetBlue. JetBlue also requested relief from the use-or-lose requirements in the Order through April 2027 due to the need to address administrative and operational factors prior to conducting operations.

FAA's Tentative Determination

On August 31, 2026, FAA published a ''Notice of petition for exemption and solicitation of comments on grant of petition with conditions'' (Notice).[5] In the Notice, FAA tentatively approved the proposed transfer subject to a condition prohibiting JetBlue from trading or leasing the slots until after April 2028. Consistent with prior slot transfer proceedings, FAA tentatively found that allocating scarce operating rights to carriers with limited access to congested markets directly serves the public interest by lowering average market fares, enhancing consumer choice, and disciplining legacy carrier pricing power.[6] Moreover, FAA tentatively approved the sale because, after the transfer, JetBlue would continue to hold less than five percent of the total slot interest holdings at LGA, does not code share on flights to or from LGA with any carrier that has five percent or more slot interest holdings, and is not a subsidiary, either partially or wholly-owned, of a company whose combined slot interest holdings are equal to or greater than five percent at LGA.

FAA found that an approval of the request would directly support the public interest factors enumerated at 49 U.S.C. 40101(a) by enhancing the availability of a variety of adequate, economic, efficient, and low-priced services; placing maximum reliance on competitive market forces and on actual

[1] *Operating Limitations at New York LaGuardia Airport,* 71 FR 77854 (Dec. 27, 2006) as amended via 72 FR 63224 (Nov. 8, 2007) and 72 FR 48,428 (Aug. 19, 2008). FAA extended the expiration date of the amended Order on October 7, 2009, April 4, 2011, May 14, 2013, March 27, 2014, May 25, 2016, September 18, 2018, September 18, 2020, October 28, 2022, May 13, 2024, and June 23, 2026. 74 FR 51653; 76 FR 18616, amended by 77 FR 30585 (May 23, 2012); 78 FR 28278; 79 FR 17222; 81 FR 33126; 83 FR 47065; 85 FR 58255; 87 FR 65159; 89 FR 41484; and 91 FR 37771.

[2] ''The FAA is not allowing carriers to buy and sell Operating Authorizations during the term of this Order.'' 71 FR 77854 (Dec. 27, 2006).

[3] Even when a carrier is the holder of a slot, the carrier only has a limited interest in that slot. During a bankruptcy proceeding, the FAA may opt to automatically withdraw the slot for non-usage or when it is in the public interest rather than allowing an auction to proceed. *FAA* v. *Gull Air, Inc.,* 890 F.2d 1255, 1260 (1st Cir. 1989).

[4] A copy of the petition was placed in Docket FAA–2026–9043 and its contents were summarized and analyzed in the Notice. 91 FR 55968 (Aug. 31, 2026).

[5] *Id.*

[6] See Letter from Lorelei Peter, Assistant Chief Counsel for Regulations, Federal Aviation Administration, to Christopher Walker, Delta Airlines granting relief (May 4, 2017). *See also, Grant of Waiver* (Feb. 10, 2014), Docket No. FAAA–2014–0074; *Grant of Waiver* (Dec. 2, 2013), Docket No. FAA–2013–1011. ''As we stated previously, we believe the competition induced by this action will bring many benefits, including lower fares, more throughput, higher utilization of scarce assets, more opportunities to develop flexible or common use airport facilities, and reduced opportunities for exclusionary behavior such as 'babysitting.' '' *Notice—Reassignment of Schedules at Newark-Liberty International Airport,* 86 FR 52285 (Sep. 20, 2021).

and potential competition; avoiding unreasonable industry concentration and excessive market domination; and by encouraging entry into air transportation markets by new and existing air carriers and the continued strengthening of small air carriers to ensure a more effective and competitive airline industry.[7]

FAA also tentatively determined it would waive the use-or-lose requirements in the Order, and any extension(s) thereof, through April 2027 to allow JetBlue to start up service at new markets or add service to existing markets. This waiver would allow the carriers to complete the transaction and JetBlue to ramp-up its new operations at LGA.

FAA made it clear that any transferred slots would be subject to the Order and extension(s) thereof, including the requirements governing use-or-lose and the need to obtain FAA approval prior to any transfer of a slot. Moreover, any purchased slots remain subject to FAA's authority, superior interest, and absolute control, including FAA's ability to withdraw the slots for non-usage or when it is in the public interest.

Standard of Review; Legal Authority

The FAA Administrator may grant an exemption from a rule or order, issued pursuant to 49 U.S.C. 40103(b), whenever ''the Administrator decides the exemption is in the public interest.'' 49 U.S.C. 40109(b). The Order was issued pursuant to FAA's authority to ''develop plans for the use of the navigable airspace'' and ''assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace.'' 49 U.S.C. 40103(b)(1). The Administrator is also authorized to ''modify or revoke an assignment [of the use of airspace] when required in the public interest.'' 49 U.S.C. 40103(b)(1). In considering what is in the public interest in this instance, FAA is guided by the policy goals prescribed for the Administrator for safety regulations in 49 U.S.C. 40101(d).[8] However, this is not an exhaustive list as Congress did not preclude the FAA Administrator from considering the ''public interest'' to include factors beyond ''safety,'' ''national defense,'' and ''security.'' As such, FAA is also guided by the policy goals prescribed for the Secretary in 49 U.S.C. 40101(a)(4), (6), (10–13) and the pro-competition policies followed by Congress in adopting legislation on matters such as slot exemptions and airport grant programs.[9] These goals have been public policy since at least the time of adoption of the Airline Deregulation Act of 1978 [10] and they include (among others) maximizing reliance on competitive market forces; avoiding unreasonable industry concentration and excessive market domination; and encouraging entry into air transportation markets by new carriers.

In granting an exemption, FAA may impose conditions to achieve its public interest objectives.[11] Congress expressly allowed the Administrator to ''amend, modify, or suspend an order'' and to do so ''in the way * * * the Administrator decides.'' 49 U.S.C. 46105(a). Accordingly, the Administrator may impose conditions on grants of exemption.

Comments

FAA received eleven comments in response to the petition. Three were from individuals, two were from carriers (Frontier Airlines, Inc. and Breeze Airways), two were from associations/industry groups (Association of Value Airlines and Airports Council International—North America (ACI–NA)), one was from the Port Authority of New York and New Jersey (Port), and three were from Exhaustless. Of the nine commenters, six either supported or did not oppose the transfer.[12]

Two individuals argued that the slots should go to an ultra-low-cost (ULCC) carrier or other discount carrier. The first commenter stated that FAA did not consider ''prioritizing low fares, market entry, and robust competition over private transaction outcomes.'' Specifically, this commenter stated that ''JetBlue's hybrid business model and higher cost structure do not substitute for Spirit's low-fare presence.'' The same commenter concluded by stating that, by not awarding the slots to Frontier Airlines, the designated Alternate Bidder at the auction, FAA would wholly eliminate the footprint of ULCCs at LGA, eliminating low-fare competition. The second commenter stated that JetBlue's fares are not affordable for many and passengers would need to travel outside of the New York City area to obtain reasonable fares. This commenter stated that Frontier Airlines should have been approved to purchase the 22 slots.

Under § 40109(b), FAA must determine that an exemption is in the public interest. FAA public interest analysis is guided by the policy goals in 49 U.S.C. 40101(d) and 49 U.S.C. 40101(a)(4), (6), (10–13). In this case, FAA had to determine whether the transfer of 22 slots to JetBlue beyond the duration of the Order and any extension(s) thereof was in the public interest. The commenters are now asking FAA to determine whether the transfer offers the greatest public benefit or whether another carrier could generate more low-fare competition. Under the public interest standard and consistent with previous relief, it is not necessary for FAA to ensure that the proposed transfer provides the greatest public benefit or to evaluate alternative transfers when determining whether a transfer is in the public interest.

Regardless, FAA did consider fares, market entry, and robust competition when tentatively finding the transfer beyond the duration of the Order and any extension(s) thereof was in the public interest, as discussed in detail above and in the Notice. FAA found that JetBlue has a proven low-fare business model. Moreover, FAA determined that, due in part to JetBlue's ''less than 5 percent'' slot share, ''[a]pproving this transfer enables a limited incumbent, independent, non-aligned carrier to strengthen its competitive position against dominant competitors, which, with the benefit of greater slot resources, could pursue anticompetitive strategies such as significantly increasing existing services in any market entered by JetBlue.'' Finally, Frontier Airlines continues to provide services at LGA.

Several commenters requested that FAA amend the conditions of the relief by requiring any future transfer to go to an ULCC to preserve competition and to prohibit JetBlue from trading or leasing the slots for a period of five years. The Port, while agreeing with the transfer, wanted FAA to extend the prohibition on future transfers because ''[a] five year period of operation would allow customers to build awareness of JetBlue's operations and allow time for competitive pricing pressure.'' Others argued that requiring any future transfer to go to a ULCC would be ''consistent with previous decisions requiring the divestment of slots to new entrants or carriers meeting the 'less than 5 percent' slot share.''

The current condition limits JetBlue from trading or leasing the slots through April 2028. Imposing this condition on

[7] *See* 49 U.S.C. 40101(a)(4), (6), (10), and (13).

[8] For a detailed history on the standard of review, the definition of public interest and the ability to impose conditions on a grant of relief, see *Notice of a petition for waiver and solicitation of comments on grant of petition with conditions,* 76 FR 45313 (July 28, 2011).

[9] *See, e.g., Delta Air Lines* v. *CAB,* 674 F2d 1 (D.C. Cir. 1982).

[10] Public Law 95–504 (92 Stat. 1705).

[11] *See, e.g., South Dakota* v. *Dole,* 483 U.S. 203, 208 (1987).

[12] FAA notes its appreciation for the Port's comment stating it will be able to accommodate JetBlue's operations.

JetBlue goes further than prior exemptions in which FAA did not attach any restrictions on the transfer of purchased slots.[13] FAA's position is that restricting the transfer of these slots and requiring JetBlue to operate these slots through April 2028 is sufficient to ensure that the traveling public will receive the benefits of the service and price competition provided by JetBlue.[14] Regardless, any slot transferred under this exemption will be subject to the Order and any extensions thereof. Under the Order, any trade or lease of a slot is subject to FAA approval and JetBlue would remain the holder of the slots. If JetBlue seeks to transfer the slots beyond the duration of the Order and any extension(s) thereof, FAA would evaluate whether the transfer is in the public interest, which would likely include an evaluation of the transfer's impact on competition and the need for divestiture.

FAA also received several comments that are outside the scope of this exemption. ACI–NA and the Port, which did not oppose the transfer, advocated that FAA consider rulemaking. The Port advocated for rulemaking to provide ''more predictable outcomes in the future and allow for slots to be distributed based on policy goals such as competition and market access rather than simply by which airline is willing to pay the most.'' ACI–NA called for a rulemaking, in part, to (1) ensure slots and facilities are decoupled, (2) prevent the bankruptcy process from circumventing criteria FAA otherwise considers, (3) ensure ''[a] high bid is not a public-interest proxy'', and (4) to avoid bypassing the established internationally used slot-allocation framework.

FAA appreciates ACI–NA's and the Port's comments and will take into consideration the issues they raised, to the extent practicable, when implementing or revising the slot regulatory scheme. With regard to the commenters' specific concerns about the auction process and slots going to the highest bidder, FAA did consider fares, market entry, and robust competition when tentatively finding the transfer was in the public interest, as discussed in detail above and in the Notice. Although JetBlue was the ''Successful Bidder'' at the auction, the bid amount was not relevant to FAA's determination.

Finally, Exhaustless argued that the entire transfer was impermissible. To the extent that Exhaustless questions FAA's authority to manage slots and facilitate schedules or seek to supersede this proceeding entirely by encouraging the federal government to establish broader aviation industry recovery policies and/or change the regulatory policy landscape for managing slots and schedule facilitation in the United States, such comments are deemed to be outside the scope of this proceeding.

However, FAA nevertheless reiterates that the FAA Administrator is required to ''develop plans and policy for the use of the navigable airspace and assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace,'' and to issue regulations for ''using the navigable airspace efficiently.'' 49 U.S.C. 40103(b). FAA's administration of the runway slot program is adopted under the Administrator's mandate to efficiently manage the NAS.

Summary of Findings and Conditions

FAA finds that the proposed transfer does not impact aviation safety and offers important benefits to the public. Air traffic control procedures ensure the safety of operations conducted at LGA regardless of the number or operator of slots authorized and the transfer of the 22 slots would not increase the number of operations at LGA. Moreover, approving the transfer of the slots beyond the duration of the Order and any extension(s) thereof of Spirit's 22 slots to JetBlue ensures that scarce public airspace resources are returned to active commercial service under a proven low-fare business model. Accordingly, FAA has found that relief should be granted, subject to the condition set forth below.

The relief from the Order's prohibition on transferring the slots beyond the duration of the Order and any extension(s) thereof, contained in this exemption terminates when the subject slot transfer to JetBlue is completed. The Order and any extensions thereof, will control any future transfers, including the prohibition on sale or purchase. As such, any transferred slot remains subject to FAA's authority, superior interest, and absolute control, and the Order, and any extension(s) thereof, including FAA's ability to withdraw the slots for non-usage or when it is in the public interest.

FAA finds that as a condition of this relief, JetBlue is precluded from trading or leasing the slots to any carrier until after April 2028. While JetBlue may thereafter trade or lease these slots subject to the terms of the Order and any extension(s) thereof, including the requirement to obtain FAA approval of a transfer, JetBlue is precluded from further sale of these slots unless proper relief is obtained pursuant 49 U.S.C. 40109.

Finally, while these slots will be subject to the minimum usage requirements contained in the Order and any extension(s) thereof, FAA grants a waiver from the use-or-lose requirements through April 2027 in order for JetBlue to start up service at new markets or add service to existing markets.

Issued in Washington, DC.

Brett T. Daee,

Principal Deputy Chief Counsel.

[FR Doc. 2026–20664 Filed 10–6–26; 4:15 pm]

BILLING CODE 4910–13–P

[13] Letter from Lorelei Peter, Assistant Chief Counsel for Regulations, Federal Aviation Administration, to Christopher Walker, Delta Airlines granting relief (May 4, 2017). *See also,* Grant of Waiver (Feb. 10, 2014), Docket No. FAA–2014–0074; Grant of Waiver (Dec. 2, 2013), Docket No. FAA–2013–1011

[14] While 14 CFR part 93 is not controlling at LGA, the operating requirements/restrictions on transfers contained in 14 CFR 93.221(a)(5) are analogous here and show that the outermost limit FAA imposes is 24 months.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2026–0265]

Qualification of Drivers; Commercial Vehicle Safety Alliance; Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of provisional renewal of exemption; request for comments.

SUMMARY: FMCSA announces its decision to renew provisionally for one year an exemption to allow drivers with a commercial learner's permit (CLP) or commercial driver's license (CDL) issued by the State of Alaska, and their employers, to rely on a paper copy of the medical examiner's certificate (MEC) as proof of the driver's medical certification for up to 60 days after the MEC was issued. Alaska is the only State that has not implemented the Medical Examiner's Certification Integration (NRII) final rule. Drivers licensed in all other States and the District of Columbia, and their employers, may no longer rely on the paper MEC as proof of the driver's medical certification for any period of time as of October 12, 2026. The provisional exemption renewal for the State of Alaska is limited to one year.

DATES: The exemption is effective October 12, 2026 and expires October 12, 2027.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2026–0265 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the Public Participation and Request for Comments section below for further information.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, West Building, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* 1200 New Jersey Avenue SE, W58–213, West Building, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251. Each submission must include the Agency name and the docket number (FMCSA–2026–0265) for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption 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 FDMS (Federal Docket Management System (FDMS)), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division; Office of Carrier, Driver and Vehicle Safety Standards, FMCSA; *fmcsamedical@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2026–0265), indicate the specific section of this document to which the comment applies, and provide a reason for your suggestions or recommendations. 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 the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2026-0265/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. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* insert FMCSA–2026–0265 in the keyword box, select the document tab and choose the document to review. To view comments, click this notice, then click ''Browse Comments.'' If you do not have access to the internet, you may view the docket by visiting Dockets Operations in the DOT West Building, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulatory Requirements

FMCSA published the NRII final rule in 2015 (80 FR 22790, Apr. 23, 2015). The Agency extended the original compliance date several times, most recently on June 22, 2021 (86 FR 32643), with compliance ultimately being required as of June 23, 2025. The NRII rule modernizes how driver medical certification is shared, replacing the outdated paper-based process with a secure, electronic transmission system. The NRII rule mandates that certified medical examiners use specific forms to document physical qualification examinations and issue medical certificates to qualified commercial motor vehicle drivers. Among other changes that were implemented on June 23, 2025, medical examiners are no longer required to issue the original, paper MEC, Form MCSA–5876, to

commercial learner's permit (CLP) holders and commercial driver's license (CDL) holders. CLP holders and CDL holders are no longer required to submit a paper MEC to their State Driver's Licensing Agency (SDLA) (49 CFR 391.43(g)(2)(ii)). Instead, FMCSA electronically transmits examination results and medical variance information for CLP holders and CDL holders from the National Registry to the SDLAs. SDLAs post the driver's information on the Commercial Driver's License Information System (CDLIS) driver motor vehicle record (49 CFR 383.71(h)(1)(ii) and (h)(3)(ii); 49 CFR 383.73(a)(7)(ii) and (b)(5)(ii)).

In addition, the provisions allowing motor carriers and drivers to rely on paper copies of the MEC for up to 15 days after the certificate was issued expired as of June 22, 2025. 49 CFR 391.23(m)(2)(iii) and (m)(3)(i)(C); 49 CFR 391.41(a)(2)(i)(A) and (a)(2)(ii); 49 CFR 391.51(b)(6)(ii).

On July 14, 2025, FMCSA granted a waiver to interstate CDL and CLP holders and to motor carriers to allow them to continue to rely on a paper copy of the MEC as proof of the driver's medical certification for up to 15 days after the date the MEC was issued. On August 21, 2025, FMCSA modified the waiver to allow CDL holders, CLP holders, and motor carriers to rely on the paper copy of the MEC as proof of the driver's medical certification for up to 60 days after the date the MEC was issued. FMCSA subsequently re-issued the waiver effective October 13, 2025, and January 11, 2026.

As of the date of this notice, 49 States and the District of Columbia have implemented NRII. The State of Alaska is the only State that has not yet implemented NRII and continues to rely on the paper MEC.

Initial Request for, and Grant of, Exemption

FMCSA initially granted a six-month exemption in response to a request from the Commercial Vehicle Safety Alliance (CVSA) on April 14, 2026 (91 FR 19255). CVSA requested that FMCSA provide relief until all issues associated with NRII implementation were resolved. The exemption allowed motor carriers and drivers in all States and the District of Columbia to rely on a paper copy of the MEC as proof of the driver's medical certification for up to 60 days after the MEC was issued. The purpose of the exemption was to ensure that drivers with valid medical certification and their employers were not penalized for delays outside of their control as States implemented NRII.

Need for Renewal

As of this date, Alaska is the only remaining State that has not implemented NRII. To ensure that drivers licensed in Alaska with valid medical certification can continue to operate, FMCSA determined that the existing exemption should be renewed only for these drivers and their motor carrier employers. At this time, all other States and the District of Columbia have implemented NRII and are transmitting medical certificates electronically, in compliance with the regulations. Therefore, FMCSA determined that the exemption was not necessary for drivers licensed in compliant jurisdictions and is narrowing the scope accordingly.

IV. Grant of Provisional Renewal of Exemption

FMCSA previously determined that the exemption, subject to the terms and conditions imposed, would likely achieve a level of safety that is equivalent to the level of safety that would be achieved absent the exemption. The exemption does not alter the requirement that a person may not operate a commercial motor vehicle unless he or she is certified by a medical examiner as physically qualified to do so and does not alter any physical qualification requirements for drivers. Further, the provisional renewal of the exemption is limited to drivers licensed in the State of Alaska.

A. Applicability of Exemption

This exemption covers CDL holders and CLP holders whose CDL or CLP was issued by the State of Alaska and their motor carrier employers for the period beginning at 12:00 a.m. on October 12, 2026 through 11:59 p.m. on October 12, 2027. This exemption:

1. Extends until October 12, 2027, the ability of a motor carrier to continue to use a copy of the MEC as proof of the driver's medical certification for up to 60 days from the date of the medical certification by waiving the end date of June 22, 2025, and the 15-day time period in 49 CFR 391.23(m)(2)(iii) and 49 CFR 391.23(m)(3)(i)(C).

2. Extends until October 12, 2027, the ability of a driver to continue to use a copy of the MEC carried on his or her person as proof of the driver's medical certification for up to 60 days from the date of the medical certification by waiving the end date of June 22, 2025, and the 15-day time period in 49 CFR 391.41(a)(2)(i)(A) and 49 CFR 391.41(a)(2)(ii).

3. Extends until October 12, 2027, the ability of a motor carrier to continue to use a copy of the MEC in the driver qualification file for up to 60 days from the date of the medical certification by waiving the end date of June 22, 2025, and the 15-day time period in 49 CFR 391.51(b)(6)(ii).

B. Terms and Conditions

1. This exemption does not apply to a driver if the driver does not have a copy of his or her current, valid, MEC on his or her person that was issued by a certified medical examiner within the prior 60 days.

2. This exemption does not apply to a motor carrier if the motor carrier does not have a copy of the driver's current, valid, MEC that was issued by a certified medical examiner within the prior 60 days.

C. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

V. Termination

FMCSA does not believe the motor carriers and drivers covered by this exemption will experience any deterioration of their safety record. However, the exemption will be revoked if the exemption has resulted in a lower level of safety than was maintained before it was granted or continuation of the exemption would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136.

Derek D. Barrs,

Administrator.

[FR Doc. 2026–20649 Filed 10–7–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1652]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V AK–6447–AX

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before November 9, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1652 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is 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.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Ye Tian, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–20589 Filed 10–7–26; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1654]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V BACK OFF

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make

determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before November 9, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1654 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is 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.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Ye Tian, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–20584 Filed 10–7–26; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1619]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V TICLUNA

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit

comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before November 9, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1619 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is 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.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Ye Tian, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–20585 Filed 10–7–26; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1651]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V FUN–SEAS

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use

U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before November 9, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1651 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is 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.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Ye Tian, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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.*). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–20586 Filed 10–7–26; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1654]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V BACK OFF

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed

service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before November 9, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1654 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is 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.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Ye Tian, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–20588 Filed 10–7–26; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1618]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V BEAR PAW

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed

service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before November 9, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1618 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is 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.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Ye Tian, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–20587 Filed 10–7–26; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2026–1981]

Notice of Intent To Establish a Negotiated Rulemaking Advisory Committee for Vehicle Lighting; Request for Comments and Solicitation of Nominations for Membership

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (Department or DOT).

ACTION: Notice of intent to establish a Negotiated Rulemaking Advisory Committee for Vehicle Lighting; request for comment; solicitation of nominations for membership.

SUMMARY: NHTSA announces its intent to form a Negotiated Rulemaking Advisory Committee for Vehicle Lighting. The committee will advise the Secretary on vehicle lighting safety matters through a negotiated rulemaking process. The committee will terminate when its stated objectives have been accomplished (*i.e.,* the committee submits its recommendations to the Secretary) or upon the expiration of a period not to exceed two years, unless

the charter is renewed by the Secretary. This notice seeks public comment on the proposed establishment of this committee and its proposed membership. This notice also requests nominations for membership on the committee.

DATES: Comments on the intent to establish the committee and the proposed membership must be received by November 9, 2026. Applications for membership must be received by NHTSA on or before 5 p.m. ET November 9, 2026.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting.
- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

If you wish to apply for membership, your application should be submitted to: *Email: lightingfac@dot.gov. Mail: Use overnight mail only and send to:* U.S. Department of Transportation, National Highway Traffic Safety Administration, Office of Rulemaking, Attn: Advisory Committee for Vehicle Lighting, 1200 New Jersey Avenue SE, Washington, DC 20590. The committee charter can be found in the docket to this notice.

FOR FURTHER INFORMATION CONTACT: For committee-related issues, please contact Evan Frings, General Engineer, Visibility and Injury Prevention Division, Office of Rulemaking, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; email: *evan.frings@dot.gov.* For legal questions, please contact Ella Hood, Attorney-Advisory, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; email: *ella.hood@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background: NHTSA announces its intent to establish a Negotiated Rulemaking Advisory Committee for Vehicle Lighting in accordance with the Negotiated Rulemaking Act, 5 U.S.C. 561, *et. seq.* and the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. ch. 10. In a negotiated rulemaking, an agency invites representatives of interested parties likely to be significantly affected by a regulation to work with each other and the agency on an advisory committee to seek to reach consensus recommendations on the appropriate resolution of the issues before the committee. If a consensus is reached, the Department will issue a proposed rule consistent with that consensus for public comment under established rulemaking procedures.

This committee would be formed to assist NHTSA, an operating administration of the Department, with the development of consensus recommendations to inform a rulemaking proposal to modernize the existing vehicle lighting requirements in Federal Motor Vehicle Safety Standard (FMVSS) No. 108, Lamps, reflective devices, and associated equipment, issued pursuant to the authority of the National Traffic and Motor Vehicle Safety Act (49 U.S.C. 30101, *et seq.*). Specifically, the committee would be tasked with developing a detailed term sheet consisting of consensus recommendations to inform the agency's rulemaking proposal.

Consistent with its authority, NHTSA has determined that establishing a negotiated rulemaking committee is necessary and in the public interest based on agency regulatory review activities and stakeholder feedback that have preceded this notice.

NHTSA has long recognized the complexity of FMVSS No. 108 and the need to modernize the standard to facilitate new vehicle designs and emerging technologies. To that end, the agency initiated a rulemaking action (RIN 2127–AL95) in the Spring 2018 Unified Agenda of Regulatory and Deregulatory Actions (''Unified Agenda''). This ongoing modernization effort gained further momentum and generated significant internal dialogue following the receipt of a petition for rulemaking from Osram Sylvania regarding LED replacement light sources.[1] Given the technical challenges of updating these legacy requirements, NHTSA recognizes that the expertise of outside stakeholders is essential in any highly technical discussion of revising FMVSS No. 108.

To address the need for modernization, NHTSA plans to use a negotiated rulemaking process to work collaboratively with interested stakeholders. The effort will cover various topics of modernization, such as glare caused by headlighting systems, replaceable light sources, dusk sensors, plastic optical materials, semiautomatic beam switching, minimum lamp size requirements, lower beam photometry, upper beam photometry, on-vehicle headlamps performance that considers aim and mounting height, auxiliary lamp requirements, three-wheel motorcycle installation requirements, obsolete physical test requirements for associated equipment, physical test procedures for lamps that use replaceable lenses, and harmonization to international standards. Some of these topics have been introduced previously in an abstract published in the Unified Agenda for RIN 2127–AL95 as part of current efforts to modernize vehicle lighting standards.[2]

Proposed Agenda and Schedule: The committee would establish a working schedule to develop a rulemaking proposal within its chartered duration. In accordance with FACA, the charter shall terminate two years after the date on which the charter is filed, unless it is renewed by the Secretary. To ensure the committee timely completes its work within its two-year duration, NHTSA intends to publish a Notice of Proposed Rulemaking (NPRM) promptly after the committee submits its consensus recommendations, the Secretary approves them either as submitted or in modified form, and after appropriate consultation with the Office of Information and Regulatory Affairs. The Agency expects that the committee will finalize its deliberations and provide its detailed term sheet within the active period of its charter.

The proposed agenda would include the drafting of a consensus report recommending specific regulatory updates. The committee would meet approximately four times per year with additional meetings as necessary to meet assigned tasks. Committee members would be provided with advance notice of any need to increase meeting frequency, and all meeting dates would be published in advance in the **Federal Register** in accordance with FACA requirements. Meetings would be open to the public and held virtually (or in a hybrid forum that does not require additional use of Federal funds), unless otherwise approved by the Secretary.

Administrative Support: NHTSA would provide the necessary administrative support for the committee. This would include meeting facilities, virtual meeting access capabilities, technical assistance, and document management. In addition, NHTSA would procure the services of a neutral facilitator to manage the committee meetings and to assist the

[1] Petition for Rulemaking from Osram Sylvania to the Nat'l Highway Traffic Safety Admin., No. ES19–004219 (Dec. 12, 2019).

[2] *See* 2026 Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions, Assessment of Federal Motor Vehicle Safety Standards for Lighting (RIN 2127–AL95, *available at https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202510&RIN=2127-AL95*).

members in reaching consensus. Committee members would not receive pay or other compensation for their committee service.

Interests Significantly Affected and Membership: NHTSA has determined that establishing a negotiated rulemaking committee is in the public interest and that there are identifiable interests that would be significantly affected by the rulemaking. These groups include those that manufacture vehicles and vehicle equipment in the United States, as well as groups that focus on engineering, safety, and general standard setting. To ensure a range of views among these groups, the agency proposes that the committee shall consist of up to 18 members qualified to serve based on their expertise, training, experience, and ability to represent one of the identified categories. In general, appointments will reflect a balance of views and professional backgrounds.

Due to the various groups identified and the desired number of representatives from each, no single group would have a controlling stake in the committee, and the approach would be to achieve consensus on any topic discussed or recommendation produced. The Secretary of Transportation would appoint each member for a single term of two years or until the completion of committee activities, whichever is sooner, unless otherwise renewed in accordance with FACA. All members serve at the pleasure of the Secretary, who may appoint a member or terminate any member's tenure at his discretion. The Secretary also may extend appointments and may appoint replacements for members who resign outside a stated term, as necessary.

Pursuant to 5 U.S.C. 564(a)(4), NHTSA proposes representation from the following groups to reflect the interests significantly affected by this rulemaking:

- Four representatives from vehicle lighting manufacturers or lighting retailers;
- Two representatives from national motor vehicle manufacturers;
- Four representatives from national motor vehicle or motor vehicle equipment manufacturing associations;
- Two representatives from national motor vehicle or motor vehicle equipment safety organizations;
- Three representatives from educational institutions or research institutions, or testing organizations within the United States; and
- Three representatives from national professional engineering associations or standard setting associations.

Anyone who feels these categories do not fully represent their interests should detail their reasoning in their comment or membership application. NHTSA requests comments and suggestions regarding its tentative list of significantly affected stakeholder categories from which potential members of the committee may be selected.

Consistent with the Negotiated Rulemaking Act, the committee will also include a representative from NHTSA who will participate fully in the committee's deliberations and is authorized to represent the agency in discussions and negotiations. (5 U.S.C. 566(b)).

Process and Deadline for Submitting Comments and Nominations: As part of establishing the committee, NHTSA is seeking public feedback. NHTSA welcomes comment on all aspects of the negotiated rulemaking committee described in this notice and requests comments specifically on (1) the proposed scope of the committee and (2) the proposed balance of representation on the committee. NHTSA will consider the comments and information received in establishing its Negotiated Rulemaking Advisory Committee for Vehicle Lighting.

Applications from interested individuals. To be considered for appointment, qualified applicants are invited to self-nominate or be nominated by any stakeholder or stakeholder organization by submitting the following information:

- Name, title, and relevant contact (including phone, fax (if available), and email address) of the nominee and a description of the interests the applicant or nominee shall represent;
- A letter of support from a company, association, academic or nonprofit organization on letterhead authorizing the applicant or nominee to represent parties related to the interest the person proposes to represent;
- Short biography of the nominee, including professional and academic credentials; and
- A written commitment that the applicant or nominee shall actively participate in good faith in the development of the rule under consideration.

Each applicant must identify the category that he or she seeks to represent. Members should be senior level officials who are authorized to participate on the committee by their organizations and who either are experts on vehicle lighting with respect to the topics of interest to their organizations or who have access to such experts. Individuals applying for membership should keep in mind that committee members are representing a class of interests based on the sector identified and should be prepared to participate in committee activities from that perspective.

Materials submitted should total two pages or less. An applicant should include his or her full legal name and date of birth in the application. Evaluations will be based on publicly available information and the materials submitted. Submissions must be sent to the location listed in the **ADDRESSES** section by the deadline listed in the **DATES** section. Applicants selected for appointment to the committee will be notified by return email and by letter of appointment.

Authority: Issued under authority in 49 CFR 1.95 and 501.8.

Jonathan Morrison,

Administrator.

[FR Doc. 2026–20648 Filed 10–7–26; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Community Reinvestment Act Qualifying Activity Confirmation Request Form

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, ''Community Reinvestment Act Qualifying Activity Confirmation Request Form.''

DATES: Comments must be received by December 7, 2026.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*

• *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0356, 400 7th Street SW, Suite 1E–216, Washington, DC 20219.

• *Hand Delivery/Courier:* 400 7th Street SW, Suite 1E–216, Washington, DC 20219.

• *Fax:* (571) 293–4835.

Instructions: You must include ''OCC'' as the agency name and ''1557–0356'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period. You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by the method set forth in the next bullet.

• *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' tab and click on ''Information Collection Review'' from the drop-down menu. From the ''Currently under Review'' drop-down menu, select ''Department of the Treasury'' and then click ''submit.'' This information collection can be located by searching OMB control number ''1557–0356'' or ''Community Reinvestment Act Qualifying Activity Confirmation Request Form.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.

For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements, imposed on ten or more persons, that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 generally requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal of this collection.

Title: Community Reinvestment Act Qualifying Activity Confirmation Request Form.

OMB Control No.: 1557–0356.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Description: The OCC created the ''Community Reinvestment Act Qualifying Activity Confirmation Request Form'' to address the need for a qualifying activities confirmation process that would allow banks and interested parties to ascertain whether an activity qualifies for consideration under the Community Reinvestment Act (CRA). The concept for such a process was well-received and strongly supported by commenters on a CRA advance notice of proposed rulemaking (ANPR) and CRA notice of proposed rulemaking (NPR), which resulted in the adoption of a qualifying activity confirmation process in the 2020 final rule.[1] Commenters on the OCC's September 2021 CRA NPR expressed continued support for a confirmation system and, thus, the OCC determined that it was important to maintain this confirmation system after adopting the 2021 CRA final rule[2] to allow for the continuation of a more effective and efficient confirmation of CRA-qualified activities. Interested parties may request that the OCC confirm that an activity is a qualifying activity by submitting a complete Qualifying Activity Confirmation Request Form.

Estimated Burden

Estimated Frequency of Response: On occasion.

Estimated Number of Respondents: 22.

Estimated Total Annual Burden: 418 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC'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 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.

Christian Errico,

Acting Assistant Director, Office of the Comptroller of the Currency.

[FR Doc. 2026–20576 Filed 10–7–26; 8:45 am]

BILLING CODE 4810–33–P

[1] 85 FR 34734 (June 5, 2020).

[2] The OCC currently assesses national banks' and savings associations' CRA performance under the 2021 regulatory framework, 86 FR 71328 (December 14, 2021).

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 updates to the identifying information of one or more persons or property currently included on the SDN List whose property and interests in property remain blocked.

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 October 5, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are unblocked and they have been removed from the SDN List.

BILLING CODE 4810–AL–P

Individuals

ALAWI, Abdel-Salam Abdel-Rahman (a.k.a. ALLAWI, Salam), Iraq; General Manager of INDUSTRIAL BANK OF IRAQ (individual) [IRAQ2]. AL-RUBA, Dr. Khadim, Iraq; Managing Director of REAL ESTATE BANK (individual) [IRAQ2]. 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]. KARAGHULLY, Labeed A., Iraq; General Manager of REAL ESTATE BANK (individual) [IRAQ2]. MALIK, Assim Mohammed Rafiq Abdul (a.k.a. ABDULMALIK, Abdul Hameed; a.k.a. RAFIQ, Assem), 14 Almotaz Sad Al Deen Street, Al Nozha, Cairo, Egypt (individual) [IRAQ2]. NAMAN, Saalim (a.k.a. NAMAN, Sam), P.O. Box 39, Fletchamstead Highway, Coventry, United Kingdom; Iraq; Amman, Jordan; 5903 Harper Road, Solon, OH, United States; 3343 Woodview Lake Road, West Bloomfield, MI 48323, MI 48323, United States (individual) [IRAQ2]. RZOOKI, Hanna, Iraq; Chairman of REAL ESTATE BANK (individual) [IRAQ2]. ZAINAL, Akram, Iraq; Chairman and General Manager of AGRICULTURAL CO-OPERATIVE BANK (individual) [IRAQ2]. ABDUL RAHIM, Ali Mohamad, Trsv 44, No. 45a - 19, Colombia; DOB 16 Sep 1968; nationality Lebanon; citizen Colombia; Cedula No. 310221 (Colombia); Passport 1505015 (Lebanon) (individual) [SDNT]. ACOSTA SERNA, Robinson Duvan, Mz 1 cs 12 B. Santiago Londono, Colombia; DOB 26 Apr 1977; POB Colombia; nationality Colombia; citizen Colombia; Cedula No. 10002061 (Colombia); Passport AJ418881 (Colombia) (individual) [SDNT]. ACOSTA SERNA, Oscar Alonso, Colombia; DOB 15 Aug 1971; POB Argelia, Colombia; nationality Colombia; citizen Colombia; Cedula No. 10141319 (Colombia); Passport AK253066 (Colombia) (individual) [SDNT]. ALVARADO, Imad Abdul Rahim, Lebanon; DOB 26 Jan 1970; nationality Colombia; citizen Colombia; Cedula No. 0005629133 (Colombia) (individual) [SDNT]. CANAS PULIDO, Ramon Alberto, Cra 29 #9 B 64, Cali, Colombia; DOB 02 Aug 1981; nationality Colombia; citizen Colombia; Cedula No. 16930747 (Colombia); Passport AK139726 (Colombia) (individual) [SDNT]. CANO CORREA, Jhon Eidelber (a.k.a. CANO, Jhonny; a.k.a. CARDONA RIBILLAS, Alejandro; a.k.a. "FLECHAS"), Carrera 28 No. 7-35, Cali, Colombia; Calle 18 No. 8-16, Cartago, Valle, Colombia; DOB 13 Dec 1963; POB El Aguila, Valle, Colombia; nationality Colombia; citizen Colombia; Cedula No. 16217170 (Colombia); alt. Cedula No. 16455750 (Colombia); Passport AF133955 (Colombia); alt. Passport AC877214 (Colombia) (individual) [SDNT]. DIB EL MALT, Abdul Naser, Calle 85 No. 12-10, Oficina 213 y/o Local 3, Colombia; DOB 20 Aug 1967; nationality Lebanon; citizen Colombia; Cedula No. 276392 (Colombia); Passport 0218186 (Lebanon) (individual) [SDNT]. FLOREZ UPEGUI, Francisco Antonio (a.k.a. "DON PACHO"), c/o FLOREZ HERMANOS LTDA., Medellin, Colombia; c/o CANALES VENECIA LTDA., Envigado, Antioquia, Colombia; Calle 4 Sur No. 43B-60, Medellin, Colombia; DOB 10 May 1950; nationality Colombia; citizen Colombia; Cedula No. 8308988 (Colombia); Passport AG708213 (Colombia) (individual) [SDNT]. GONZALEZ HOYOS, Carlos Enrique, Colombia; DOB 13 Jul 1968; nationality Colombia; citizen Colombia; Cedula No. 0018594926 (Colombia) (individual) [SDNT]. HARB, Chekri Mahmoud (a.k.a. "SHEKRY HARB"), c/o VARIEDADES HARB SPORT, Medellin, Colombia; c/o COMERCIAL JINAN S.A., Guatemala, Guatemala; c/o ALMACEN FUTURO NO. 1, Medellin, Colombia; Carerra 50 A, No 76-s-169, Torre 3, Apto. 319, Medellin, Colombia; DOB 25 Aug 1961; POB Lebanon; nationality Lebanon; citizen Colombia; Cedula No. 256820 (Colombia) (individual) [SDNT]. HENAO JARAMILLO, Mario

Alberto, Colombia; DOB 04 Sep 1966; Cedula No. 98519014 (Colombia) (individual) [SDNT]. KADDOURA, Ali Ahmad, Colombia; DOB 11 Jul 1964; nationality Lebanon; Cedula No. 199740 (Colombia) (individual) [SDNT]. MADRID FRANCO, Cecilia, Calle 3 sur No. 53-90, Medellin, Colombia; DOB 31 Mar 1962; nationality Colombia; citizen Colombia; Cedula No. 31885071 (Colombia); Passport AJ525603 (Colombia) (individual) [SDNT]. RINCON ORDONEZ, Jorge Enrique, Transversal 24 No. 87-15, Apto. 7000, Bogota, Colombia; DOB 09 Dec 1957; POB Armenia; nationality Colombia; citizen Colombia; Cedula No. 7526915 (Colombia); Passport AJ842281 (Colombia) (individual) [SDNT]. VARELA BUSTOS, Fernando, B. Centro Not El Dovio Valle DRM, Colombia; DOB 02 Feb 1959; nationality Colombia; citizen Colombia; Cedula No. 0071622765 (Colombia) (individual) [SDNT]. AL-BAZZAZ, Hikmet Abdallah (a.k.a. AL-BAZAZ, Hikmet Abdullah), Iraq; Former Minister of Education (individual) [IRAQ2]. AL-HAMMADI, Hamid Yusif (a.k.a. HAMADI, Hamed Yussef), Iraq; Former Minister of Culture and Information (individual) [IRAQ2]. AL-JABBURI, Sadi Tuma Abbas, Iraq; DOB 1939; Former Adviser to the President for Military Affairs (individual) [IRAQ2]. AL-MAJID, Hussein Kamel Hassan (a.k.a. AL-MAJID, Husayn Kamil Hasan), Baghdad, Iraq; DOB 1955; Former Minister of Industry and Minerals and Advisor to the President (individual) [IRAQ2]. AL-QASIR, Nazar Jumah Ali (a.k.a. AL-QASSIR, Nizar Jomaa Ali), Iraq; Former Minister of Irrigation (individual) [IRAQ2]. AL-ZIBARI, Arshad Muhammad Ahmad Muhammad, Iraq; DOB 1942; a former minister of state (individual) [IRAQ2]. JASIM, Latif Nusayyif (a.k.a. JASSEM, Latif Nassif), Baghdad, Iraq; DOB 1941; Former Minister of Labor and Social Affairs (individual) [IRAQ2]. KHALIL, Dr. Ahmad Murtada Ahmad (a.k.a. KHALIL, Ahmad Murtadha Ahmad), Iraq; Former Minister of Transport and Communications (individual) [IRAQ2]. AURAMENKA, Aliaksei Mikalaevich (Cyrillic: АЎРАМЕНКА, Аляксей Мікалаевіч) (a.k.a. AVRAMENKO, Aleksey; a.k.a. AVRAMENKO, Aleksey Nikolaevich; a.k.a. AVRAMENKO, Alexey Nikolaevich (Cyrillic: АВРАМЕНКО, Алексей Николаевич)), Minsk, Belarus; DOB 11 May 1977; POB Minsk, Belarus; nationality Belarus; Gender Male; Passport MP3102183 (Belarus); National ID No. 3110577A020PB2 (Belarus) (individual) [BELARUS-EO14038]. GARCIA CARNEIRO, Jorge Luis (a.k.a. GARCIA CARNEIRO, Jorge), La Guaira, Vargas, Venezuela; DOB 08 Feb 1952; POB Caracas, Venezuela; Gender Male; Cedula No. 4169273 (Venezuela) (individual) [VENEZUELA]. LUCENA RAMIREZ, Tibisay (Latin: LUCENA RAMÍREZ, Tibisay), El Recreo, Libertador, Capital District, Venezuela; DOB 26 Apr 1959; POB Barquisimeto, Lara, Venezuela; citizen Venezuela; Gender Female; Cedula No. 5224732 (Venezuela); Passport 3802006 (Venezuela); President of Venezuela's National Electoral Council; President of Venezuela's National Board of Elections (individual) [VENEZUELA]. VIVAS VELASCO, Ramon Dario, Vargas, Venezuela; DOB 12 Jun 1950; citizen Venezuela; Gender Male; Cedula No. 3569721 (Venezuela); Constituent of Venezuela's Constituent Assembly for Vargas Municipality in Vargas State (individual) [VENEZUELA]. ABBAS, Abdul Hussein, Italy (individual) [IRAQ2]. AHMAD, Wallid Issa, Iraq (individual) [IRAQ2]. AHMAD, Rasem, P.O. Box 1318, Amman, Jordan (individual) [IRAQ2]. AL-AMIRI, Adnan Talib Hassim, 43 Palace Mansions, Hammersmith, London, United Kingdom (individual) [IRAQ2]. AL-AZAWI, Dafir, Iraq (individual) [IRAQ2]. AL-DAJANI, Leila N.S., P.O. Box 1318, Amman, Jordan (individual) [IRAQ2]. AL-DAJANI, Nadim S., P.O. Box 1318, Amman, Jordan (individual) [IRAQ2]. AL-DAJANI, Sa'ad, P.O. Box 1318, Amman, Jordan (individual) [IRAQ2]. ALWAN, Allaidin Hussain (a.k.a. ALWAN, Alla Idin

Hussain), Baghdad, Iraq (individual) [IRAQ2]. DAGHIR, Ali Ashour, 2 Western Road, Western Green, Thames Ditton, Surrey, United Kingdom (individual) [IRAQ2]. FATTAH, Jum'a Abdul, P.O. Box 1318, Amman, Jordan (individual) [IRAQ2]. HABIB, Mohammed Turki, Baghdad, Iraq (individual) [IRAQ2]. JON, Hana Paul, 19 Tudor House, Windsor Way, Brook Green, London, United Kingdom (individual) [IRAQ2]. JUME'AN, George, P.O. Box 1318, Amman, Jordan (individual) [IRAQ2]. MOHAMED, Abdul Kader Ibrahim, Jianguomenwai Diplomatic Housing Compound, Building 7-1, 5th Floor, Apartment 4, Beijing, China (individual) [IRAQ2]. OMRAN, Karim Dhaidas, Iraq (individual) [IRAQ2]. TALL, Aktham, P.O. Box 1318, Amman, Jordan (individual) [IRAQ2]. ZAHRAN, Yousuf, P.O. Box 1318, Amman, Jordan (individual) [IRAQ2]. CASTRO JARAMILLO, Monica Maria; DOB 27 Oct 1971; Cedula No. 43574795 (Colombia); Passport AK476053 (Colombia) (individual) [SDNT] (Linked To: COMERCIALIZADORA DE GANADO Y RENTAS DE CAPITAL S.A.). BERMUDEZ SUAZA, Pedro Antonio (a.k.a. AGUILAR DEL BOSQUE, Mauricio; a.k.a. AGUILAR VELEZ, Luis Antonio; a.k.a. VEGA LUJAN, Diego Rodrigo; a.k.a. "EL ARQUITECTO"), c/o ASES DE COMPETENCIA Y CIA. S.A., Medellin, Colombia; c/o CONSTRUCTORA GUADALEST S.A., Medellin, Colombia; c/o FRANZUL S.A., Medellin, Colombia; c/o GRUPO GUADALEST S.A. DE C.V., Mexico City, Distrito Federal, Mexico; c/o HIERROS DE JERUSALEM S.A., Medellin, Colombia; Av. Hipolito Taine 253 2, Col. Chapultepec Morales, Miguel Hidalgo, Mexico City, Distrito Federal 11560, Mexico; Camino a San Mateo 41, edificio Mackenzie, la Cuspide departamento 1003, Colonia Lomas Verdes, Naucalpan de Juarez, Estado de Mexico, Mexico; DOB 30 Mar 1957; alt. DOB 10 Mar 1958; alt. DOB 30 Mar 1959; alt. DOB 22 Aug 1959; POB Medellin, Colombia; alt. POB Huamantla, Tlaxcala, Mexico; Cedula No. 70123377 (Colombia); Passport 05400005349 (Mexico); R.F.C. VELD580310 (Mexico); Credencial electoral AGBSMR59033015H800 (Mexico) (individual) [SDNT]. DURAN PORRAS, Gloria Amparo, c/o FRANZUL S.A., Medellin, Colombia; c/o HIERROS DE JERUSALEM S.A., Medellin, Colombia; DOB 11 Feb 1968; alt. DOB 02 Nov 1968; Cedula No. 42895110 (Colombia) (individual) [SDNT]. HERNANDEZ MEJIA, Jorge Alberto, c/o ASES DE COMPETENCIA Y CIA. S.A., Medellin, Colombia; c/o FRANZUL S.A., Medellin, Colombia; c/o HIERROS DE JERUSALEM S.A., Medellin, Colombia; c/o TAXI AEREO ANTIOQUENO S.A., Medellin, Colombia; DOB 15 Jun 1962; Cedula No. 71530775 (Colombia) (individual) [SDNT]. JACOME DEL VALLE, Omar Alfredo (a.k.a. "EL PIOLO"), c/o CONSULTORIA EN CAMBIOS FALCON S.A. DE C.V., Huixquilucan, Estado de Mexico, Mexico; DOB 24 Oct 1958; POB Mexico; C.U.R.P. JAVO581024HDFCLM02 (Mexico) (individual) [SDNT]. LOPEZ OSPINA, Carlos Antonio, c/o AGROESPINAL S.A., Medellin, Colombia; c/o ASES DE COMPETENCIA Y CIA. S.A., Medellin, Colombia; c/o GRUPO FALCON S.A., Medellin, Colombia; Calle 50 No. 65-42 of. 205, Medellin, Colombia; DOB 06 Mar 1926; alt. DOB 03 Jun 1926; Cedula No. 3311296 (Colombia) (individual) [SDNT]. MEJIA ARTEAGA, Nora, c/o AGROESPINAL S.A., Medellin, Colombia; c/o AGROGANADERA LOS SANTOS S.A., Medellin, Colombia; c/o ASES DE COMPETENCIA Y CIA. S.A., Medellin, Colombia; c/o FRANZUL S.A., Medellin, Colombia; c/o GRUPO FALCON S.A., Medellin, Colombia; c/o HIERROS DE JERUSALEM S.A., Medellin, Colombia; c/o LLANOTOUR LTDA., Rionegro, Antioquia, Colombia; DOB 08 Mar 1946; POB Medellin, Colombia; Cedula No. 32488894 (Colombia) (individual) [SDNT]. MUNERA VELASQUEZ, Martha Marina, c/o GRUPO FALCON S.A., Medellin, Colombia; c/o LLANOTOUR LTDA., Rionegro, Antioquia, Colombia; DOB 09 Jun

1952; Cedula No. 32480630 (Colombia) (individual) [SDNT]. PEREZ MONTERO, Maria Marcela del Pilar, c/o AERONAUTICA CONDOR DE PANAMA, S.A., Panama; c/o AGROESPINAL S.A., Medellin, Colombia; c/o AGROGANADERA LOS SANTOS S.A., Medellin, Colombia; c/o GRUPO FALCON S.A., Medellin, Colombia; DOB 29 May 1959; POB Bogota, Colombia; Cedula No. 41750752 (Colombia) (individual) [SDNT]. RAMIREZ DUQUE, Carlos Manuel, c/o AGROESPINAL S.A., Medellin, Colombia; c/o AGROGANADERA LOS SANTOS S.A., Medellin, Colombia; c/o ASES DE COMPETENCIA Y CIA. S.A., Medellin, Colombia; c/o GRUPO FALCON S.A., Medellin, Colombia; c/o HIERROS DE JERUSALEM S.A., Medellin, Colombia; c/o TAXI AEREO ANTIOQUENO S.A., Medellin, Colombia; Calle 50 No. 65-42 Of. 205, Medellin, Colombia; DOB 14 Dec 1947; Cedula No. 8281944 (Colombia) (individual) [SDNT]. RODRIGUEZ FERNANDEZ, Andre, c/o AERONAUTICA CONDOR S.A. DE C.V., Toluca, Estado de Mexico, Mexico; c/o CONSULTORIA EN CAMBIOS FALCON S.A. DE C.V., Huixquilucan, Estado de Mexico, Mexico; Camino de Acceso a Pradera 41 Fracc. Cuspide Make 1003, Lomas Verdes 53120, Mexico; Cerrada J Camarillo No. 18, Colonia Hogar y Redencion, Delegacion Alvaro Obregon, Mexico, Distrito Federal, Mexico; DOB 26 Aug 1971; POB Distrito Federal, Mexico; C.U.R.P. ROFA710826HDFDRN05 (Mexico) (individual) [SDNT]. SANCHEZ MARTELL, Julio Cesar Jassan Estuardo (a.k.a. SANCHEZ MARTELL, Julio Cesar), c/o AERONAUTICA CONDOR DE PANAMA, S.A., Panama; c/o GRUPO FALCON DE PANAMA, S.A., Panama; c/o GRUPO GUADALEST S.A. DE C.V., Mexico City, Distrito Federal, Mexico; C. Enrique Wallon 424 3, Col. Polanco, Miguel Hidalgo, Mexico City, Distrito Federal 11560, Mexico; C. Las Palmas L H5C D 1102 1000, Cond. Costaventura Y X, Fracc. Playa Diamante, Acapulco, Guerrero, Mexico; DOB 16 Sep 1966; Passport 01370022046 (Mexico); R.F.C. SAMJ660916000 (Mexico); Credencial electoral SNMRJL66091609H501 (Mexico); C.U.R.P. SAMJ660916HDFNRL17 (Mexico) (individual) [SDNT]. SANCHEZ RIVERA, Doris Patricia, c/o FRANZUL S.A., Medellin, Colombia; c/o HIERROS DE JERUSALEM S.A., Medellin, Colombia; c/o TAXI AEREO ANTIOQUENO S.A., Medellin, Colombia; DOB 27 Oct 1966; Cedula No. 43681039 (Colombia) (individual) [SDNT]. SUAZA BARCO, Maria del Carmen (a.k.a. SUAZA BARCO, Carmen), c/o AGROESPINAL S.A., Medellin, Colombia; c/o AGROGANADERA LOS SANTOS S.A., Medellin, Colombia; c/o ASES DE COMPETENCIA Y CIA. S.A., Medellin, Colombia; c/o CONSTRUCTORA GUADALEST S.A., Medellin, Colombia; c/o FRANZUL S.A., Medellin, Colombia; c/o GRUPO FALCON S.A., Medellin, Colombia; c/o HIERROS DE JERUSALEM S.A., Medellin, Colombia; Calle Hamburgo No. 214 dpto. 22-3, Colonia Juarez, Mexico City, Distrito Federal C.P. 06600, Mexico; DOB 06 May 1921; POB Andes, Antioquia, Colombia; Cedula No. 32446309 (Colombia); VisaNumberID 2024702 (Mexico) (individual) [SDNT]. VASQUEZ VALENCIA, Natalia Andrea, c/o AGROGANADERA LOS SANTOS S.A., Medellin, Colombia; c/o ASES DE COMPETENCIA Y CIA. S.A., Medellin, Colombia; c/o FRANZUL S.A., Medellin, Colombia; c/o HIERROS DE JERUSALEM S.A., Medellin, Colombia; c/o TAXI AEREO ANTIOQUENO S.A., Medellin, Colombia; DOB 01 Oct 1974; POB Medellin, Colombia; Cedula No. 43587931 (Colombia) (individual) [SDNT]. CIFUENTES VARGAS, Yanet (a.k.a. "LA PECOSA"), Carrera 2 Oeste No. 51-51, Cali, Colombia; DOB 01 Aug 1963; POB Buga, Valle, Colombia; Cedula No. 38864607 (Colombia); Passport AI988963 (Colombia) (individual) [SDNT]. CIFUENTES VARGAS, Orlando (a.k.a. "EL CHUTE"), c/o RESTAURANTE BAR PUNTA DEL ESTE, Cali, Colombia; c/o SERVIAGRICOLA CIFUENTES E.U., Cali, Colombia; DOB 10 Jun 1965; Cedula

No. 14890941 (Colombia) (individual) [SDNT]. GUTIERREZ AGUIRRE, Duffay (a.k.a. "EL GORDO DUFFAY"), Bogota, Colombia; DOB 16 Sep 1968; POB Buga, Valle, Colombia; Cedula No. 14892384 (Colombia); Matricula Mercantil No 01302280 (Colombia) (individual) [SDNT]. QUINTERO SANCLEMENTE, Ramon Alberto (a.k.a. "DON TOMAS"; a.k.a. "EL INGENIERO"; a.k.a. "LUCAS"), Carrera 16 No. 3-15, Buga, Valle, Colombia; Calle 115 No. 9-50, Bogota, Colombia; DOB 30 Nov 1960; alt. DOB 28 Nov 1958; alt. DOB 30 Nov 1961; POB Cali, Colombia; alt. POB Buga, Valle, Colombia; citizen Colombia; Cedula No. 14881147 (Colombia); Passport AE048871 (Colombia) (individual) [SDNT]. SAAVEDRA ARCE, Rodrigo Eugenio; DOB 30 Oct 1942; Cedula No. 16236683 (Colombia); Passport AF637666 (Colombia) (individual) [SDNT] (Linked To: BOSQUE DE SANTA TERESITA LTDA.; Linked To: SAAVEDRA Y CIA. S. EN C.). TASCON ROJAS, Servio Tulio, c/o UNIVISA S.A., Cali, Colombia; DOB 02 Nov 1938; alt. DOB 11 Feb 1938; Cedula No. 2729445 (Colombia) (individual) [SDNT]. ARCE JARAMILLO, Melba Rosa, Calle Culiacan 101 Int. 702 Col. La Condesa, Mexico City, Mexico; Calle Auehuetes No. 1320 Col. Lomas de Tecamachalco, Mexico City, Mexico; c/o AEROCOMERCIAL ALAS DE COLOMBIA, Bogota, Colombia; DOB 17 Nov 1964; POB Cali, Colombia; Cedula No. 31945032 (Colombia); Passport AI666987 (Colombia); alt. Passport AD369724 (Colombia); alt. Passport AE869914 (Colombia); alt. Passport PP31235 (Colombia) (individual) [SDNT]. HERNANDEZ ZEA, Luis Antonio (a.k.a. "EL CAPITAN"), Carrera 53 No. 35-35, Bogota, Colombia; c/o INTERCONTINENTAL DE AVIACION S.A., Bogota, Colombia; c/o AEROVIAS ATLANTICO LTDA. AEROATLANTICO LTDA., Baranquilla, Colombia; c/o ASOCIACION TURISTICA INTERNACIONAL S.C.S., Bogota, Colombia; c/o CIA CONSTRUCTORA Y COMERCIALIZADORA DEL SUR LTDA., Bogota, Colombia; c/o GREEN ISLAND S.A., Bogota, Colombia; c/o INTERCONTINENTAL DE FINANCIACION AEREA S.A., Bogota, Colombia; c/o INVERSIONES Y COMERCIALIZADORA INCOM LTDA., Cali, Colombia; c/o LARGO LEASING LTD., George Town, Cayman Islands; c/o TRANS PACIFIC WORLD LEASING LIMITED, Port Vila, Vanuatu; DOB 07 May 1960; POB Bogota, Colombia; Cedula No. 79252957 (Colombia); Passport P006320 (Colombia); alt. Passport PE022166 (Colombia) (individual) [SDNT]. VELEZ RENGIFO, Piedad, Carrera 15 No. 127A-33 Apt. 605, Bogota, Colombia; Avenida El Logo Calle Chiminangos Casa No. 3, Cali, Colombia; c/o INTERCONTINENTAL DE AVIACION S.A., Bogota, Colombia; c/o DESARROLLOS AGROINDUSTRIALES S.A., Bogota, Colombia; c/o ACCIRENT S.A., Bogota, Colombia; DOB 22 Oct 1959; POB Cali, Colombia; Cedula No. 31835778 (Colombia); Passport AF314384 (Colombia); alt. Passport AD217712 (Colombia) (individual) [SDNT]. ZULUAGA LINDO, Francisco Javier (a.k.a. GALINDO, Gabriel; a.k.a. "GORDO LINDO"), c/o SOCIEDAD SUPERDEPORTES LTDA., Bogota, Colombia; Calle 9 No. 28-50, Piso 3, Cali, Colombia; Calle 10 No. 46-45, Cali, Colombia; DOB 15 Jan 1970; POB Cali, Colombia; nationality Colombia; citizen Colombia; Cedula No. 16774828 (Colombia); Passport AF869394 (Colombia); alt. Passport AE047754 (Colombia) (individual) [SDNT].

Entities

AMD CO. LTD AGENCY, Al-Tahrir Car Parking Building, Tahrir Sq., Floor 3, Office 33, P.O. Box 8044, Baghdad, Iraq [IRAQ2]. DURAND PROPERTIES LIMITED, Haven Court, 5 Library Ramp, Gibraltar, United Kingdom [IRAQ2].

FARTRADE HOLDINGS S.A., Switzerland [IRAQ2]. HELFORD DIRECTORS LIMITED, Haven Court, 5 Library Ramp, Gibraltar, United Kingdom [IRAQ2]. TARIQ ABU SHANAB EST. FOR TRADE & COMMERCE (a.k.a. ABU SHANAB METALS ESTABLISHMENT; a.k.a. AMIN ABU SHANAB & SONS CO.; a.k.a. AMIN ABU SHANAB AND SONS CO.; a.k.a. SHANAB METALS ESTABLISHMENT; a.k.a. TARIQ ABU SHANAB EST.; a.k.a. TARIQ ABU SHANAB EST. FOR TRADE AND COMMERCE; a.k.a. TARIQ ABU SHANAB METALS ESTABLISHMENT), Mushcrfch, P.O. Box 766, Zarka, Jordan [IRAQ2]. TIGRIS TRADING, INC., 2 Stratford Place, London W1N 9AE, United Kingdom; 5903 Harper Road, Solon [IRAQ2]. ALMACEN FUTURO NO. 1, Carrera 50A No. 83-165, Oficina 402, Medellin, Colombia; NIT # 6070026706 (Colombia) [SDNT]. CANALES VENECIA LTDA. (a.k.a. CANALVE LTDA.), Carrera 42 No. 40CSur-18, Envigado, Antioquia, Colombia; NIT # 8110469899 (Colombia) [SDNT]. CANO AGUDELO S EN C, Finca La Alambra, Alcala, Valle, Colombia; NIT # 821002095-7 (Colombia) [SDNT]. COMERCIAL JINAN S.A., 20 Calle No. 16-36, Proyecto 4-4, Zona 6, Guatemala, Guatemala; NIT # 4151952-3 (Guatemala) [SDNT]. FLOREZ HERMANOS LTDA. (a.k.a. HOSTERIA LAS DOS PALMAS), Carrera 65 No. 34-35, Medellin, Colombia; NIT # 8000902368 (Colombia) [SDNT]. VARIEDADES HARB SPORT, Cra. 50A # 83-165, Ofc. 402, Medellin, Colombia; NIT # 6070026706 (Colombia) [SDNT]. ARAB PROJECTS COMPANY S.A. LTD., P.O. Box 1318, Amman, Jordan; P.O. Box 1972, Riyadh, Saudi Arabia; P.O. Box 7939, Beirut, Lebanon [IRAQ2]. AERONAUTICA CONDOR DE PANAMA, S.A., Panama; RUC # 581123-1-448204-93 (Panama) [SDNT]. AERONAUTICA CONDOR S.A. DE C.V. (a.k.a. AEROCONDOR S.A. DE C.V.), Calle 3 Hangar 22 al 29, Aeropuerto Internacional Toluca, Toluca, Estado de Mexico C.P. 50500, Mexico; Hangar D-2 y D-3, Puerta 2, Aviacion General, Aeropuerto Internacional de Toluca, Toluca, Estado de Mexico, Mexico; R.F.C. ACO-031113-MB8 (Mexico) [SDNT]. AGROESPINAL S.A., Calle 16 No. 41-210 of. 801, Medellin, Colombia; NIT # 800256233-0 (Colombia) [SDNT]. AGROGANADERA LOS SANTOS S.A., Calle 16 No. 41-210 of. 801, Medellin, Colombia; NIT # 800215934-1 (Colombia) [SDNT]. ASES DE COMPETENCIA Y CIA. S.A., Carrera 30 No. 74-45, Bogota, Colombia; Carrera 6A No. 22-46 Int. 110, Medellin, Colombia; Carrera 66A No. 3-50 Int. 69, Medellin, Colombia; NIT # 800213156-7 (Colombia) [SDNT]. COMERCIALIZADORA DE GANADO Y RENTAS DE CAPITAL S.A. (a.k.a. GANARECA S.A.), Calle 7 Sur No. 42-70 of. 1105, Medellin, Colombia; NIT # 811035501-1 (Colombia) [SDNT]. CONSTRUCTORA GUADALEST S.A., Correg. San Cristobal Vereda El Llano, Medellin, Colombia; NIT # 800147514-8 (Colombia) [SDNT]. CONSULTORIA EN CAMBIOS FALCON S.A. DE C.V., Centro Comercial Interlomas Local U-16 P.A., Boulevard Interlomas 5, Colonia La Herradura, Huixquilucan, Estado de Mexico C.P. 52784, Mexico; Paseo de la Herradura No. 5 P.A. Loc. 16, Col. La Herradura, Huixquilucan, Estado de Mexico C.P. 52784, Mexico; R.F.C. CCF-020819-183 (Mexico) [SDNT]. FRANZUL S.A., Calle 16 No. 41-210 of. 802, Medellin, Colombia; NIT # 811044587-2 (Colombia) [SDNT]. GRUPO FALCON DE PANAMA, S.A., PH Centro Comercial Los Pueblos Albrook, Local 47-D, Panama City, Panama; RUC # 556350-1-444254-07 (Panama) [SDNT]. GRUPO FALCON S.A., Calle 16 No. 41-210 of. 801, Medellin, Colombia; NIT # 800214711-1 (Colombia) [SDNT]. GRUPO GUADALEST S.A. DE C.V.,

Calle Enrique Wallon 424 Alts. Hab. 13, Rincon del Bosque y Presidente Mazarik, Colonia Polanco, Mexico City, Distrito Federal 11560, Mexico; Naucalpan de Juarez, Estado de Mexico, Mexico; R.F.C. GGU040603B20 (Mexico) [SDNT]. HIERROS DE JERUSALEM S.A., Calle 16 No. 41-210 of. 801, Medellin, Colombia; NIT # 830513468-6 (Colombia) [SDNT]. LLANOTOUR LTDA. (a.k.a. HOSTERIA LLANOGRANDE), Carretera Las Palmas cruce Aeropuerto Km. 3, Rionegro, Antioquia, Colombia; NIT # 890941440-4 (Colombia) [SDNT]. MASA FACIL, S.A. DE C.V., Mexico, Distrito Federal, Mexico; Folio Mercantil No. 343997 (Mexico) issued 14 Dec 2005 [SDNT]. TAXI AEREO ANTIOQUENO S.A. (a.k.a. TAN S.A.), Calle 4 No. 65F-41 Hangar 70A, Medellin, Colombia; NIT # 811041365-0 (Colombia) [SDNT]. ALIMENTOS CARNICOS DE TRADICION ESPANOLA LTDA. (a.k.a. "ALICANTE"), Calle 12 No. 12-58, Cali, Colombia; NIT # 900229820-2 (Colombia) [SDNT]. BOSQUE DE SANTA TERESITA LTDA., Avenida 6N No. 17-92, Of. 411-412, Cali, Colombia; NIT # 800117606-9 (Colombia) [SDNT]. RESTAURANTE BAR PUNTA DEL ESTE, Calle 17N No. 9N-05, Cali, Colombia; Matricula Mercantil No 387183-1 (Colombia) [SDNT]. SAAVEDRA Y CIA. S. EN C., Avenida 6N No. 17-92 Of. 411-412, Cali, Colombia; NIT # 890332983-9 (Colombia) [SDNT]. SERVIAGRICOLA CIFUENTES E.U., Calle 4 No. 35A-20 Of. 402, Cali, Colombia; NIT # 805025920-1 (Colombia) [SDNT]. UNIVISA S.A., Calle 9 No. 4-50 Of. 301, Cali, Colombia; NIT # 805011494-2 (Colombia) [SDNT]. ACCIRENT S.A., Transversal 9C No. 130C-26 Ofc. 401, Bogota, Colombia; NIT # 830088969-0 (Colombia) [SDNT]. AEROCOMERCIAL ALAS DE COLOMBIA LTDA., Avenida El Dorado Entrada 2 Int. 6, Bogota, Colombia; NIT # 800049071-7 (Colombia) [SDNT]. AEROVIAS ATLANTICO LTDA. (a.k.a. AEROATLANTICO LTDA.), Aeropuerto Int. Ernesto Cortisoz Hangar 1, Barranquilla Atlantico, Colombia; NIT # 890109958-1 (Colombia) [SDNT]. ASOCIACION TURISTICA INTERNACIONAL S.C.S. (f.k.a. LUIS A. HERNANDEZ Z Y CIA. S.C.S.), Carrera 35 No. 53-53, Bogota, Colombia; NIT # 890325040-4 (Colombia) [SDNT]. CIA. CONSTRUCTORA Y COMERCIALIZADORA DEL SUR LTDA. (a.k.a. COSUR LTDA.; a.k.a. HOTEL PALACE), Avenida El Dorado Entrada 2 Int. 6, Bogota, Colombia; NIT # 890329758-7 (Colombia) [SDNT]. DESARROLLOS AGROINDUSTRIALES S.A., Tranversal 13A No. 118A-45 Ofc. 301, Bogota, Colombia; NIT # 830000782-2 (Colombia) [SDNT]. GREEN ISLAND S.A., Avenida El Dorado Entrada 2 Int. 6, Bogota, Colombia; NIT # 830067456-4 (Colombia) [SDNT]. INTERCONTINENTAL DE FINANCIACION AEREA S.A. (a.k.a. INTERFIAR S.A.), Avenida El Dorado Entrada 2 Int. 6, Bogota, Colombia; NIT # 800043810-6 (Colombia) [SDNT]. INVERSIONES Y COMERCIALIZADORA INCOM LTDA. (f.k.a. CONSTRUCTORA HENA LTDA.), Calle 12 No. 4-63, Cali, Colombia; NIT # 890329658-9 (Colombia) [SDNT]. LARGO LEASING LTD., c/o T.R.C. Corporate Services Limited P.O. Box 1982, George Town, Cayman Islands [SDNT]. SOCIEDAD SUPERDEPORTES LTDA., Carrera 10 No. 93A-29, Bogota, Colombia; NIT # 8009712337 (Colombia) [SDNT]. TRANS PACIFIC WORLD LEASING LIMITED, First Floor International Building, Kumul Highway, Port Vila, Vanuatu; P.O. Box 213, Port Vila, Vanuatu [SDNT].

B. On October 5, 2026, OFAC published updates to the identifying information of the following persons or property currently included on the SDN List whose property and interests in property remain blocked.

Individuals

ARELLANO FELIX, Eduardo Ramon (a.k.a. ARELLANO FELIX, Javier Eduardo); DOB 10 Nov 1956; POB Mexico (individual) [SDNTK]. -to- ARELLANO FELIX, Eduardo, Mexico; DOB 10 Nov 1956; POB Sinaloa, Mexico; nationality Mexico; Gender Male; C.U.R.P. AEFE561110HSLRLD03 (Mexico) (individual) [SDNTK]. ARELLANO FELIX, Enedina (a.k.a. ARELLANO FELIX DE TOLEDO, Enedina), c/o Farmacia Vida Suprema, S.A. DE C.V., Tijuana, Baja California, Mexico; DOB 12 Apr 1961 (individual) [SDNTK]. -to- ARELLANO FELIX, Enedina (a.k.a. ARELLANO FELIX DE TOLEDO, Enedina), Mexico; DOB 12 Apr 1961; POB Sinaloa, Mexico; nationality Mexico; Gender Female; C.U.R.P. AEFE610412MSLRLN05 (Mexico) (individual) [SDNTK] (Linked To: ARELLANO FELIX, Benjamin Alberto). ARELLANO FELIX, Francisco Javier (a.k.a. ARELLANO FELIX, Javier; a.k.a. BELTRAN MEZA, Ramon; a.k.a. DIAZ MEDINA, Javier; a.k.a. LARA ALVAREZ, Jose Luis); DOB 21 Nov 1969; alt. DOB 12 Dec 1969; POB Culiacan, Sinaloa, Mexico (individual) [SDNTK]. -to- ARELLANO FELIX, Francisco Javier, Mexico; DOB 12 Dec 1969; POB Culiacan, Sinaloa, Mexico; nationality Mexico; Gender Male; C.U.R.P. AEFF691212HSLRLR01 (Mexico) (individual) [SDNTK]. BARRAGAN BALDERAS, Gilberto (a.k.a. "GILBERTO BARRAGAN"), Miguel Aleman, Tamaulipas, Mexico; DOB 19 May 1970; POB Miguel Aleman, Tamaulipas, Mexico; nationality Mexico; citizen Mexico (individual) [SDNTK]. -to- BARRAGAN BALDERAS, Gilberto, Miguel Aleman, Tamaulipas, Mexico; DOB 19 May 1970; POB Miguel Aleman, Tamaulipas, Mexico; nationality Mexico; citizen Mexico; Gender Male; C.U.R.P. BABG700519HTSRLL05 (Mexico) (individual) [SDNTK]. CANO FLORES, Aurelio (a.k.a. SANCHEZ CASTILLO, Efrain), Miguel Aleman, Tamaulipas, Mexico; Tampico, Tamaulipas, Mexico; DOB 03 May 1972; alt. DOB 1972; POB Tamaulipas, Mexico; nationality Mexico; citizen Mexico (individual) [SDNTK]. -to- CANO FLORES, Aurelio, Miguel Aleman, Tamaulipas, Mexico; Tampico, Tamaulipas, Mexico; DOB 03 May 1972; POB Tamaulipas, Mexico; nationality Mexico; citizen Mexico; Gender Male; C.U.R.P. CAFA720503HTSNLR05 (Mexico) (individual) [SDNTK]. HERNANDEZ LECHUGA, Lucio (a.k.a. HERNANDEZ LECHUGA, Luciano; a.k.a. HERNANDEZ LECHUGA, Raul Lucio), Mexico; Calle Astros 7, Col. Praxedis Balboa, Matamoros, Tamaulipas, Mexico; DOB 08 Feb 1976; POB Hidalgo, Mexico; alt. POB Piedras Negras, Coahuila, Mexico; nationality Mexico; citizen Mexico (individual) [SDNTK]. -to- HERNANDEZ LECHUGA, Lucio (a.k.a. HERNANDEZ LECHUGA, Raul Lucio), Mexico; DOB 08 Feb 1976; POB Hidalgo, Mexico; nationality Mexico; citizen Mexico; Gender Male; C.U.R.P. HELL760208HHGRCCO0 (Mexico) (individual) [SDNTK]. HERNANDEZ PULIDO, Maria Elda, Calle Juan de Dios Peza 1015, Colonia Mexico 22150, Tijuana, Baja California, Mexico; c/o Farmacia Vida Suprema, S.A. DE C.V., Tijuana, Baja California, Mexico; c/o Distribuidora Imperial De Baja California, S.A. de C.V., Tijuana, Baja California, Mexico; DOB 18 Aug 1971; POB Baja California Norte, Mexico (individual) [SDNTK]. -to- HERNANDEZ PULIDO, Maria Elda, Mexico; DOB 18 Aug 1971; POB Baja California Norte, Mexico; nationality Mexico; Gender Female; C.U.R.P. HEPE710818MBCRLL07 (Mexico) (individual) [SDNTK] (Linked To: ARELLANO FELIX, Benjamin Alberto; Linked To: FARMACIA VIDA SUPREMA, S.A. DE C.V.; Linked To: DISTRIBUIDORA IMPERIAL DE BAJA CALIFORNIA, S.A. DE C.V.). LOPEZ POBLANO, Beatriz Raquel (a.k.a. LOPEZ POBLANO DE ARRIOLA, Beatriz Raquel; a.k.a. LOPEZ PORTILLO, Beatriz

Raquel), c/o CHIHUAHUA FOODS S.A. DE C.V., Cuauhtemoc, Mexico; c/o INDIO VITORIO S. DE P.R. DE R.L. DE C.V., Saucillo, Mexico; c/o INMOBILIARIA EL PRESON S.A. DE C.V., Chihuahua, Mexico; Calle Sierra San Diego No. 2502, Chihuahua, Chihuahua, Mexico; DOB 11 Apr 1968; alt. DOB 11 Apr 1971; POB Delicias, Chihuahua, Mexico; nationality Mexico; citizen Mexico (individual) [SDNTK]. -to- LOPEZ POBLANO, Beatriz Raquel (a.k.a. LOPEZ POBLANO DE ARRIOLA, Beatriz Raquel), Mexico; DOB 11 Apr 1971; POB Delicias, Chihuahua, Mexico; nationality Mexico; citizen Mexico; Gender Female; C.U.R.P. LOPB710411MCHPBT06 (Mexico) (individual) [SDNTK] (Linked To: ARRIOLA MARQUEZ ORGANIZATION). MEJIA GONZALEZ, Juan Reyes, Miguel Aleman, Tamaulipas, Mexico; DOB 18 Nov 1975; POB Mier, Tamaulipas, Mexico; nationality Mexico; citizen Mexico (individual) [SDNTK]. -to- MEJIA GONZALEZ, Juan Reyes, Miguel Aleman, Tamaulipas, Mexico; DOB 18 Nov 1975; POB Mier, Tamaulipas, Mexico; nationality Mexico; citizen Mexico; Gender Male; C.U.R.P. MEGJ751118HTSJNN01 (Mexico) (individual) [SDNTK]. OLIVAS OJEDA, Juan Carlos, Calle Sierra Madre del Sur No. 1525-A, Infonavit Canadas, Culiacan, Sinaloa, Mexico; c/o COMERCIALIZADORA BRIMAR'S, S.A. DE. C.V., Culiacan, Sinaloa, Mexico; DOB 14 Mar 1965; POB Navolato, Sinaloa, Mexico; nationality Mexico; citizen Mexico (individual) [SDNTK]. -to- OLIVAS OJEDA, Juan Carlos, Mexico; DOB 14 Mar 1965; POB Navolato, Sinaloa, Mexico; nationality Mexico; citizen Mexico; Gender Male; C.U.R.P. OIOJ650314HSLLJN06 (Mexico) (individual) [SDNTK] (Linked To: ZAMBADA GARCIA, Ismael; Linked To: CAZAREZ SALAZAR, Victor Emilio; Linked To: CAZARES SALAZAR, Blanca Margarita). OROPEZA MEDRANO, Francisco Javier, Avenida Los Reyes 18108-D, Fraccionamiento Villa de Baja California 22684, Tijuana, Baja California, Mexico; c/o Farmacia Vida Suprema, S.A. DE C.V., Tijuana, Baja California, Mexico; DOB 23 Feb 1968; POB Coahuila, Mexico (individual) [SDNTK]. -to- OROPEZA MEDRANO, Francisco Javier, Mexico; DOB 23 Feb 1968; POB Coahuila, Mexico; nationality Mexico; Gender Male; C.U.R.P. OOMF680223HCLRDR09 (Mexico) (individual) [SDNTK] (Linked To: ARELLANO FELIX, Benjamin Alberto; Linked To: FARMACIA VIDA SUPREMA, S.A. DE C.V.). PALMA SALAZAR, Hector Luis (a.k.a. PALMA SALAZAR, Jesus Hector); DOB 29 Apr 1960; alt. DOB 25 Aug 1962; alt. DOB 26 Aug 1962; POB Sinaloa, Mexico (individual) [SDNTK]. -to- PALMA SALAZAR, Jesus Hector (a.k.a. PALMA SALAZAR, Hector Luis), Mexico; DOB 25 Aug 1962; POB Sinaloa, Mexico; nationality Mexico; Gender Male; C.U.R.P. PASJ620825HSLLLS09 (Mexico) (individual) [SDNTK]. RAMIREZ AGUIRRE, Sergio Humberto, c/o Farmacia Vida Suprema, S.A. DE C.V., Tijuana, Baja California, Mexico; c/o Distribuidora Imperial De Baja California, S.A. de C.V., Tijuana, Baja California, Mexico; c/o Administradora De Inmuebles Vida, S.A. de C.V., Tijuana, Baja California, Mexico; DOB 22 Nov 1951 (individual) [SDNTK]. -to- RAMIREZ AGUIRRE, Sergio Humberto, Mexico; DOB 22 Nov 1951; POB Sinaloa, Mexico; nationality Mexico; Gender Male; C.U.R.P. RMS511122HSLMGR04 (Mexico) (individual) [SDNTK] (Linked To: ARELLANO FELIX, Benjamin Alberto; Linked To: FARMACIA VIDA SUPREMA, S.A. DE C.V.; Linked To: DISTRIBUIDORA IMPERIAL DE BAJA CALIFORNIA, S.A. DE C.V.; Linked To: ADMINISTRADORA DE INMUEBLES VIDA, S.A. DE C.V.). TAPIA ORTEGA, Abigail (a.k.a. TAPIA ORTEGA DE ARRIOLA, Abigail), c/o GASOLINERAS SAN FERNANDO S.A. DE C.V., Saucillo, Mexico; Avenida Novena No. 47, Saucillo, Chihuahua, Mexico; DOB 23 Sep 1974; POB Mexico City, Mexico; nationality Mexico; citizen Mexico (individual) [SDNTK]. -to- TAPIA

ORTEGA, Abigail (a.k.a. TAPIA ORTEGA DE ARRIOLA, Abigail), Mexico; DOB 23 Sep 1974; POB Mexico City, Mexico; nationality Mexico; citizen Mexico; Gender Female; C.U.R.P. TAOA740923MDFPRB02 (Mexico) (individual) [SDNTK] (Linked To: ARRIOLA MARQUEZ ORGANIZATION). TOLEDO CARREJO, Luis Raul, Calle De Los Olivos 10549, Colonia Jardines de Chapultepec, Tijuana, Baja California, Mexico; Ave. Xavier Villaurrutia 9950, Colonia Zona Urbana Rio, Tijuana, Baja California, Mexico; Ave. Queretaro 2984, Colonia Francisco I. Madero, Tijuana, Baja California, Mexico; c/o Farmacia Vida Suprema, S.A. DE C.V., Tijuana, Baja California, Mexico; c/o Administradora De Inmuebles Vida, S.A. DE C.V., Tijuana, Baja California, Mexico; c/o Distribuidora Imperial De Baja California, S.A. de C.V., Tijuana, Baja California, Mexico; DOB 30 Jan 1959; POB Guadalajara, Jalisco, Mexico (individual) [SDNTK]. -to- TOLEDO CARREJO, Luis Raul, Mexico; DOB 30 Jan 1959; POB Guadalajara, Jalisco, Mexico; nationality Mexico; Gender Male; C.U.R.P. TOCL590130HJCLRS05 (Mexico) (individual) [SDNTK] (Linked To: ARELLANO FELIX, Benjamin Alberto; Linked To: FARMACIA VIDA SUPREMA, S.A. DE C.V.; Linked To: DISTRIBUIDORA IMPERIAL DE BAJA CALIFORNIA, S.A. DE C.V.; Linked To: ADMINISTRADORA DE INMUEBLES VIDA, S.A. DE C.V.). TORRES FELIX, Javier (a.k.a. FELIX TORRES, Javier; a.k.a. TAMAYO TORRES, Horacio; a.k.a. "COMPADRE"; a.k.a. "EL JT"), Calle Paseo La Cuesta # 1550, Apt 6, Colonia Lomas De Guadalupe, Culiacan Rosales, Sinaloa, Mexico; DOB 19 Oct 1960; POB Mexico; nationality Mexico; citizen Mexico (individual) [SDNTK]. -to- TORRES FELIX, Javier, Mexico; DOB 19 Oct 1960; POB Sinaloa, Mexico; nationality Mexico; citizen Mexico; Gender Male; C.U.R.P. TOFJ601019HSLRLV08 (Mexico) (individual) [SDNTK] (Linked To: ZAMBADA GARCIA, Ismael).

Entities

AE INTERNATIONAL TRADE CO LIMITED (Chinese Traditional: 艾宜國際貿易有限公司), 19H, Maxgrand Plaza, No. 3 Tai Yau Street, San Po Kong, Kowloon, Hong Kong, China; Additional Sanctions Information - Subject to Secondary Sanctions; Organization Established Date 06 Mar 2018; Company Number 2662172 (Hong Kong); Business Registration Number 69032202 (Hong Kong) [NPWMD] [IFSR] (Linked To: CENTER FOR INNOVATION AND TECHNOLOGY COOPERATION). -to- AE INTERNATIONAL TRADE CO LIMITED (Chinese Traditional: 艾宜國際貿易有限公司), Hong Kong, China; Additional Sanctions Information - Subject to Secondary Sanctions; Organization Established Date 06 Mar 2018; Company Number 2662172 (Hong Kong); Business Registration Number 69032202 (Hong Kong) [NPWMD] [IFSR] (Linked To: CENTER FOR INNOVATION AND TECHNOLOGY COOPERATION). HIN YUN TRADING COMPANY LIMITED (Chinese Traditional: 欣蘊貿易有限公司), Unit 04-05, 16th Floor, The Broadway, No. 54-62 Lockhart Road, Wanchai, Hong Kong, China; Additional Sanctions Information - Subject to Secondary Sanctions; Organization Established Date 10 Jun 2022; Company Number 3161638 (Hong Kong); Business Registration Number 74133562 (Hong Kong) [NPWMD] [IFSR] (Linked To: MA, Jie). -to- HIN YUN TRADING COMPANY LIMITED (Chinese Traditional: 欣蘊貿易有限公司), Hong Kong, China; Additional Sanctions Information - Subject to Secondary Sanctions; Organization Established Date 10 Jun 2022; Company Number 3161638 (Hong Kong); Business Registration Number 74133562 (Hong Kong) [NPWMD] [IFSR] (Linked To: MA, Jie). QIAN XI LONG TRADING CO

LIMITED (Chinese Traditional: 千禧龍貿易有限公司), Unit 04-05, 16th Floor, The Broadway, No. 54-62 Lockhart Road, Wanchai, Hong Kong, China; Additional Sanctions Information - Subject to Secondary Sanctions; Organization Established Date 10 May 2012; Company Number 1742617 (Hong Kong); Business Registration Number 59781655 (Hong Kong) [NPWMD] [IFSR] (Linked To: MA, Jie). -to- QIAN XI LONG TRADING CO LIMITED (Chinese Traditional: 千禧龍貿易有限公司), Hong Kong, China; Additional Sanctions Information - Subject to Secondary Sanctions; Organization Established Date 10 May 2012; Company Number 1742617 (Hong Kong); Business Registration Number 59781655 (Hong Kong) [NPWMD] [IFSR] (Linked To: MA, Jie).

Vessels

NAVARZ (f.k.a. ELITE; f.k.a. NAPOLI; f.k.a. NOAH; f.k.a. VOYAGER) (T2DQ4) Crude Oil Tanker 298,731DWT 156,809GRT Iran flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information - Subject to Secondary Sanctions; Vessel Registration Identification IMO 9079078; MMSI 572441210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- NAVARZ (EPDN6) Crude Oil Tanker 298,731DWT 156,809GRT Iran flag; Additional Sanctions Information - Subject to Secondary Sanctions; Vessel Year of Build 1996; Vessel Registration Identification IMO 9079078; MMSI 422075200 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). LA PEARL (a.k.a. ELITE) (5IM808) Crude Oil Tanker Tanzania flag; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Vessel Registration Identification IMO 9174660; MMSI 677070800 (vessel) [SDGT] (Linked To: SAONE SHIPPING CORPORATION). -to- JAMES II (5IM808) Crude Oil Tanker Curacao flag; Former Vessel Flag Tanzania; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Vessel Year of Build 1998; Vessel Registration Identification IMO 9174660; MMSI 677070800 (vessel) [SDGT] (Linked To: SAONE SHIPPING CORPORATION). VICTORIA (S9Z6) LPG Tanker Sao Tome and Principe flag; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Vessel Registration Identification IMO 9113379; MMSI 668116259 (vessel) [SDGT] (Linked To: KAI HENG LONG GLOBAL ENERGY LIMITED). -to- DA LI (S9Z6) LPG Tanker Nicaragua flag; Former Vessel Flag Sao Tome and Principe; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Vessel Year of Build 1996; Vessel Registration Identification IMO 9113379; MMSI 350179000 (vessel) [SDGT] (Linked To: KAI HENG LONG GLOBAL ENERGY LIMITED).

(Authority: 31 CFR chapter V.)

Lisa M. Palluconi,

Deputy Director, Office of Foreign Assets Control.

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BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities: Comment Request on the Burden Related to Prototype SEP and SIMPLE IRA Plan Approval

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection and 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 and recommendations to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email at *pra.comments@irs.gov.* Please include, ''OMB Number: 15450199—Public Comment Request Notice'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Ronald J. Durbala, (202) 317–5746 or via email at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the 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: Prototype SEP and SIMPLE IRA Plan Approval.

OMB Number: 1545–0199.

Form Number(s): Form 5306–A.

Abstract: This collection covers Form 5306–A, which is used by sponsors of prototype Simplified Employee Pension (SEP) and Savings Incentive Match Plans for Employees of Small Employers (SIMPLE IRA) plans to request IRS approval of their prototype plan documents. The information enables the IRS to determine whether the prototype plans satisfy the requirements of Internal Revenue Code sections 408(k) and 408(p) before issuing an opinion letter.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 6.

Estimated Time per Respondent: 19 hrs., 22 min.

Estimated Total Annual Burden Hours: 116.

Dated: October 6, 2026.

Ronald J. Durbala,

Tax Analyst.

[FR Doc. 2026–20624 Filed 10–7–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities: Comment Request on the Burden Related to Excise Tax on Repurchase of Corporate Stock

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection and 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 and recommendations to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email at *pra.comments@irs.gov.* Please include, ''OMB Number: 15452323—Public Comment Request Notice'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Ronald J. Durbala, (202) 317–5746 or via email at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the 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: Excise Tax on Repurchase of Corporate Stock.

OMB Number: 1545–2323.

Form Number(s): Form 7208.

Abstract: Form 7208 is used by certain covered corporations to compute and report the excise tax on repurchases of corporate stock under Internal Revenue Code section 4501. The information collected enables the IRS to determine the correct amount of tax due and verify compliance with the reporting and recordkeeping requirements applicable to the stock repurchase excise tax.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

Estimated Number of Respondents: 3,750.

Estimated Time per Respondent: 6 hrs., 30 min.

Estimated Total Annual Burden Hours: 24,375.

Dated: October 6, 2026.

Ronald J. Durbala,

Tax Analyst.

[FR Doc. 2026–20625 Filed 10–7–26; 8:45 am]

BILLING CODE 4831–GV–P

FEDERAL REGISTER

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Part II

Department of Health and Human Services

Centers for Medicare & Medicaid Services

42 CFR Part 493

Clinical Laboratory Improvement Amendments of 1988 (CLIA); Virtual Access, Gynecologic Cytology Proficiency Testing (PT), Personnel Qualifications, and Other Changes; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 493

[CMS–3478–P]

RIN 0938–AV89

Clinical Laboratory Improvement Amendments of 1988 (CLIA); Virtual Access, Gynecologic Cytology Proficiency Testing (PT), Personnel Qualifications, and Other Changes

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

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the Clinical Laboratory Improvement Amendments of 1988 (CLIA) regulations to allow for virtual access under the CLIA certificate of the primary testing laboratory that generated the data, with the exception of the subspecialty of cytology, and the use of digital images for gynecologic cytology proficiency testing. This proposed rule also includes proposed changes to personnel qualification requirements and other proposed changes pertaining to SARS–CoV–2 reporting requirements, certificate requirements, test reporting requirements, enforcement requirements, public consultation requirements, and editorial and technical updates. These proposed updates aim to strengthen the Federal oversight of clinical laboratories and ensure accurate and reliable patient test results while adapting to modern technological capabilities and industry needs, including workforce shortages.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, by December 7, 2026.

ADDRESSES: In commenting, please refer to file code CMS–3478–P.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *https://www.regulations.gov/docket/CMS-2026-3235.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3478–P, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3478–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT:

Penny Keller, *penny.keller@cms.hhs.gov,* (410) 786–2035.

Jake D. Bunn, *jbunn@cdc.gov,* (404) 498–4493.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in the comments. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that website to view public comments. CMS will not post on *Regulations.gov* public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm an individual. CMS continues to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

Plain Language Summary: In accordance with 5 U.S.C. 553(b)(4), a plain language summary of this proposed rule may be found at *http://www.regulations.gov.*

I. Background

On October 31, 1988, Congress enacted the Clinical Laboratory Improvement Amendments of 1988 (CLIA) (Pub. L. 100–578), which amended section 353 of the Public Health Service Act (PHSA) and is codified at 42 U.S.C. 263a. CLIA and implementing regulations at 42 CFR part 493 set forth the conditions and standards that all laboratories must meet to be certified to perform testing on human specimens under CLIA and to maintain that CLIA certification. These conditions and standards strengthen Federal oversight of clinical laboratories and help to ensure the accuracy and reliability of patient test results.

This proposed rule encompasses four overarching areas: (1) Virtual access provisions that would codify the flexibility provided by prior exercises of enforcement discretion to allow pathologists and laboratory personnel to review digital laboratory data, digital results, live imaging, and digital images remotely under the CLIA certificate of the primary testing laboratory that generated the data, excluding the subspecialty of cytology; (2) Gynecologic cytology proficiency testing (PT) updates that would allow for the use of digital images of glass slides in PT to align with the Food and Drug Administration (FDA)-authorized digital cytology screening systems; (3) Personnel qualification updates that would address concerns regarding the burden associated with the qualification requirements that took effect on December 28, 2024, including removing human-only laboratory science limitations and adding qualifications for histopathology gross tissue examination personnel and Mohs dermatology laboratory directors; and (4) Other changes that would remove SARS–CoV–2 (the virus causing COVID–19) reporting requirements, update certificate requirements, revise regulatory text requiring establishment of the Clinical Laboratory Improvement Advisory Committee (CLIAC), update test report requirements, revise enforcement requirements, and correct editorial and technical errors.

The proposed rule aims to update CLIA regulations to reflect advances in technology, reduce regulatory burdens on laboratories, and address workforce shortages while maintaining laboratory quality and safety standards.

II. Provisions of the Proposed Regulations

This section provides an overview of the proposed amendments to the CLIA regulations to allow for virtual access under the CLIA certificate of the primary testing laboratory that generated the data, with the exception of the subspecialty of cytology, and the use of digital images of glass slides for gynecologic cytology PT. This section also includes an overview of the proposed changes to personnel qualifications requirements, SARS–CoV–2 reporting requirements, certificate requirements, test reporting requirements, enforcement requirements, and public consultation requirements, as well as proposed

editorial and technical changes to the CLIA regulations.

A. Proposed Changes To Allow for Virtual Access

The existing CLIA certification regulations do not account for remote review of digital laboratory data, digital results, or digital images since these technologies were not available when the original regulations were codified. The CLIA certification regulations at §§ 493.35(a), 493.43(a), and 493.55(a)(2) require laboratories to file a separate application for each laboratory location unless they meet a regulatory exception. With respect to the subspecialty of cytology, section 353(f)(4)(B)(vi) of the PHSA and the regulation at § 493.1274(a) state that cytology screening and slide preparations must be evaluated on the premises of a laboratory certified to conduct testing in the subspecialty of cytology.

Recognizing the urgency of the SARS–CoV–2 public health emergency (PHE) and the need to promote innovative uses of technology, increase testing capacity, and avoid exposure risks to health care providers, patients, and the community, CMS previously exercised enforcement discretion to allow pathologists to review digital data, results, and pathology slides/images remotely during the SARS–CoV–2 PHE, provided laboratories met certain criteria.[1] At that time, CMS noted that it would not enforce the separate certificate requirement for laboratories operating at temporary testing sites, provided that the designated primary site or home base had such a certificate (using the address of the primary site) and the work being performed in the temporary testing site fell within the parameters of the primary site's certificate.

Interested parties encouraged CMS to continue this exercise of enforcement discretion post-SARS–CoV–2 PHE. Based on this feedback and indications that remote review of digital data, results, and images did not decrease the accuracy of test results, on May 11, 2023, upon termination of the SARS–CoV–2 PHE,[2] CMS issued memo QSO–23–15–CLIA, entitled ''Clinical Laboratory Improvement Amendments of 1988 (CLIA) Post-Public Health Emergency (PHE) Guidance.'' [3] The memo stated that pathologists and other qualified laboratory personnel would continue to be able to remotely review digital laboratory data, digital results, and digital images. The memo also stated that laboratories that choose to allow staff to remotely review digital laboratory data, digital results, and digital images could do so only if the following criteria are met:

- The primary laboratory has a current, unrevoked, or unsuspended certificate of waiver (CoW), registration certificate (CoR), certificate of compliance (CoC), certificate for Provider Performed Microscopy (PPM) procedures, or certificate of accreditation (CoA) issued by HHS applicable to the category of examinations or procedures performed by the laboratory (§ 493.3(a)(1));
- The primary laboratory complies with other applicable Federal laws, including the Health Insurance Portability and Accountability Act (HIPAA);
- The laboratory director of the primary laboratory's CLIA certificate is responsible for all testing performed under its CLIA certificate, including testing and reporting performed remotely;
- Survey findings would be cited under the primary laboratory's CLIA certificate. Enforcement actions, if taken, would affect the primary laboratory's CLIA certificate;
- The primary laboratory's test reports should indicate the remote site location where the testing is performed. The laboratory may use a coding system rather than the remote site address (for example, personnel residence) on the final report. This coding system should be available upon request;
- The primary laboratory must be certified in the specialties and/or subspecialties of the work performed at the remote site;
- The primary laboratory should provide CMS a list of all staff working remotely upon request;
- The primary laboratory is responsible for retaining all documentation, including testing performed by staff working remotely; and
- The individual performing remote review must be on the primary laboratory's Form CMS–209, Laboratory Personnel Report (CLIA).

Following CMS's announcement that it would exercise enforcement discretion to allow pathologists and other qualified laboratory personnel to remotely review digital data, results, and images during the SARS–CoV–2 PHE [4] and post-SARS–CoV–2 PHE,[5] interested parties, such as members of the pathology community, have encouraged CMS to codify this flexibility. CMS reviewed survey citations from March 1, 2023, to July 1, 2024, for citations related to ''remote'' or ''digital'' for the year following the issuance of memo QSO–23–15–CLIA. CMS identified no concerning citation trends related to the remote review of digital data, results, or images during that period.

On September 23, 2025, CMS issued revisions to memo QSO–23–15–CLIA–REVISED [6] that, in part, discontinued the temporary exercise of enforcement discretion that previously allowed remote review of cytology digital images of slides at locations separate from their primary CLIA-certified cytology laboratory as of 6 months from the date of the revised memo, or March 23, 2026, as section 353(f)(4)(B)(vi) of the PHSA and the regulation at § 493.1274(a) require that all cytological screening be performed on the premises of a CLIA-certified laboratory. CMS noted in this revised memo that laboratories reviewing digital cytology slide images remotely must obtain a separate CLIA certificate for that location to continue reviewing cytology slide images at the remote location as of March 23, 2026.

Recognizing the need for regulatory modernization and to reduce burden and costs for laboratories, CMS and the CDC now propose to codify this flexibility, allowing pathologists and other qualified laboratory personnel to remotely review digital data, results, and images through formal regulatory changes. We propose to add a definition of ''virtual access'' and update the regulatory language throughout 42 CFR part 493, to include digital laboratory data, digital results, live imaging, and digital images for CoR, CoC, and CoA certificates, facility and retention requirements, and in the general laboratory, analytic, and postanalytic systems sections to ensure testing conducted by means of virtual access maintains the same quality standards as on-site testing, as discussed in more detail below. The definition of virtual access would provide an additional option to the current regulatory

[1] *https://www.cms.gov/files/document/qso-20-21-clia-original-release-date-2020-03-26.pdf. https://www.cms.gov/files/document/qso-20-21-clia.pdf.*

[2] U.S. Dept of Health and Human Services (HHS), *https://www.hhs.gov/coronavirus/covid-19-public-health-emergency/index.html#:~:text=February%209%2C%202023,last%20reviewed%20December%2015%2C%202023.*

[3] QSO–23–15–CLIA, *https://www.cms.gov/files/document/qso-23-15-clia.pdf.*

[4] QSO–20–21–CLIA, *https://www.cms.gov/files/document/qso-20-21-clia.pdf.*

[5] QSO–23–15–CLIA; *https://www.cms.gov/files/document/qso-23-15-clia-original-release-date-2023-05-11.pdf.*

[6] QSO–23–15–CLIA–REVISED, *https://www.cms.gov/files/document/qso-23-15-clia-revised-2025-09-23.pdf.*

multiple-site exceptions.[7] Under this proposal, virtual access would not be permitted for the subspecialty of cytology. Individuals who perform cytology slide, digital image or digital data examinations at a location other than the primary CLIA-certified laboratory must continue to obtain a separate CLIA certificate with the subspecialty of cytology for that location, as noted in memo QSO–23–15–CLIA–REVISED.

1. Definitions (§ 493.2)

a. Virtual Access

We propose to revise § 493.2 to add a definition of ''virtual access'' as follows: Virtual access means review of digital laboratory data, digital results, live imaging, and digital images performed under the CLIA certificate of the primary testing laboratory that generated the data when not physically on the premises of the primary testing laboratory. Such review must be conducted via a secure connection to the primary testing laboratory's software systems, laboratory information system (LIS), instruments, electronic health records (EHR), or encrypted communications. Virtual access is not permitted in the subspecialty of cytology.

Examples of digital laboratory data, digital results, live imaging, and digital images include but are not limited to quality control data, quality assurance data, data plots or graphics, real-time, simultaneous viewing of microscope slides such as in hematology and histopathology, test results and reporting, and images from slides such as in pathology, hematology, and clinical cytogenetics.

In the memo QSO–23–15–CLIA–REVISED, CMS previously used terminology tied to the review of digital data, results, and images at a remote location. However, CMS and the CDC are now proposing to define this activity as ''virtual access'' to better reflect the technological capabilities and utilization of modern review methods. Specifically, this proposed terminology change would acknowledge that using secure virtual connections to access laboratory systems can be performed from any secure location with appropriate internet connectivity, rather than being restricted to a specific location. The proposed shift to the ''virtual access'' terminology would more accurately capture the location-independent nature of these review capabilities. Utilization of virtual access beyond the physical premises of the primary testing laboratory would be regarded as an activity conducted under the CLIA certificate of the primary testing laboratory.

b. Test Systems

Section 493.2 currently defines ''test system'' as the instructions and all of the instrumentation, equipment, reagents, and supplies needed to perform an assay or examination and generate test results. We propose to revise the definition of ''test system'' at § 493.2 by adding ''live imaging, digital images'' to the list of systems to address new technology and align with our proposal related to virtual access. We also propose to add the words ''accurate and reliable'' prior to the reference to ''test results'' in this definition to align with the statutory requirement to assure consistent performance by laboratories of accurate and reliable laboratory examinations and procedures.[8]

2. Certificate Requirements (§§ 493.43(a)(1) and 493.55(a)(1))

Section 493.43(a) pertains to the filing of an application for a CoR, PPM, and CoC certificate and currently provides that except as specified in § 493.43(b), all laboratories performing nonwaived testing must file a separate application for each laboratory location. We propose to add § 493.43(a)(1), to explain that virtual access would be considered to be conducted at the primary testing laboratory regardless of the physical location of the laboratory personnel and, therefore, would be under the CLIA certificate of the primary testing laboratory that generated the data, and that this would not apply to provider-performed microscopy (PPM) procedure certificates. CMS proposes that virtual access would not apply to the PPM certificate since PPM procedures are performed during the patient's visit.

Section 493.55(a) pertains to the filing of an application for a CoR and CoA certificate and currently provides that a laboratory may be issued a CoA in lieu of the applicable certificate specified in subpart B or subpart C of the CLIA regulations. A separate application for each location must be filed, except as specified in § 493.55(b). We propose to add a regulation at § 493.55(a)(3), which would state virtual access is considered to be conducted at the primary testing laboratory regardless of the physical location of the laboratory personnel and, therefore, is under the CLIA certificate of the primary testing laboratory that generated the data.

Under this proposal, if a laboratory employee works out of their home or at another remote location, performing duties such as data analysis or interpretation associated with their primary testing laboratory, those activities would be covered under the CLIA certificate of the primary testing laboratory. A primary testing laboratory's CLIA certificate would include qualified laboratory personnel who perform data analysis and interpret digital information when using a secure virtual connection to the primary testing laboratory.

We propose to add regulations at §§ 493.43(a)(1)(i) and 493.55(a)(3)(i) that would hold the primary testing laboratory's laboratory director responsible for all testing performed under the primary testing laboratory's CLIA certificate, including testing utilizing virtual access. Currently, the laboratory director listed on the primary testing laboratory's CLIA certificate is responsible for all testing performed under that certificate. We propose to add language to explicitly include testing and reporting performed remotely, utilizing virtual access as well.

We propose to add regulations at §§ 493.43(a)(1)(ii) and 493.55(a)(3)(ii) that would require all testing to be performed by qualified laboratory personnel under the CLIA-certified laboratory. The primary testing laboratory would also be required to provide CMS with a list of all staff utilizing virtual access upon request. For example, staff utilizing virtual access would need to be indicated on Form CMS–209. We are proposing these additions because the laboratory should be aware of who is performing the testing and how it is being conducted for the purpose of investigating complaints (§ 493.1233) or quality issues (§§ 493.1239, 493.1289, and 493.1299).

3. Facility and Retention Requirements (§§ 493.1101(e) and 493.1105(a), (a)(3), (a)(7), and (b))

Due to technological advancements that now enable the scanning of microscope slides and the creation of digital images of these slides, we propose expanding the current retention requirements to include the retention of digital images.

Section 493.1101(e) currently requires that records and, as applicable, slides, blocks, and tissues must be maintained and stored under conditions that ensure proper preservation. Section 493.1105(a) currently provides that a laboratory

[7] These exceptions are codified at 42 CFR 493.35(b), 493.43(b), and 493.55(b); *https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-493#part-493*.

[8] 42 U.S.C. 263a(f)(1)(E); *https://www.govinfo.gov/content/pkg/USCODE-2011-title42/pdf/USCODE-2011-title42-chap6A-subchapII-partF-subpart2-sec263a.pdf*.

must retain its records, and, as applicable, slides, blocks, and tissues. Section 493.1105(b) currently provides that if a laboratory ceases operation, the laboratory must make provisions to ensure that all records, and, as applicable, slides, blocks, and tissues are retained and available for the specified time frames. Section 493.1105(a)(3) currently provides that a laboratory must retain quality control and patient test records for all analytic system activities specified in §§ 493.1252 through 493.1289 for at least 2 years. Finally, section 493.1105(a)(7) currently provides that cytology slide preparations are retained for at least 5 years from the date of examination, and histopathology slides are retained for at least 10 years from the date of examination.

We propose to revise the following regulations pertaining to facility storage and record retention: §§ 493.1101(e) for facilities storage, 493.1105(a), (a)(3), and (b) for retention, 493.1105(a)(7)(i)(A) for cytology retention, and 493.1105(a)(7)(i)(B) for histopathology retention. Specifically, we propose to add ''digital images, digital data'' to the list of items that laboratories must maintain and store under conditions that ensure proper preservation at § 493.1101(e). We also propose to add ''digital images, digital data,'' to the lists of items laboratories must retain at § 493.1105(a) and (b). We propose to add ''digital images, and digital data,'' to the list of items laboratories must retain at § 493.1105(a)(3).

We propose to add ''and digital images'' to the list of items laboratories must retain for cytology and histopathology at § 493.1105(a)(7)(i)(A) and (B). This proposal would require laboratories to retain both the slide and, if applicable, the digital slide image, as both the slide and the digital image may be required to identify an error for the purpose of investigating complaints (§ 493.1233) or quality issues (§§ 493.1239, 493.1289, and 493.1299).

4. General Laboratory Systems Requirements (§§ 493.1231(a) and 493.1251(b)(2))

Section 493.1231 currently provides that the laboratory must ensure confidentiality of patient information throughout all phases of the total testing process that are under the laboratory's control. We propose to add a regulation at § 493.1231(a) that would require the laboratory to have policies that ensure virtual access is performed in a confidential environment on a secure network connection. This proposed addition would ensure laboratories maintain confidentiality of patient information when utilizing virtual access and networks. If laboratories choose to implement virtual access capabilities, they need to ensure these systems operate within secure environments and networks in order to maintain the confidentiality of patient information throughout all phases of the total testing process that are under the laboratory's control (§ 493.1231). This means laboratories should have policies to prevent virtual access from occurring in nonsecure locations or on public networks such as coffee shops, public spaces, or other environments that could compromise data privacy and security. Ultimately, if laboratories elect to use virtual access technologies, they would be held accountable for maintaining the confidentiality of all patient information accessed through these virtual systems.

Section 493.1251(b)(2) currently provides that a procedure manual must include information on microscopic examination, including the detection of inadequately prepared slides, when applicable to the test procedure. We propose to revise § 493.1251(b)(2) to add a reference to digital images. Under this proposal, laboratories would be required to have procedures for digital imaging, if applicable, and for detecting inadequately prepared slides or digital images as they are part of the test procedure.

5. Analytic System Requirements (§ 493.1256(a))

Section 493.1256(a) currently provides that, for each test system, the laboratory is responsible for having control procedures that monitor the accuracy and precision of the complete analytic process. We propose to revise the regulation at § 493.1256(a) to add ''including testing performed via virtual access.'' The proposed revision would clarify that control procedures should include any test process performed via virtual access to ensure the quality and accuracy of patient test results.

6. Postanalytic System Requirements (§§ 493.1283(a)(5) and 493.1291(a)(2))

Section 493.1283(a) currently requires that the laboratory must maintain positive identification of the specimen, the date and time of specimen receipt into the laboratory, the condition and disposition of specimens that do not meet the laboratory's criteria for specimen acceptability, and the records and dates of all specimen testing, including the identity of the personnel who performed the test(s).

We propose to add a regulation at § 493.1283(a)(5) that would require the laboratory to maintain records of virtual access, including the identity of the personnel who performed the test(s), the software version (as applicable), and the electronic device used. We propose this addition to ensure a laboratory has records detailing who performed testing via virtual access and what device was used, as a laboratory should be aware of who is performing the testing and how it is being conducted for the purpose of investigating complaints (§ 493.1233) or quality issues (§§ 493.1239, 493.1289, and 493.1299).

Section 493.1291(a)(2) currently provides that the laboratory must have an adequate manual or electronic system(s) in place to ensure test results and other patient-specific data are accurately and reliably sent from the point of data entry (whether interfaced or entered manually) to the final report destination, in a timely manner, including results and patient-specific data electronically reported to network or interfaced systems. We propose to revise § 493.1291(a)(2) to add a reference to results and patient-specific data electronically reported using virtual access. We propose this addition as the current regulations do not address reporting via virtual access.

We solicit comments on these proposals related to virtual access.

B. Proposed Changes to Gynecologic Cytology PT Requirements (§§ 493.855 and 493.945)

The gynecologic cytology PT regulation at § 493.855(b) currently requires that the laboratory ensure that each individual participates in an annual testing event that involves the examination of a 10-slide test set as described in § 493.945. Section 493.945(a)(1) in turn specifies that to be approved for PT for gynecologic examinations in cytology, a program must provide test sets composed of 10- and 20-glass slides. CMS and the CDC propose to revise the CLIA regulations at §§ 493.855 and 493.945 to allow gynecological cytology PT for digital images of glass slides.

This proposed change would reflect technological advancements in the field, as the FDA authorized the first digital cytology screening system in 2024, which creates digital images of glass slides for examination.[9] In addition, PT must be performed using the same methodology as the primary testing method to ensure quality and accurate results (§ 493.801(b)(7)). As laboratories increasingly adopt digital cytology

[9] FDA's CLIA- Clinical Laboratory Improvement Amendments Database, *https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCLIA/search.cfm.*

technology for their routine testing methods, CMS and the CDC recognize the importance of ensuring that PT options are available that align with these modern digital methods. This regulatory update would allow laboratories using digital cytology systems to participate in PT programs that utilize digital images, maintaining the integrity and relevance of the PT process while accommodating technological innovation in the field of cytology.

We also propose to revise §§ 493.855(a) and 493.945(a)(2) to add a requirement that PT programs approved by HHS for gynecologic cytology must have a system in place to monitor the integrity of the testing. Currently, with glass slides, the College of American Pathologists (CAP) and the American Society for Clinical Pathology (ASCP) PT programs require a proctor to monitor the testing to ensure the integrity of the testing event.[10] [11] We propose to add the following requirement for digital images of glass slides to ensure there is a similar mechanism in place: ''Proficiency testing programs approved by HHS must have a system in place to monitor the integrity of the testing.'' We propose this language to ensure that individual PT results accurately reflect the individual's performance. Unlike noncytology PT, cytology testing evaluates individuals rather than the laboratory as a whole, creating significantly higher personal stakes for the test participants. When an individual cytotechnologist or pathologist fails the cytology PT, they face the potential loss of their ability to independently screen slides. The proposed heightened monitoring is essential to maintain the credibility of cytology PT and protect public health, given the critical role that cytology plays in cancer detection and prevention programs.

We propose to revise § 493.855(b), including (b)(1) through (3), by adding ''or digital images of the test slides'' after each reference to a ''10-slide test set'' or ''20-slide test set.'' We propose to revise § 493.855(b)(2) and (3) by adding ''or digital images of the slides'' after each reference to ''gynecologic slides'' or ''reexamination of slides.'' In addition, we propose to revise § 493.855(b) to include a reference to ''(b)(1) through (3)'' instead of ''(b)(1), (b)(2), and (b)(3)'' for simplification.

We also propose to revise § 493.945(a)(1) and (b) by adding ''or digital images of the test slides'' after each reference to ''20-glass slides'' or ''20-slide test sets.'' In addition, we propose to revise § 493.945(b) by adding ''/digital images'' after the word ''slides'' in the following language ''in which the slides have been referenced as specified in paragraph (b)(1) of this section.''

Section 493.945(b)(1) currently states that to determine the accuracy of an individual's response on a particular challenge (slide), the program must compare the individual's response for each slide preparation with the response that reflects the predetermined consensus agreement or confirmation on the diagnostic category. For all slide preparations, a 100 percent consensus agreement among a minimum of three physicians certified in anatomic pathology is required. In addition, for premalignant and malignant slide preparations, confirmation by tissue biopsy is required either by comparison of the reported biopsy results or reevaluation of biopsy slide material by a physician certified in anatomic pathology. We propose to revise § 493.945(b)(1) by adding ''/digital image'' after the word ''slide'' in parentheses, adding ''or digital images of slide preparations'' after ''slide preparations'' and ''or digital image of slide preparation'' after ''slide preparation.''

Section 493.945(b)(2) currently provides that an individual qualified as a technical supervisor under § 493.1449(b) or (e) who routinely interprets gynecologic slide preparations only after they have been examined by a cytotechnologist can either be tested using a test set that has been screened by a cytotechnologist in the same laboratory or using a test set that has not been screened. A technical supervisor who screens and interprets slide preparations that have not been previously examined must be tested using a test set that has not been previously screened. We propose to revise § 493.945(b)(2) by adding ''or digital images of slide preparations'' after ''slide preparations.''

Section 493.945(b)(3)(i) currently provides that each slide set must contain 10 or 20 slides with point values established for each slide preparation based on the significance of the relationship of the interpretation of the slide to a clinical condition and whether the participant in the testing event is a cytotechnologist qualified under §§ 493.1469 or 493.1483 or functioning as a technical supervisor in cytology qualified under § 493.1449(b) or (e) of this part. We propose to revise § 493.945(b)(3)(i) to read as follows: Each slide set or digital image of the slide set must contain 10 or 20 slides or digital images of the slides with point values established for each slide preparation or digital image of slide preparation based on the significance of the relationship of the interpretation of the slide/digital image to a clinical condition and whether the participant in the testing event is a cytotechnologist qualified under §§ 493.1469 or 493.1483 or functioning as a technical supervisor in cytology qualified under § 493.1449(b) or (e) of this part.

Section 493.945(b)(3)(ii)(B) currently states that in accordance with the criteria for the scoring system, the charts in paragraphs (b)(3)(ii)(C) and (D) of this section, for technical supervisors and cytotechnologists, respectively, provide a maximum of 10 points for a correct response and a maximum of minus five (−5) points for an incorrect response on a 10-slide test set. For example, if the correct response on a slide is ''high grade squamous intraepithelial lesion'' (category ''D'' on the scoring system chart) and an examinee calls it ''normal or negative'' (category ''B'' on the scoring system chart), then the examinee's point value on that slide is calculated as minus five (−5). Each slide is scored individually in the same manner. The individual's score for the testing event is determined by adding the point value achieved for each slide preparation, dividing by the total points for the testing event and multiplying by 100. We propose to revise § 493.945(b)(3)(ii)(B) by adding references to ''digital image'' or ''digital image of the slide'' in several places. Specifically, we propose to revise § 493.945(b)(3)(ii)(B) to read as follows: In accordance with the criteria for the scoring system, the charts in paragraphs (b)(3)(ii)(C) and (D) of this section, for technical supervisors and cytotechnologists, respectively, provide a maximum of 10 points for a correct response and a maximum of minus five (−5) points for an incorrect response on a 10-slide/digital image test set. For example, if the correct response on a slide/digital image of the slide is ''high grade squamous intraepithelial lesion'' (category ''D'' on the scoring system chart) and an examinee calls it ''normal or negative'' (category ''B'' on the scoring system chart), then the examinee's point value on that slide/digital image of the slide is calculated as minus five (−5). Each slide/digital image of the slide is scored individually in the same manner. The individual's

[10] CAP, *https://www.cap.org/wp-content/uploads/documents/PAP-PT-Program-General-Information_112025.pdf.*

[11] ASCP, *https://ascpcontentwebsite.blob.core.windows.net/content/docs/default-source/education/gyn-pt-proctor-user-guide.pdf?sfvrsn=3926201a_1.*

score for the testing event is determined by adding the point value achieved for each slide preparation/digital image of the slide, dividing by the total points for the testing event and multiplying by 100.

Section 493.945(b)(3)(ii)(C) through (G) currently provides the criteria for the scoring system. We propose to revise § 493.945(b)(3)(ii)(C) through (G) by adding the words ''/digital image'' following any references to slides.

We solicit comments on these proposals to allow gynecological cytology PT for digital images of glass slides.

C. Proposed Changes to Personnel Qualification Requirements

On December 28, 2023, the ''Clinical Laboratory Improvement Amendments of 1988 (CLIA) Fees; Histocompatibility, Personnel, and Alternative Sanctions for Certificate of Waiver Laboratories'' final rule (88 FR 89976) [12] (2023 CLIA final rule), which updated the requirements in 42 CFR part 493, subpart M related to personnel qualifications and responsibilities, appeared in the **Federal Register**. Since December 28, 2024, the effective date of the updated personnel qualification regulations, CMS has received substantial feedback from interested parties about the revised requirements. While CMS received comments on these proposals in response to the ''Clinical Laboratory Improvement Amendments of 1988 (CLIA) Fees; Histocompatibility, Personnel, and Alternative Sanctions for Certificate of Waiver Laboratories'' proposed rule (87 FR 44896),[13] several of these interested parties later stated that they did not realize the impact the regulatory changes could have on their laboratories until after the rule went into effect. CMS met directly with multiple interested parties to listen to their concerns, most of which were related to the updated laboratory director qualification requirements.

Specifically, interested parties expressed concerns about the requirement at § 493.1405 for physicians to have both 20 hours of continuing education (CE) credit hours in laboratory director responsibilities and 1 year of supervisory laboratory experience to qualify as moderate complexity laboratory directors,[14] viewing the new requirement as burdensome. Prior to December 28, 2024, physicians for moderate complexity laboratories could qualify as moderate complexity laboratory directors with either 20 CE credit hours in laboratory director responsibilities or 1 year of supervisory laboratory experience, providing more flexibility in meeting the relevant qualification requirements and enabling physicians to open their practices upon graduation. Similarly, dermatology associations raised concerns about the qualification requirements at § 493.1443 for newly graduated and practicing dermatologists to serve as high complexity laboratory directors for laboratories that perform Mohs testing, which now requires both 2 years of supervisory lab experience and 20 CE credit hours in laboratory director responsibilities. Under the previous regulations, dermatologists qualified as high complexity laboratory directors based solely on their residency training, without requiring documentation of prior laboratory supervisory experience or the 20 CE credit hours. Interested parties expressed concerns that more stringent qualification requirements may reduce the number of eligible candidates for laboratory director positions, potentially impacting access to care in rural areas and laboratories that perform Mohs testing.

After consideration of the interested parties' feedback, CMS published a memo QSO–25–21–CLIA [15] on June 23, 2025, which announced CMS's exercise of enforcement discretion in limited circumstances with respect to certain regulatory personnel qualification requirements. The enforcement discretion allowed the following:

- Laboratory directors qualifying under § 493.1405(b)(2) could have either at least 1 year of experience directing or supervising nonwaived laboratory testing *or* 20 CE credit hours in laboratory director responsibilities;
- Additional 20 CE credit hours currently required under §§ 493.1405(b)(3)(ii), 493.1405(b)(4)(iv), 493.1405(b)(5)(iv), 493.1443(b)(2)(iii), and 493.1443(b)(3)(iv) would not be required; and
- Individuals qualified as technical supervisors under § 493.1449(f)(2)(i) could qualify as high complexity laboratory directors for testing in dermatopathology.

CMS noted in this memo its plans to address these changes in future notice-and-comment rulemaking. CMS and the CDC now propose to revise, rescind, or clarify several personnel qualification regulations, as discussed in more detail below.

In proposing to revise or rescind certain personnel qualification requirements finalized in the 2023 CLIA final rule (88 FR 89976), CMS has carefully considered whether any serious reliance interests exist that would counsel against proposing these changes. CMS believes that there are no serious reliance interests that would preclude the proposed changes to the personnel qualification requirements set forth in this proposed rule. On June 23, 2025, CMS published QSO–25–21–CLIA, which announced that CMS would exercise enforcement discretion with respect to certain personnel qualification requirements described previously in this proposed rule. Because CMS exercised enforcement discretion related to the personnel qualification requirements, which we are proposing to revise in this proposed rule, laboratories and personnel have not been required to come into full compliance with the more stringent personnel qualification requirements of the 2023 CLIA final rule. As a result, we believe that any reliance interests that might otherwise have arisen from the originally finalized requirements are significantly diminished. Furthermore, the proposed personnel qualification requirement changes in this rule are generally more permissive than the 2023 CLIA final rule requirements; they would restore flexibilities that existed prior to December 28, 2024, and therefore would not impose new burdens on regulated entities. We also recognize that patients and patient advocacy groups may have reliance interests grounded in the regulatory requirements for personnel qualifications of staff who perform testing based on interests relating to test accuracy. CMS and the CDC are committed to oversight of the accuracy and reliability of laboratory testing, consistent with CLIA's core purpose of protecting patient health and safety. CMS and the CDC have carefully considered whether revisions to the personnel qualification requirements in the 2023 CLIA final rule could give rise to reliance interests grounded in patient safety, and we believe that the proposed requirements maintain appropriate safeguards to ensure the accuracy and reliability of laboratory testing results, while restoring operational flexibilities that do not compromise the quality of

[12] 88 FR 89976; *https://www.federalregister.gov/documents/2023/12/28/2023-28170/clinical-laboratory-improvement-amendments-of-1988-clia-fees-histocompatibility-personnel-and.*

[13] 87 FR 44896; *https://www.federalregister.gov/documents/2022/07/26/2022-15300/clinical-laboratory-improvement-amendments-of-1988-clia-fees-histocompatibility-personnel-and.*

[14] Section 493.1405; *https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-493#493.1405.*

[15] QSO–25–21–CLIA; *https://www.cms.gov/files/document/qso-25-21-clia.pdf.*

care that patients receive. It is important to note that personnel qualifications represent only one element of a broader quality assurance framework. No individual is permitted to perform testing without first completing the required training and demonstrating competency.

We evaluated a couple of potential approaches to address the concerns from interested parties about the new personnel qualification regulations. First, we considered rescinding all of the personnel qualification regulations codified in the 2023 CLIA final rule in their entirety and returning to the prior regulatory requirements; however, this approach would have eliminated the critical flexibility we created for nontraditional degree holders [16] to meet personnel qualification requirements, exacerbating the laboratory workforce shortage. Second, we evaluated the possibility of fully revising the personnel qualification regulations to achieve maximum simplification; however, we determined that the organization of the current regulations is appropriate, as it has been used for 30 years and laboratories are familiar with the structure and the requirements, and we instead selected specific changes based on interested parties' feedback. We believe the proposed approach would be the most effective way to maintain regulatory effectiveness and reduce regulatory burden while providing the clarity laboratories need for their operations at this time. This proposed approach would not change CLIA regulatory requirements related to personnel training, annual competency assessment, quality systems, PT, and biennial on-site surveys, which continue to ensure accurate and quality laboratory testing. As such, these proposed revisions to the CLIA regulations are not expected to compromise testing quality. Beyond initial qualifications, robust safeguards are in place to uphold testing accuracy on an ongoing basis. Each day, laboratories are required to conduct quality control measures to verify that the testing process is being performed correctly.[17] Additionally, laboratories are required to participate in proficiency testing to validate the accuracy of their results, a process that CMS actively monitors.[18]

We do not believe these proposed regulatory changes, if finalized, would impact the accuracy and quality of testing given the safeguards already described. Laboratories would need to carefully review any flexibilities outlined in the proposed rule, if finalized, to determine what best fits their individual needs, as CMS and the CDC aim to provide maximum flexibility while expecting that each laboratory will hire qualified personnel to maintain the accuracy and quality of their specific testing. If CMS were to detect a decrease in quality and accuracy following implementation of the proposed changes, if finalized, as evidenced by its biennial surveys and PT performance monitoring, it would assess whether the regulations need to be revised further through future notice and comment rulemaking to address any identified deficiencies.

CMS and the CDC propose to revise, remove, or clarify several of the personnel qualification requirements that were finalized in the 2023 CLIA final rule. Specifically, we propose to revise the CLIA regulations at §§ 493.2, 493.1273(c), 493.1359(c), 493.1359(d), 493.1405(b), 493.1407(c), 493.1411(b), 493.1417(b), 493.1417(c), 493.1423(b), 493.1443(b), 493.1445(c), 493.1449(c), 493.1449(f), 493.1449(i), 493.1455(a), 493.1455(b), 493.1455(c), 493.1461(c), 493.1461(e), 493.1463(a), 493.1463(b), 493.1463(c), 493.1489(b), 493.1495(b), and 493.1495(c) to address interested parties' concerns about burden and access to care, as discussed in more detail below.

1. Laboratory Director Qualifications

CMS and the CDC propose standardizing moderate and high complexity laboratory director qualification requirements to require at least 1 year of experience directing or supervising laboratory testing or 20 CE credit hours in laboratory practice that cover the laboratory director responsibilities, regardless of educational background. Prior to the 2023 CLIA final rule, physicians seeking to qualify as moderate complexity laboratory directors could meet the qualification requirements at § 493.1405(b)(2) with either 1 year of experience or 20 CE credit hours, and physicians seeking to qualify as high complexity laboratory directors were required to have 2 years of experience directing or supervising high complexity laboratory testing pursuant to § 493.1443(b)(2). Individuals with a doctoral degree were required to have an HHS-approved board certification and 1 year of experience directing or supervising moderate complexity laboratory testing to be a moderate complexity laboratory director or 2 years of experience directing or supervising high complexity laboratory testing to be a high complexity laboratory director.

We believe the proposed standardized requirements across the different educational backgrounds (that is, medical, doctoral, master's, and bachelor's degrees) are reasonable because the laboratory director's regulatory responsibilities, which center on possessing a thorough understanding of administrative and supervisory duties rather than specialized expertise in each subspecialty, are similar regardless of the laboratory's specialty or complexity. CMS and the CDC also believe this proposed approach is reasonable because each laboratory is required to have a technical consultant or technical supervisor with specific experience in a particular test specialty or subspecialty, complementing the laboratory director's management role. Similarly, we propose that the experience requirements for high complexity laboratory directors would match those for moderate complexity laboratory directors because the core regulatory responsibilities of a laboratory director are similar across both test complexity settings. The key distinction lies in the education requirement for high complexity laboratory directors, which is currently more restrictive and limited to physicians and doctoral degree holders. This proposed approach would ensure appropriate oversight while recognizing that fundamental management responsibilities remain consistent regardless of the laboratory's test complexity level.

CMS and the CDC also propose adding an additional qualification route for physicians that would allow them to qualify as a laboratory director based on at least 1 year of laboratory training during medical residency or fellowship. We are proposing this addition because we agree with interested parties who have asserted that fellowship programs and medical residencies that include 1 year of laboratory experience meet the laboratory experience and training for moderate and high complexity laboratory directors. Table 1 outlines the laboratory director qualification

[16] Sections 493.1405(b)(3)(i)(B), 493.1405(b)(4)(i)(B), 493.1405(b)(4)(i)(C), 493.1405(b)(5)(i)(B), 493.1411(b)(3)(i)(B), 493.1411(b)(4)(i)(B), 493.1423(b)(3), 493.1443(b)(3)(i)(B), 493.1449(c)(3)(i)(B), 493.1449(c)(4)(i)(B), 493.1449(c)(4)(i)(C), 493.1449(c)(5)(i)(B), 493.1449(d)(3)(i)(B), 493.1449(d)(4)(i)(B), 493.1449(d)(5)(i)(B), 493.1449(h)(2)(i), 493.1449(i)(2)(i), and 493.1489(b)(2)(ii); *https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-493#part-493*.

[17] Section 493.1256; *https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-493#493.1256*.

[18] Section 493.801; *https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-493#493.801*.

requirements as they relate to experience, board certification, and CE credit hours prior to December 28, 2024, under the current regulations finalized in the 2023 CLIA final rule, and under this proposal.

TABLE 1—LABORATORY DIRECTOR QUALIFICATION REQUIREMENTS PRIOR TO DECEMBER 28, 2024, LABORATORY DIRECTOR QUALIFICATION REQUIREMENTS UNDER CURRENT REGULATIONS, AND PROPOSED LABORATORY DIRECTOR QUALIFICATION REQUIREMENTS *

Degree	Complexity	Qualification requirements prior to December 28, 2024	Current qualification requirements	Proposed qualification requirements
MD/DO (Pathologist)	High	Board Certification	Board Certification	No Change.
MD/DO (Pathologist)	Moderate	Board Certification	Board Certification	No Change.
MD/DO/DPM (Physicians).	High	• 1-year of laboratory training during residency; *or* • 2-years supervisory experience	• 2-years of supervisory experience; *and* • 20 CE credit hours	• 1-year of laboratory training during residency or fellowship; *or* • 1-year supervisory experience; *or* • 20 CE credit hours.
MD/DO/DPM (Physicians).	Moderate	• 1-year supervisory experience; *or* • 20 CE credit hours; *or* • Residency equivalent to 20 CE credit hours.	• 1-year of supervisory experience; *and* • 20 CE credit hours	• 1-year of laboratory training during residency or fellowship; *or* • 1-year supervisory experience; *or* • 20 CE credit hours.
Doctoral	High	• Board Certification	• Board Certification; *and* • 2-years of supervisory experience; *and* • 20 CE credit hours	• 1-year of supervisory experience; *or* • 20 CE credit hours.
Doctoral	Moderate	• Board Certification; *or* • 1-year supervisory experience	• Board Certification; *and* • 1-year of supervisory experience; *and* • 20 CE credit hours	• 1-year of supervisory experience; *or* • 20 CE credit hours.
Master's	Moderate	• 1-year laboratory experience; *and* • 1-year supervisory experience	• 1-year laboratory experience; *and* • 1-year supervisory experience; *and* • 20 CE credit hours	• 1-year of supervisory experience; *or* • 20 CE credit hours.
Bachelor's	Moderate	• 2-year laboratory experience; *and* • 2-year supervisory experience	• 2-year laboratory experience; *and* • 2-year supervisory experience; *and* • 20 CE credit hours	• 1-year of supervisory experience; *or* • 20 CE credit hours.

*Table 1 only addresses laboratory director qualification requirements as they relate to experience, board certification, and CE credit hours. See §§ 493.1405 and 493.1443 for a comprehensive list of the current qualification requirements for laboratory directors.

CMS and the CDC propose to remove the HHS-approved doctoral board certification requirement at §§ 493.1405(b)(3) and 493.1443(b)(3). CMS reviewed the current HHS-approved doctoral board certifications and found that all HHS-approved doctoral board certifications require at least 1 year of supervisory experience. Under this proposal, if finalized, CMS would no longer require the HHS-approved doctoral board certification, in addition to the 1 year of experience directing or supervising high complexity laboratory testing and 20 CE credit hours. However, CMS would continue to accept the current HHS-approved doctoral board certifications, listed in the SOM Appendix C, as documentation of that 1 year of experience directing or supervising high complexity laboratory testing. Individuals with other doctoral board certifications or without a current HHS-approved doctoral board certification would need to provide documentation of 1 year of experience directing or supervising high complexity laboratory testing. Board certification falls within the domain of professional practice and credentialing, which would not be affected by this proposed change.

a. Moderate Complexity Laboratory Director Qualifications (§ 493.1405)

(1) Physicians

Section 493.1405(b)(2)(ii)(A) and (B) currently requires a laboratory director of a laboratory performing moderate complexity testing to have both laboratory training or experience consisting of at least 1 year directing or supervising nonwaived laboratory testing, and at least 20 CE credit hours in laboratory practice that cover the laboratory director responsibilities defined in § 493.1407. We propose to change the ''and'' at the end of § 493.1405(b)(2)(ii)(A) to an ''or'' so that a laboratory director of a laboratory performing moderate complexity testing would no longer need to meet both the requirements at § 493.1405(b)(2)(ii)(A) and (B). We also propose to add a third qualification route at § 493.1405(b)(2)(ii)(C) for at least 1 year of laboratory training during medical residency or fellowship. This proposed revision and addition would allow individuals to qualify as moderate complexity laboratory directors through relevant experience, completion of 20 CE credit hours, or 1 year of laboratory training during medical residency or fellowship.

CMS received feedback from interested parties after the 2023 CLIA final rule took effect on the increased burden associated with physicians being required to have both 1 year of experience directing or supervising nonwaived laboratory testing and 20 CE credit hours on laboratory director responsibilities. These interested parties noted that in cases of newly graduated physicians, the additional requirement for 1 year of experience directing or supervising nonwaived laboratory testing to start their new medical practices seemed overly burdensome if they had already taken 20 CE credit hours on the responsibilities of a laboratory director. To reduce this burden, CMS and the CDC propose to revert to the regulations in place prior to the 2023 CLIA final rule, which required 1 year of experience directing or supervising nonwaived laboratory testing or 20 CE credit hours on laboratory director responsibilities. We are also proposing this change because we agree with the interested parties who have asserted that fellowship programs and medical residencies that include 1 year of laboratory experience should be deemed to meet the laboratory experience and training for moderate and high complexity laboratory directors, because this would be equivalent to 1 year of directing or supervising non-waived laboratory testing. This proposed approach would

not change CLIA regulatory requirements related to personnel training, annual competency assessment, quality systems, PT, and biennial on-site surveys, which would continue to ensure accurate and quality laboratory testing. The technical consultant or technical supervisor qualification requirements with specific experience in the particular specialty or subspecialty being tested, complementing the director's management role, would also remain unchanged under this proposal.

(2) Doctoral Degree

Section 493.1405(b)(3)(i)(B)(2) currently requires individuals qualifying as a moderate complexity laboratory director with a doctoral degree not in biology/chemistry/medical technology (MT)/clinical laboratory science (CLS)/medical laboratory science (MLS) to have an approved thesis or research project in biology/chemistry/MT/CLS/MLS related to laboratory testing for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings. CMS received feedback from interested parties stating that this regulation was confusing and could be interpreted to mean that only thesis and research projects involving human subjects were acceptable. Interested parties also commented that doctoral research related to laboratory testing for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings often begins with studies conducted on animal models before consideration for clinical trials involving human participants, often utilizing similar laboratory test procedures and devices. Both CMS and the CDC concur that this requirement could inadvertently exclude those individuals with relevant laboratory experience obtained through work with animal models. Therefore, we propose to revise § 493.1405(b)(3)(i)(B)(2) to remove the language ''related to laboratory testing for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.''

Section 493.1405(b)(3)(ii) currently requires individuals qualifying as moderate complexity laboratory directors with doctoral degrees to have at least 20 CE credit hours in laboratory practice that cover the laboratory director responsibilities as defined in § 493.1407, be certified and continue to be certified by a board approved by HHS, and to have had at least 1 year of experience directing or supervising nonwaived laboratory testing. We propose to revise § 493.1405(b)(3)(ii)(A) to rescind the requirement for certification by a board approved by HHS. We propose to redesignate § 493.1405(b)(3)(ii) as § 493.1405(b)(3)(ii)(A) and revise the newly redesignated § 493.1405(b)(3)(ii)(A) to replace the word ''and'' with ''or.'' If finalized as proposed, individuals with a doctoral degree could qualify as a moderate complexity laboratory director with either 20 CE credit hours or 1 year of experience directing or supervising nonwaived laboratory testing and would no longer require certification by a board approved by HHS. CMS and the CDC aim to reduce burden by aligning all laboratory director qualifications for moderate complexity testing, including doctoral degrees, to have either 1 year of experience or 20 CE credit hours on laboratory director responsibilities. This proposed approach would not change CLIA regulatory requirements related to personnel training, annual competency assessment, quality systems, PT, and biennial on-site surveys, which continue to ensure accurate and quality laboratory testing. The technical consultant or technical supervisor qualification requirements with specific experience in the particular specialty or subspecialty being tested, complementing the laboratory director's management role, would remain unchanged under this proposal.

(3) Master's Degree

We propose to revise § 493.1405(b)(4)(i)(C)(2) to remove the language related to laboratory testing for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings, for individuals qualifying as moderate complexity laboratory directors with a master's degree not in biology/chemistry/MT/CLS/MLS.

We are proposing this amendment because CMS received feedback from interested parties that this regulation was confusing and could be interpreted as only allowing for thesis and research projects involving human subjects. We also agree with interested parties who have asserted that most doctoral research conducted for the diagnosis, prevention, or treatment of disease on human specimens is initially performed on animal models.

Section 493.1405(b)(4)(ii) through (iv) currently requires individuals qualifying as moderate complexity laboratory directors with a master's degree to have at least 1 year of laboratory training or experience, or both, in nonwaived testing, at least 1 year of supervisory laboratory experience in nonwaived testing, and at least 20 CE credit hours in laboratory practice that cover the director responsibilities defined in § 493.1407. We propose to rescind § 493.1405(b)(4)(ii) to remove the requirement for 1 year of additional laboratory training or experience, or both, in nonwaived testing. Furthermore, we propose to redesignate the requirement for 1 year of supervisory laboratory experience in nonwaived testing currently at § 493.1405(b)(4)(iii) to 493.1405(b)(4)(ii)(A) and revise the newly redesignated § 493.1405(b)(4)(ii)(A) to change the word ''and'' to ''or.'' These proposed revisions aim to reduce burden by aligning all laboratory director qualifications for moderate complexity testing, including master's degrees, to have either 1 year of experience or 20 CE credit hours in laboratory director practice that cover the laboratory director responsibilities. We also propose to redesignate § 493.1405(b)(4)(iv) as § 493.1405(b)(4)(ii)(B). The regulatory requirement at the new proposed § 493.1405(b)(4)(ii)(B) would remain the same. This proposed approach would not change CLIA regulatory requirements related to personnel training, annual competency assessment, quality systems, PT, and biennial on-site surveys, which continue to ensure accurate and quality laboratory testing. The technical consultant or technical supervisor qualification requirements with specific experience in the particular specialty or subspecialty being tested, complementing the director's management role, would also remain unchanged under this proposal.

(4) Bachelor's Degree

Section 493.1405(b)(5)(ii) through (iv) currently requires individuals qualifying as a moderate complexity laboratory director with a bachelor's degree to have at least 2 years of laboratory training or experience, or both, in nonwaived testing, at least 2 years of supervisory laboratory experience in nonwaived testing, and at least 20 CE credit hours in laboratory practice that cover the director responsibilities defined in § 493.1407. We propose to rescind § 493.1405(b)(5)(ii) to remove the requirement for 2 years of additional laboratory training or experience, or both, in nonwaived testing to reduce burden.

Furthermore, we propose to redesignate the requirement for 2 years

of supervisory laboratory experience in nonwaived testing currently at § 493.1405(b)(5)(iii) as § 493.1405(b)(5)(ii)(A) and revise the newly redesignated § 493.1405(b)(5)(ii)(A) to change the word ''and'' to ''or'' and to also change ''2 years'' to ''1 year'' of experience for individuals qualifying as a moderate complexity laboratory director with a bachelor's degree. We also propose to redesignate § 493.1405(b)(5)(iv) as § 493.1405(b)(5)(ii)(B) and revise the newly redesignated § 493.1405(b)(5)(ii)(B) to include the word ''or.'' CMS and the CDC are proposing to align all laboratory director qualifications for moderate complexity testing, including bachelor's degrees, to have either 1 year of supervisory experience or 20 CE credit hours on laboratory director practice that cover the director's responsibilities.

Section 493.1405(b)(6) currently permits individuals who were qualified and serving as a laboratory director of moderate complexity testing in a CLIA-certified laboratory as of December 28, 2024, and have done so continuously since December 28, 2024, to be considered qualified as a laboratory director of moderate complexity testing. We propose to revise § 493.1405(b)(6) to expand the scope from ''moderate complexity testing'' to ''moderate or high complexity testing.'' This amendment would allow individuals who qualified as laboratory directors for either moderate or high complexity testing prior to December 28, 2024, to continue to qualify and serve as laboratory directors of moderate complexity testing in a CLIA-certified laboratory under this provision. This revision would provide clarification in response to questions CMS has received from high complexity laboratory directors who were qualified and continued to be qualified to direct high complexity laboratories under § 493.1443(b)(4) as to whether they would be permitted to direct moderate complexity laboratories. Since high complexity laboratory director qualification requirements are more stringent than those for moderate complexity, individuals who meet the qualifications for high complexity laboratory director positions would automatically qualify as moderate complexity laboratory directors. This proposed approach would not change CLIA regulatory requirements related to personnel training, annual competency assessment, quality systems, PT, and biennial on-site surveys, which continue to ensure accurate and quality laboratory testing. The technical consultant or technical supervisor qualification requirements with specific experience in the particular specialty or subspecialty being tested, complementing the director's management role, would also remain unchanged under this proposal.

b. High Complexity Laboratory Director Qualifications (§ 493.1443)

(1) Physicians

Section 493.1443(b)(2)(ii) and (iii) currently require individuals qualifying as high complexity laboratory directors with a medical degree to have at least 2 years of experience directing or supervising high complexity testing and at least 20 CE credit hours in laboratory practice that cover the director's responsibilities defined in § 493.1445. We propose to redesignate § 493.1443(b)(2)(ii) as 493.1443(b)(2)(ii)(A) and revise the regulation to require 1 year rather than 2 years of experience directing or supervising high complexity testing based on the rationale provided above at § 493.1405. We also propose to revise the word ''and'' to ''or'' to be consistent with the other high complexity laboratory director qualifications regulations. We also propose to redesignate § 493.1443(b)(2)(iii) as § 493.1443(b)(2)(ii)(B). The regulatory requirement at the newly proposed § 493.1443(b)(2)(ii)(B) would remain the same as before redesignation.

We propose to add a regulation at § 493.1443(b)(2)(ii)(C) to allow a physician to qualify as a high complexity laboratory director with at least 1 year of laboratory training during medical residency or fellowship. CMS received feedback from interested parties regarding the increased burden for physicians to have both 2 years of experience directing or supervising nonwaived laboratory testing and 20 CE credit hours in laboratory practice that cover the director's responsibilities. Depending on the unique circumstances of their laboratory setting and test menu, the burden was either the experience or the 20 CE credit hours. Interested parties also provided feedback that in cases of newly graduated physicians, the additional requirement of 2 years of experience directing or supervising to start their new medical practices seemed unnecessary and burdensome if they had already taken 20 CE credit hours on the responsibilities of a laboratory director. Interested parties also stated that fellowship programs and medical residencies that include 1 year of laboratory experience should be included to meet the laboratory experience and training for moderate and high complexity laboratory directors. We are proposing this addition because we agree with interested parties who have asserted that this would be equivalent to 1 year of directing or supervising nonwaived laboratory testing. This proposal would not change CLIA regulatory requirements related to personnel training, annual competency assessment, quality systems, PT, and biennial on-site surveys, which continue to ensure accurate and quality laboratory testing. The technical consultant or technical supervisor qualification requirements with specific experience in the particular specialty or subspecialty being tested, complementing the director's management role, would also remain unchanged under this proposal.

(2) Doctoral Degree

Section 493.1443(b)(3)(i)(B)(2) currently requires individuals qualifying as a high complexity laboratory director with a doctoral degree not in biology/chemistry/MT/CLS/MLS to have an approved thesis or research project in biology/chemistry/MT/CLS/MLS related to laboratory testing for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings. We propose to revise § 493.1443(b)(3)(i)(B)(2) to remove the requirement that the approved thesis or research project must be related to laboratory testing involving human specimens. This revision would address interested parties' comments that animal research models are often the originator for conducting future human research.

Section 493.1443(b)(3)(ii) through (iv) currently requires an individual qualifying as a high complexity laboratory director with a doctoral degree to be certified and continue to be certified by a board approved by HHS, have at least 2 years of laboratory training or experience, or both, laboratory experience directing or supervising high complexity testing, and 20 CE credit hours in laboratory practice that cover the director responsibilities defined in § 493.1445. We propose to remove § 493.1443(b)(3)(ii), which requires individuals with doctoral degrees to be certified and continue to be certified by a board approved by HHS. This proposed change would make the high complexity qualifications consistent with the moderate complexity qualifications for individuals with a doctoral degree. We propose to redesignate § 493.1443(b)(3)(iii) as 493.1443(b)(3)(ii)(A) and revise the

regulation to only require at least 1 year of experience directing or supervising high complexity testing to be consistent with the other high complexity laboratory director qualifications in response to questions received from interested parties regarding the total years required for laboratory experience and experience directing and supervising high complexity testing.

We propose to rescind § 493.1443(b)(3)(iii)(A) and (B) related to the total number of years of laboratory experience and experience directing and supervising high complexity laboratory testing required for individuals with doctoral degrees qualifying for high complexity laboratory directors. CMS received feedback from interested parties regarding the increased burden for individuals to have both 2 years of experience directing or supervising nonwaived laboratory testing and 20 CE credit hours in laboratory practice that cover the director's responsibilities. We propose to redesignate § 493.1443(b)(3)(iv) as § 493.1443(b)(3)(ii)(B). The regulatory requirement at the newly proposed § 493.1443(b)(3)(ii)(B) would remain the same as before redesignation. The change at § 493.1443(b)(3)(ii)(B) would make the 20 CE credit hours an option for qualification instead of laboratory experience. During the SARS–CoV–2 PHE and after the effective date of the 2023 CLIA final rule, laboratory directors from nontraditional backgrounds had difficulty providing documentation of 2 years of laboratory experience and board certification in a timely manner since their experience was from non-CLIA certified laboratories. The 20 CE credit hours option would allow flexibility for individuals with doctoral degrees without laboratory supervisory experience to qualify as high complexity laboratory directors. This proposed approach would not change CLIA regulatory requirements related to personnel training, annual competency assessment, quality systems, PT, and biennial on-site surveys, which continue to ensure accurate and quality laboratory testing. The technical consultant or technical supervisor qualification requirements with specific experience in the particular specialty or subspecialty being tested, complementing the director's management role, would also remain unchanged under this proposal.

(3) Dermatopathology

Mohs micrographic surgery is a procedure used to treat skin cancer. During Mohs micrographic surgery, the visible tumor and a thin layer of surrounding skin are removed. The tissue is examined to see if any cancer cells remain at the edges while the patient is still in surgery. If any cancer cells remain, additional skin is removed and examined until no more cancer cells are found at the edges.[19] Mohs micrographic surgery falls under dermatopathology tests and is performed by specially trained dermatologists who have completed extensive training in Mohs surgery.

CMS received many comments from interested parties related to dermatologists performing Mohs micrographic surgery following the effective date of the 2023 CLIA final rule. The commenters noted that dermatologists' specialized training should qualify them to serve as laboratory directors to perform Mohs procedures. This feedback was particularly compelling given the existing shortage of Mohs physicians, especially in rural areas where access to specialized dermatologic care is already limited.[20] CMS reviewed provider data and determined that approximately 20 percent of all CoC laboratories are in dermatology offices. In response to these concerns, CMS and the CDC recognized that a targeted approach would likely better serve both the regulatory goals and the practical needs of healthcare delivery in underserved communities.

CMS and the CDC propose adding new regulations for laboratory directors in dermatology office locations performing Mohs micrographic surgery. The proposed regulations for these dermatologists would allow them to qualify as high complexity laboratory directors through dermatology board certification instead of producing documentation from their residency and fellowship to establish experience requirements. We propose to add regulations at § 493.1443(b)(6), (b)(6)(i), (b)(6)(ii), (b)(6)(ii)(A), (b)(6)(ii)(B), and (b)(6)(ii)(C) for high complexity laboratory director qualifications for dermatopathology. The new regulatory requirements would allow individuals to qualify as a high complexity laboratory director for tests in dermatopathology if they meet one of the following requirements: be a doctor of medicine or doctor of osteopathy licensed to practice medicine or osteopathy in the State in which the laboratory is located; and meet one of the following: be certified in anatomic pathology by the American Board of Pathology or the American Osteopathic Board of Pathology; or be certified in dermatopathology by the American Board of Dermatology and the American Board of Pathology; or certified in dermatology by the American Board of Dermatology, American Osteopathic Board of Dermatology, or American Board of Physician Specialties. We propose to establish regulations for Mohs surgeons that recognize their specialized certification pathway. By recognizing board certification in Dermatology for high complexity laboratory director qualifications for Mohs surgeons, the documentation requirements would be both simplified and standardized.

CMS and the CDC believe that these proposed changes would not affect the laboratory's test quality, accuracy, and reliability, as this change is consistent with the qualification requirements for technical supervisors for tests performed under dermatopathology.

2. Laboratory Director Responsibilities

CMS and the CDC also propose rescinding or revising several regulations that we believe increase the financial, time, and compliance burdens on laboratories without delivering measurable benefits with respect to patient safety and regulatory compliance, including competency for PPM testing personnel and laboratory director on-site visits.

a. PPM Laboratory Director Responsibilities (§ 493.1359)

Section 493.1359(c)(1) through (5) and (d) currently provides that PPM laboratory directors must evaluate the competency of all testing personnel and ensure that the staff maintains their competency to perform test procedures and report test results promptly, accurately, and proficiently. We propose to rescind the regulations at § 493.1359(c)(1) through (5) and (d), which outline the laboratory director's responsibility to evaluate the competency of all testing personnel and the procedures for doing so as well as the laboratory director's responsibility to evaluate and document the performance of individuals responsible for PPM testing at least semiannually during the first year the individual tests patient specimens and annually thereafter. We propose to rescind these provisions because PPM procedures are performed by a healthcare provider during a patient visit in the context of a physical examination, and because all testing personnel in laboratories with a PPM certificate qualify as PPM laboratory directors. PPM tests are labile and easily deteriorate; any delay in

[19] American Academy of Dermatology (AAD), *https://www.aad.org/public/diseases/skin-cancer/types/common/melanoma/mohs-surgery.*

[20] NIH National Library of Medicine, *https://www.ncbi.nlm.nih.gov/books/NBK606085/#.*

performing the test could compromise the test result's accuracy.[21] Therefore, PPM tests are conducted by healthcare providers during patient visits, but directly observing these tests to assess competency can disrupt patient care. This situation could create tension between meeting regulatory requirements and providing the best possible treatment environment for patients. In addition, the current standards do not reflect the practical challenges of today's healthcare system, especially in rural areas where resources may already be very limited. In rural physician offices, for example, there may be only one practitioner scheduled at a time, leaving no capacity to step away from patient care to complete paperwork relating to competency requirements. The resulting documentation burden may divert time away from patients who may have to travel significant distances and have few alternative care options. CMS and the CDC believe that these proposed changes would not affect the laboratory's test quality, accuracy, and reliability, as applicable regulations in subpart K would remain unchanged under this proposal.

b. Moderate Complexity Laboratory Director Responsibilities (§ 493.1407)

Section 493.1407(c) currently requires the laboratory director to be on-site at least once every 6 months, with at least 4 months between the minimum two on-site visits. Laboratory directors may elect to be on-site more frequently and must continue to be accessible to the laboratory to provide telephone or electronic consultation as needed and provide documentation of these visits, including evidence of performing activities that are part of the laboratory director's responsibilities. We propose to revise § 493.1407(c) to state that laboratory directors must be accessible to the laboratory as needed, which would revert the regulation to the language in place prior to the 2023 CLIA final rule. We also propose to rescind § 493.1407(c)(1) and (2). This revision would address interested parties' concerns that the on-site requirement for laboratory directors, at least once every 6 months, with a minimum of 4 months between the two on-site visits, is burdensome.

Following the implementation of the 2023 CLIA final rule, laboratory director citations remain among the top ten condition-level deficiencies cited by laboratory surveyors, despite laboratory directors being required to be onsite at the laboratory at least every 6 months. Based on this data, we believe the burden of on-site visits does not outweigh the perceived benefits outlined in the 2023 CLIA final rule.

c. High Complexity Laboratory Director Responsibilities (§ 493.1445)

Section 493.1445(c) currently requires the high complexity laboratory director to be on-site at least once every 6 months, with at least 4 months between the minimum two on-site visits. Laboratory directors may elect to be on-site more frequently and must continue to be accessible to the laboratory to provide telephone or electronic consultation as needed, and provide documentation of these visits, including evidence of performing activities that are part of the laboratory director's responsibilities. We propose to revise § 493.1445(c) to state that the laboratory director must be accessible to the laboratory as needed. We also propose to rescind § 493.1445 (c)(1) and (2). These proposed revisions and rescissions would address interested parties' concerns that the on-site requirement for laboratory directors is burdensome.

Following the implementation of the 2023 CLIA final rule, laboratory director citations remain among the top ten condition-level deficiencies cited by laboratory surveyors, despite laboratory directors being required to be onsite at the laboratory at least every 6 months. Based on this data, we believe the burden of on-site visits does not outweigh the perceived benefits outlined in the 2023 CLIA final rule.

3. Personnel Qualifications, General

Thirty years ago, a clinical laboratory science degree provided the foundational knowledge and skills necessary for most clinical laboratory work, as testing procedures were more standardized, and the scope of available tests was relatively limited. However, the modern clinical laboratory has undergone a remarkable expansion in its test menu and technological sophistication, fundamentally changing the educational requirements for laboratory professionals.

Today's clinical laboratories offer an increasingly diverse array of specialized testing services that demand expertise far beyond traditional clinical laboratory training. The emergence of molecular diagnostics has revolutionized how laboratories detect genetic disorders, infectious diseases, and cancer markers, requiring professionals with deep knowledge of deoxyribonucleic acid (DNA) sequencing, polymerase chain reaction (PCR) techniques, and bioinformatics. This type of testing requires professionals with specialized training in complex data interpretation that extends well beyond the scope of traditional clinical laboratory education. Current CLIA personnel regulations may not allow individuals with this specialized training to qualify.

CLIA laboratories encompass a diverse range of facilities with varying staffing models. While some laboratories operate with traditional laboratory medicine professionals (clinical laboratory scientists, medical technologists, pathologists, etc.), others employ individuals from different backgrounds (nonclinical scientists, physicians, public health professionals, etc.). We believe the ongoing workforce shortage in laboratory medicine would benefit significantly from allowing more flexible staffing and operational approaches. Individual facilities and accreditation organizations may choose to maintain more stringent personnel requirements based on their specific operational needs. The CLIA program oversees approximately 300,000 laboratories [22] throughout the United States, each presenting unique testing capabilities, hiring challenges, and required skill sets. Given this vast and diverse landscape of laboratory operations, CMS and the CDC must consider the comprehensive scope of all laboratories when establishing personnel requirements that are both practical and effective across the entire regulated community.

CMS reviewed interested parties' feedback suggesting that the regulations and definitions for experience, qualifications, doctoral degrees, and thesis requirements adopted in the 2023 CLIA final rule were restrictive. Multiple interested parties have urged CMS to expand and standardize the current interpretations of biological, chemical, and clinical and medical laboratory science degrees. They stated that most clinical laboratory research is conducted using animal models rather than human subjects, making the experience requirements restrictive and potentially exacerbating existing workforce shortages in the field. Additionally, interested parties argued that the doctoral degree definition codified in the 2023 CLIA final rule lacked necessary flexibility to accommodate nontraditional but relevant educational backgrounds, such as veterinary degrees. CMS and the CDC believe that interested parties raised compelling concerns about the practical

[21] Provider Performed Microscopy Procedures: A Focus on Quality Practices; Provider Performed Microscopy Procedures—508c—April 2026.

[22] Data from Quality, Certification and Oversight Reports (QCOR) as of August 4, 2025.

implications of the new definitions and personnel requirements in the 2023 CLIA final rule.

CMS has also received comments from reproductive medicine laboratory professionals regarding the need to formally recognize the specialized qualifications of professionals with animal science backgrounds in the context of reproductive laboratory testing. Commenters representing the reproductive medicine community have articulated that individuals credentialed in animal science may possess distinct expertise and advanced technical proficiencies that may be directly applicable to critical reproductive testing procedures, including those integral to in vitro fertilization (IVF) treatments. These professionals have often demonstrated established competency in managing complex biological processes and performing laboratory techniques that are foundational to the safe and effective delivery of reproductive medicine services.

Several commenters have expressed concern that the current CLIA regulatory framework, in certain circumstances, requires facilities to engage additional specialized personnel to perform basic laboratory procedures, even when such procedures fall within the demonstrated scope of practice and documented competency of the animal science professionals already employed at those facilities. CMS and the CDC acknowledge that for patients and families pursuing IVF and other assisted reproductive technologies, any operational or staffing barriers that affect the availability or continuity of care may carry significant personal and clinical implications.

We have also heard from numerous histology professional associations that histotechnician/histotechnologist/pathologist assistant (HT/HTL/PA) professionals may not currently qualify as high complexity testing personnel under § 493.1489 despite having specialized training in gross tissue examination and histotechnology procedures. This is primarily because HT/HTL/PA degrees have not historically been recognized under the CLIA regulations as laboratory science degrees, even though these professionals possess specialized laboratory science training specifically focused on histopathology techniques. This creates a scenario in which qualified professionals with specialized histopathology training may be prevented from performing certain tasks due to their degree classification rather than actual competency in the field.

Interested parties from the veterinary and research communities are supportive of expanding the previous interpretation of the definition of experience and training in laboratory science to allow for additional qualified laboratory personnel. Section 353(f)(1)(C) and (2) of the PHSA gives the Secretary the authority to recognize qualifications of nonhuman laboratory science, as appropriate, for laboratory personnel. CMS and the CDC believe it is appropriate to expand the definitions and language that limit background, education, experience, and training to human-only laboratory science to expand the qualified workforce and reduce the burden, particularly in rural areas, to find qualified laboratory personnel.

After considering the input from interested parties and based on experiences during the SARS–CoV–2 PHE and current workforce shortages, CMS and the CDC propose revising certain definitions and language in the CLIA regulations that limit background, education, experience, and training to human-only laboratory science. During the SARS–CoV–2 PHE, individuals who possessed nontraditional science degrees and laboratory backgrounds played a key role in conducting SARS–CoV–2 testing. This significantly expanded access to testing, particularly in rural areas where traditional medical laboratories could not manage the substantial increase in test volume. A review of our survey data from this period indicates that these facilities performed SARS–CoV–2 tests accurately, with no notable issues. Before the 2023 CLIA final rule, laboratories had broadly interpreted qualification requirements. CMS previously considered a veterinary medicine degree an acceptable doctoral degree for high complexity laboratory director qualifications.[23] In a Government Accountability Office (GAO) study [24] released in 2025, one expert noted that during the SARS–CoV–2 PHE, there was confusion regarding the amount of professional training and education required for deployment of tests outside of the clinical laboratory setting.

Even with the contributions from individuals with nontraditional backgrounds assisting with testing efforts, the laboratory professional vacancy rates remained high throughout the SARS–CoV–2 PHE. A survey published in the March 2023 American Journal of Clinical Pathology (AJCP) found that the average overall vacancy rate for the traditional laboratory professionals in medical laboratories jumped from 8.35 percent in 2020 to 13.82 percent in 2022.[25] The individuals from nontraditional backgrounds who temporarily supported testing operations during the SARS–CoV–2 PHE have since returned to their regular roles. The most recent survey findings from the ASCP 2024 Vacancy Survey indicate that although vacancy rates have declined compared with 2022, they remain elevated relative to those observed before the SARS–CoV–2 PHE.[26] Results of the ASCP 2024 Vacancy Survey show an increase in overall vacancy rates for the traditional medical laboratory positions in the anatomic pathology, flow cytometry, histology, laboratory information systems, quality assurance/performance improvement, and point-of-care testing departments compared with 2022. Interested parties have expressed concern that the 2023 CLIA final rule may exacerbate workforce shortages and could present significant challenges should another PHE occur. Based on interested party feedback, our experience during the SARS–CoV–2 PHE, and the current workforce shortage, CMS and the CDC propose revising the personnel requirements as outlined below.

a. Biological, Chemical, Clinical or Medical Laboratory Science or Medical Technology Degrees (§ 493.2)

CMS and the CDC propose to introduce a definition for biological, chemical, clinical or medical laboratory science or medical technology degrees to standardize the qualification process and provide clarity to interested parties. CMS received feedback from various interested parties that the qualification regulations have been inconsistently applied, making it challenging for laboratories to ensure they employ staff who meet the requirements of CLIA and its implementing regulations. When determining which degrees should qualify as biological, chemical, clinical or medical laboratory science or medical technology degrees, CMS and the CDC explored several approaches before settling on this proposal.

CMS and the CDC evaluated allowing all science degrees but determined this would be too broad and subject to

[23] State Operation Manual, Appendix C, Rev. 166, Issued: February 03,17, Effective: March 03, 17, Implementation: March 03, 17, *https://www.cms.gov/Regulations-and-Guidance/Guidance/Transmittals/2017Downloads/R166SOMA.pdf.*

[24] Government Accountability Office (GAO), *https://www.gao.gov/products/gao-25-106980.*

[25] AJCP, *https://academic.oup.com/ajcp/article/161/3/289/7344701?login=true.*

[26] AJCP, *https://doi.org/10.1093/ajcp/aqad101.*

varying interpretations, as the term ''science'' encompasses a wide range of disciplines. CMS and the CDC also considered limiting acceptable degrees to human and animal sciences but found this criterion similarly open to interpretation and potentially problematic. Limiting acceptable degrees to human and animal sciences may seem more specific, but it remains problematic because these fields encompass a broad and diverse range of disciplines. For example, ''human sciences'' can include psychology, sociology, nutrition, and public health, while ''animal sciences'' can cover veterinary medicine, zoology, and animal behavior, making it difficult to clearly define which degrees or programs would meet the criteria without ambiguity. Academic programs and degree titles also vary widely between institutions and regions, further complicating consistent interpretation and potentially leading to disputes over eligibility and difficulties in maintaining standardized qualifications. When used in qualification criteria without further specificity, this approach would fail to provide clear, measurable standards for surveyors to assess compliance, leave room for inconsistent interpretation across different surveyors and interested parties, and would not align with the need for objective, verifiable criteria in regulatory enforcement. Similarly, using course labels such as BIO (Biology) or CHEM (Chemistry) as qualification markers presents its own challenges, as the same course content may carry different prefixes depending on the institution or degree program; for example, a biochemistry course might be labeled differently for a nursing student versus a general science student, potentially creating differences in how qualifications are evaluated for individuals with different educational backgrounds.

For the proposal, CMS and the CDC settled on a practical framework for defining qualifying degrees, with universal recognition, federal backing, and existing institutional reporting processes. We propose to use the 2020 version (most current version) of the U.S. Department of Education's National Center for Education Statistics (NCES) Classification of Instructional Programs (CIP) categories to define biological, chemical, clinical or medical laboratory science or medical technology degrees. The CIP system was developed by the U.S. Department of Education to bring order to the thousands of similar academic programs that exist under different names and descriptions across institutions. Its primary purpose is to facilitate the organization, collection, and reporting of fields of study and program completions. As the accepted Federal government standard for instructional program classifications, Federal and State agencies, national associations, academic institutions, and employment counseling services widely use CIP codes to collect, report, and analyze educational program data. For example, the CIP is used to provide a standardized taxonomy for tracking student enrollment, and degree completion, ensuring consistent data analysis across colleges. Universities use CIP codes for mandatory federal reporting to the Integrated Postsecondary Education Data System (IPEDS).[27] The Department of Homeland Security (DHS) uses CIP codes to determine if a degree qualifies for the 24-month STEM Optional Practical Training (OPT) extension.[28] Every post-secondary institution that receives Federal student financial aid must use CIP codes when reporting program data to the government, making this system both comprehensive and mandatory across higher education.[29]

Specifically, we propose to use category 26 (Biological and Biomedical Sciences) for biological degrees, category 40.05 (Chemistry) for chemical degrees, and category 51.10 (Clinical/Medical Laboratory Science/Allied Professions), with the exception of 51.1006, 51.1009, 51.1011, 51.1012, for clinical or medical laboratory science or medical technology degrees.[30] We are proposing to exclude categories 51.1006, 51.1009, 51.1011, and 51.1012 because they are considered allied health professions whose responsibilities and training do not involve clinical laboratory testing. After reviewing these classifications, CMS and the CDC also propose adding to the biological degree definition categories 01.0901, 01.0902, 01.0903, 01.80, and 01.81 within Agriculture, Agriculture Operations, and Related Sciences, which specifically cover General Animal Sciences, Agricultural Animal Breeding, Animal Health, Veterinary Medicine, and Veterinary Biomedical and Clinical Sciences. Based on feedback that CMS has received from interested parties, individuals who have completed these educational courses also possess laboratory training, practical experience, and have undertaken relevant health-related science coursework. We also propose adding category 51.0811 (Pathology/Pathologist Assistant) for the clinical or medical laboratory science or medical technology degrees.

TABLE 2—PROPOSED CATEGORIES FOR BIOLOGICAL, CHEMICAL, CLINICAL OR MEDICAL LABORATORY SCIENCE OR MEDICAL TECHNOLOGY DEGREES FROM THE CIP

Proposed category	Title
01.0901	Animal Sciences, General.
01.0902	Agricultural Animal Breeding.
01.0903	Animal Health.
01.80	Veterinary Medicine.
01.8001	Veterinary Medicine.
01.81	Veterinary Biomedical and Clinical Sciences.
01.8101	Veterinary Biomedical and Clinical Sciences.
01.8102	Comparative and Laboratory Animal Medicine.
01.8103	Large Animal/Food Animal and Equine Surgery and Medicine.
01.8104	Small/Companion Animal Surgery and Medicine.
01.8105	Veterinary Anatomy.
01.8106	Veterinary Infectious Diseases.
01.8107	Veterinary Microbiology and Immunobiology.

[27] National Standards for Educational Statistics, IPEDS, *https://nces.ed.gov/ipeds/about-ipeds#:~:text=Degrees%20and%20Certificates%20Conferred%20*(Completio. . . .

[28] Eligible CIP Codes for the STEM OPT Extension, U.S. Department of Homeland Security, *https://studyinthestates.dhs.gov/stem-opt-hub/additional-resources/eligible-cip-codes-for-the-stem-opt-extension.*

[29] National Standards for Educational Statistics, CIP, FAQs, *https://nces.ed.gov/ipeds/cipcode/FAQ.aspx?y=56#:~:text=11.,ifap.ed.gov/.*

[30] U.S. Department of Education's National Center for Education Statistics (NCES), *https://nces.ed.gov/ipeds/cipcode/Default.aspx?y=56.*

TABLE 2—PROPOSED CATEGORIES FOR BIOLOGICAL, CHEMICAL, CLINICAL OR MEDICAL LABORATORY SCIENCE OR MEDICAL TECHNOLOGY DEGREES FROM THE CIP—Continued

Proposed category	Title
01.8108	Veterinary Pathology and Pathobiology.
01.8109	Veterinary Physiology.
01.8110	Veterinary Preventive Medicine, Epidemiology, and Public Health.
01.8111	Veterinary Toxicology and Pharmacology.
01.8199	Veterinary Biomedical and Clinical Sciences, Other.
26.01	Biology, General.
26.0101	Biology/Biological Sciences, General.
26.0102	Biomedical Sciences, General.
26.02	Biochemistry, Biophysics and Molecular Biology.
26.0202	Biochemistry.
26.0203	Biophysics.
26.0204	Molecular Biology.
26.0205	Molecular Biochemistry.
26.0206	Molecular Biophysics.
26.0207	Structural Biology.
26.0208	Photobiology.
26.0209	Radiation Biology/Radiobiology.
26.0210	Biochemistry and Molecular Biology.
26.0299	Biochemistry, Biophysics and Molecular Biology, Other.
26.03	Botany/Plant Biology.
26.0301	Botany/Plant Biology.
26.0305	Plant Pathology/Phytopathology.
26.0307	Plant Physiology.
26.0308	Plant Molecular Biology.
26.0399	Botany/Plant Biology, Other.
26.04	Cell/Cellular Biology and Anatomical Sciences.
26.0401	Cell/Cellular Biology and Histology.
26.0403	Anatomy.
26.0404	Developmental Biology and Embryology.
26.0406	Cell/Cellular and Molecular Biology.
26.0407	Cell Biology and Anatomy.
26.0499	Cell/Cellular Biology and Anatomical Sciences, Other.
26.05	Microbiological Sciences and Immunology.
26.0502	Microbiology, General.
26.0503	Medical Microbiology and Bacteriology.
26.0504	Virology.
26.0505	Parasitology.
26.0506	Mycology.
26.0507	Immunology.
26.0508	Microbiology and Immunology.
26.0509	Infectious Disease and Global Health.
26.0599	Microbiological Sciences and Immunology, Other.
26.07	Zoology/Animal Biology.
26.0701	Zoology/Animal Biology.
26.0702	Entomology.
26.0707	Animal Physiology.
26.0708	Animal Behavior and Ethology.
26.0709	Wildlife Biology.
26.0799	Zoology/Animal Biology, Other.
26.08	Genetics.
26.0801	Genetics, General.
26.0802	Molecular Genetics.
26.0803	Microbial and Eukaryotic Genetics.
26.0804	Animal Genetics.
26.0805	Plant Genetics.
26.0806	Human/Medical Genetics.
26.0807	Genome Sciences/Genomics.
26.0899	Genetics, Other.
26.09	Physiology, Pathology and Related Sciences.
26.0901	Physiology, General.
26.0902	Molecular Physiology.
26.0903	Cell Physiology.
26.0904	Endocrinology.
26.0905	Reproductive Biology.
26.0907	Cardiovascular Science.
26.0908	Exercise Physiology and Kinesiology.
26.0909	Vision Science/Physiological Optics.
26.0910	Pathology/Experimental Pathology.
26.0911	Oncology and Cancer Biology.
26.0912	Aerospace Physiology and Medicine.
26.0913	Biomechanics.

TABLE 2—PROPOSED CATEGORIES FOR BIOLOGICAL, CHEMICAL, CLINICAL OR MEDICAL LABORATORY SCIENCE OR MEDICAL TECHNOLOGY DEGREES FROM THE CIP—Continued

Proposed category	Title
26.0999	Physiology, Pathology, and Related Sciences, Other.
26.10	Pharmacology and Toxicology.
26.1001	Pharmacology.
26.1002	Molecular Pharmacology.
26.1003	Neuropharmacology.
26.1004	Toxicology.
26.1005	Molecular Toxicology.
26.1006	Environmental Toxicology.
26.1007	Pharmacology and Toxicology.
26.1099	Pharmacology and Toxicology, Other.
26.11	Biomathematics, Bioinformatics, and Computational Biology.
26.1101	Biometry/Biometrics.
26.1102	Biostatistics.
26.1103	Bioinformatics.
26.1104	Computational Biology.
26.1199	Biomathematics, Bioinformatics, and Computational Biology, Other.
26.12	Biotechnology.
26.1201	Biotechnology.
26.13	Ecology, Evolution, Systematics, and Population Biology.
26.1301	Ecology.
26.1302	Marine Biology and Biological Oceanography.
26.1303	Evolutionary Biology.
26.1304	Aquatic Biology/Limnology.
26.1305	Environmental Biology.
26.1306	Population Biology.
26.1307	Conservation Biology.
26.1308	Systematic Biology/Biological Systematics.
26.1309	Epidemiology.
26.1310	Ecology and Evolutionary Biology.
26.1311	Epidemiology and Biostatistics.
26.1399	Ecology, Evolution, Systematics and Population Biology, Other.
26.14	Molecular Medicine.
26.1401	Molecular Medicine.
26.15	Neurobiology and Neurosciences.
26.1501	Neuroscience.
26.1502	Neuroanatomy.
26.1503	Neurobiology and Anatomy.
26.1504	Neurobiology and Behavior.
26.1599	Neurobiology and Neurosciences, Other.
26.99	Biological and Biomedical Sciences, Other.
26.9999	Biological and Biomedical Sciences, Other.
40.05	Chemistry.
40.0501	Chemistry, General.
40.0502	Analytical Chemistry.
40.0503	Inorganic Chemistry.
40.0504	Organic Chemistry.
40.0506	Physical Chemistry.
40.0507	Polymer Chemistry.
40.0508	Chemical Physics.
40.0509	Environmental Chemistry.
40.0510	Forensic Chemistry.
40.0511	Theoretical Chemistry.
40.0512	Cheminformatics/Chemistry Informatics.
40.0599	Chemistry, Other.
51.0811	Pathology/Pathologist Assistant.
51.1001	Blood Bank Technology Specialist.
51.1002	Cytotechnology/Cytotechnologist.
51.1003	Hematology Technology/Technician.
51.1004	Clinical/Medical Laboratory Technician.
51.1005	Clinical Laboratory Science/Medical Technology/Technologist.
51.1007	Histologic Technology/Histotechnologist
51.1008	Histologic Technician.
51.1010	Cytogenetics/Genetics/Clinical Genetics Technology/Technologist.

CMS regulates approximately 33,000 nonwaived laboratories [31] across the United States, spanning an extraordinarily diverse range of testing environments from large hospital systems to highly specialized reproductive medicine labs, dermatopathology practices, histology labs, and research institutions. A one-size-fits-all definition of qualifying educational backgrounds fails to reflect the reality of what makes someone the best-qualified person for a specific laboratory setting. We propose these changes to remove barriers that would otherwise prevent laboratories from selecting the most qualified and suitable candidate for employment, thereby preserving each laboratory's discretion to make personnel decisions consistent with its operational requirements.

This CIP-based approach offers several advantages, including expanding the number of qualifying degrees to include candidates with science backgrounds while creating a standardized, objective list for evaluating biological, chemical, clinical or medical laboratory science and medical technology degrees for personnel qualifications. We propose to accept the CIP codes for the courses listed in Table 2, Proposed Categories for Biological, Chemical, Clinical or Medical Laboratory Science or Medical Technology Degrees for purposes of defining biological, chemical, clinical or medical laboratory science or medical technology degrees. If this proposal is finalized as proposed and there is a change to the CIP codes in the future, CMS would propose corresponding changes to these categories through notice-and-comment rulemaking.

(1) Biological Degree (§ 493.2)

We propose to revise § 493.2 to add the following definition of a biological degree: Biological degree means an academic program classified in the 2020 version of the U.S. Department of Education's NCES CIP under category 26 Biological and Biomedical Sciences, category 01.0901 General Animal Sciences, category 01.0902 Agricultural Animal Breeding, category 01.0903 Animal Health, category 01.80 Veterinary Medicine, and category 01.81 Veterinary Biomedical and Clinical Sciences.

(2) Chemical Degree (§ 493.2)

We propose to revise § 493.2 to add the following definition of a chemical degree: Chemical degree means an academic program classified under category 40.05 Chemistry in the 2020 version of the U.S. Department of Education's NCES CIP.

(3) Clinical or Medical Laboratory Science or Medical Technology Degree (§ 493.2)

We propose to revise § 493.2 to add the following definition of a clinical or medical laboratory science or medical technology degree: Clinical or Medical Laboratory Science or Medical Technology degree means an academic program classified in the 2020 version of the U.S. Department of Education's NCES CIP under category 51.0811 Pathology/Pathologist Assistant, category 51.1001 Blood Bank Technology Specialist, category 51.1002 Cytotechnology/Cytotechnologist, category 51.1003 Hematology Technology/Technician, category 51.1004 Clinical/Medical Laboratory Technician, category 51.1005 Clinical Laboratory Science/Medical Technology/Technologist, category 51.1007 Histologic Technology/Histotechnologist, category 51.1008 Histologic Technician, and category 51.1010 Cytogenetics/Genetics/Clinical Genetics Technology/Technologist.

CMS and the CDC received feedback from laboratory professionals in histopathology that individuals with HT/HTL/PA degrees receive specialized training in histopathology laboratory science and should be recognized as qualifying laboratory science degrees. We believe that these proposed revisions to the personnel qualification requirements would not adversely affect the quality, accuracy or reliability of laboratory testing. This proposed approach would not change CLIA regulatory requirements related to personnel training, annual competency assessment, quality systems, PT, and biennial on-site surveys, which will continue to ensure accurate and quality laboratory testing. We believe the proposed revisions to the CLIA regulations are not expected to compromise testing quality. It is important to note that personnel qualifications represent only one element of a broader quality assurance framework. No individual is permitted to perform testing without first completing the required training and demonstrating competency.

Beyond initial personnel qualifications, robust safeguards are in place to uphold testing accuracy on an ongoing basis. Each day, laboratories are required to conduct quality control measures to verify that the testing process is being performed correctly. Additionally, laboratories are required to participate in proficiency testing to validate the accuracy of their results, a process that CMS actively monitors.

We do not believe these proposed regulatory changes, if finalized, would impact the accuracy and quality of testing given the safeguards already described. Laboratories would need to carefully review any flexibilities outlined in the proposed rule, if finalized, to determine what best fits their individual needs, as CMS and the CDC aim to provide maximum flexibility while expecting that each lab will hire qualified personnel to maintain the accuracy and quality of their specific testing. If CMS were to detect a decrease in quality and accuracy following implementation of the proposed changes, if finalized, as evidenced by its biennial surveys and PT performance monitoring, it would assess whether the regulations need to be revised further through future notice and comment rulemaking to address any identified deficiencies.

b. Doctoral Degree (§ 493.2)

Section 493.2 currently defines ''doctoral degree'' as an earned post-baccalaureate degree with at least 3 years of graduate level study that includes research related to clinical laboratory testing or advanced study in clinical laboratory science, medical laboratory science, or medical technology. The current regulation also states that for purposes of this part, doctoral degrees do not include doctors of medicine (MD), doctors of osteopathy (DO), doctors of podiatric medicine (DPM), doctors of veterinary medicine (DVM) degrees, or honorary degrees.

Interested party feedback has indicated that this definition of ''doctoral degree'' has been confusing and that it limits doctoral degrees to those that only include research related to clinical laboratory testing or advanced study in clinical laboratory science, medical laboratory science, or medical technology. In addition, several interested parties had questions about what qualified as at least 3 years of graduate level study and what type of research was considered related to clinical laboratory testing. Prior to the 2023 CLIA final rule, the CLIA regulations did not include a definition of ''doctoral degree.'' CMS had accepted doctoral degrees as defined by the relevant academic institution's doctoral program. Since the implementation of the 2023 CLIA final rule and codification of a definition of ''doctoral degree'', CMS has received more questions about what qualifies as a doctoral degree than had arisen under the previous practice. Therefore, CMS and the CDC propose to revise § 493.2

[31] Data from Quality, Certification and Oversight Reports (QCOR) as of August 4, 2025.

to add the following definition of a doctoral degree: Doctoral degree means an earned doctoral degree as defined by the academic institution's doctoral program. This definition is being proposed to reduce ambiguity, address questions surrounding whether master's degree holders meet the criteria for doctoral level qualification and provide the greatest flexibility in its application.

CMS and the CDC believe that these proposed revisions to the personnel qualification requirements would not adversely affect the quality, accuracy or reliability of laboratory testing. This proposed approach would not change CLIA regulatory requirements related to personnel training, annual competency assessment, quality systems, PT, and biennial on-site surveys, which continue to ensure accurate and quality laboratory testing. We believe the proposed revisions to the CLIA regulations would not compromise testing quality. It is important to note that personnel qualifications represent only one element of a broader quality assurance framework. No individual is permitted to perform testing without first completing the required training and demonstrating competency.

Beyond initial personnel qualifications, robust safeguards are in place to uphold testing accuracy on an ongoing basis. Each day, laboratories are required to conduct quality control measures to verify that the testing process is being performed correctly. Additionally, laboratories are required to participate in proficiency testing to validate the accuracy of their results, a process that CMS actively monitors.

We do not believe these proposed regulatory changes, if finalized, would impact the accuracy and quality of testing given the safeguards already described. Laboratories would continue to have to carefully review any flexibilities outlined in the proposed rule, if finalized, to determine what best fits their individual needs, as CMS and the CDC aim to provide maximum flexibility while expecting that each lab will hire qualified personnel to maintain the accuracy and quality of their specific testing. If CMS were to detect a decrease in quality and accuracy following implementation of the proposed changes, if finalized, as evidenced by its biennial surveys and PT performance monitoring, it would assess whether the regulations need to be revised further through future notice and comment rulemaking to address any identified deficiencies.

c. Experience Directing or Supervising and Laboratory Training or Experience (§ 493.2)

Section 493.2 defines ''laboratory training or experience'' as training or experience obtained in a facility that meets the definition of a laboratory under § 493.2 and is not excepted under § 493.3(b). We propose to revise § 493.2 to rescind the definition of ''experience directing or supervising'' and ''laboratory training or experience.'' CMS added these definitions to the 2023 CLIA final rule in response to comments on the 2018 RFI (83 FR1004) [32] and CLIAC recommendations [33] that laboratory training and experience should be clinical in nature. We propose this rescission because the 2023 CLIA final rule narrowed the definition of directing or supervising experience to apply only within CLIA-certified laboratories. Post implementation of the 2023 CLIA final rule, interested parties have argued that testing conducted in non-traditional settings may include the same instrumentation used in CLIA-certified laboratories. For example, during the SARS–CoV–2 PHE, both university and veterinary laboratories already had the molecular instrumentation to provide SARS–CoV–2 testing. Before the implementation of the 2023 CLIA final rule, the regulations did not specify a definition of ''experience directing or supervising'' allowing for flexibility during the SARS–CoV–2 PHE.

CMS and the CDC believe that these proposed revisions to the personnel qualification requirements would not adversely affect the quality, accuracy or reliability of laboratory testing. This proposed approach does not change CLIA regulatory requirements related to personnel training, annual competency assessment, quality systems, PT, and biennial on-site surveys, which continue to ensure accurate and quality laboratory testing. We believe the proposed revisions to the CLIA regulations will not compromise testing quality. It is important to note that personnel qualifications represent only one element of a broader quality assurance framework. No individual is permitted to perform testing without first completing the required training and demonstrating competency.

Beyond initial personnel qualifications, robust safeguards are in place to uphold testing accuracy on an ongoing basis. Each day, laboratories are required to conduct quality control measures to verify that the testing process is being performed correctly. Additionally, laboratories are required to participate in proficiency testing to validate the accuracy of their results, a process that CMS actively monitors.

We do not believe these proposed regulatory changes, if finalized, would impact accuracy and quality of testing given the safeguards already described. Laboratories would need to carefully review any flexibilities outlined in the proposed rule, if finalized, to determine what best fits their individual needs, as CMS and the CDC aim to provide maximum flexibility while expecting that each lab will hire qualified personnel to maintain the accuracy and quality of their specific testing. If CMS were to detect a decrease in quality and accuracy following implementation of the proposed changes, if finalized, as evidenced by its biennial surveys and PT performance monitoring, it would assess whether the regulations need to be revised further through future notice and comment rulemaking to address any identified deficiencies.

d. Gross Tissue Examination (§§ 493.1489(b)(7) and 493.1273(c))

CMS and the CDC propose to codify in regulations at § 493.1489(b)(7) guidance that was previously provided in the State Operations Manual (SOM) Appendix C [34] as interpretive guidance for § 493.1273(c) explaining that histopathology technical supervisors may delegate certain responsibilities to individuals who qualify as high complexity testing personnel under § 493.1489, including physical examination and description of tissue samples (documenting color, weight, measurements, and other characteristics) and mechanical procedures with specific written protocols. Testing in histopathology includes both gross tissue examination (macroscopic) and the microscopic evaluation of the stained slide(s). Gross tissue examination means the manipulation, orientation, and selection of the desired representative pieces of excised tissue from the total specimen received. This includes the physical examination and description, color, weight, measurements, and other characteristics of the tissue. Selected portions of the tissue are placed into a tissue cassette, subjected to a fixative, processed and infiltrated with paraffin wax, placed onto a slide(s), and stained before being reviewed and evaluated by

[32] 83 FR1004; *https://www.federalregister.gov/documents/2018/01/09/2017-27887/request-for-information-revisions-to-personnel-regulations-proficiency-testing-referral.*

[33] CDC CLIAC Meetings website; *https://www.cdc.gov/cliac/php/meetings/index.html.*

[34] State Operations Manual Appendix C; *https://www.cms.gov/files/document/som-appendix.pdf.*

a technical supervisor. Gross tissue examination is a critical part of the tissue analysis process to ensure subsequent pathology tests are accurate and reliable.

Section 493.1489(b)(7) currently requires individuals who perform tissue examinations for histopathology to meet the qualifications of § 493.1449(b) or (f). We propose to add a regulation at § 493.1489(b)(7)(ii) that would allow gross tissue examination to be performed by individuals who meet the qualifications at § 493.1489(b)(1) through (5). This proposal would codify interpretive guidance, which is currently found in SOM Appendix C, into formal regulation. Microscopic tissue examinations would still need to be performed by individuals who meet the qualifications at § 493.1449(b) or (f).

We propose to revise § 493.1273(c) to require that gross tissue examination results must be reviewed by the technical supervisor before the final test report is issued. Based on feedback from laboratory professionals in histopathology, we propose to codify this interpretive guidance, which is currently found in SOM Appendix C, into formal regulation. This requirement is currently included in the SOM Appendix C interpretive guidance for §§ 493.1489(b)(7) and 493.1461(e), which states that gross tissue examinations may be performed by individuals qualified under § 493.1489 as delegated by the technical supervisor. The current guidance states that it should be reviewed within 24 hours by the technical supervisor. We propose extending the review timeframe from 24 hours to requiring the review to be completed prior to the finalization of the patient report, to allow more flexibility for laboratories. The existing 24-hour window was established in the guidelines primarily to safeguard specimen stability and to ensure that any additional testing deemed necessary would not be delayed. However, CMS recognizes that this timeframe may not be practical or achievable across all laboratory settings, and the proposed change is intended to accommodate the varying operational realities that different laboratories face.

The gross tissue examination evaluates the physical characteristics of tissue specimens, including tumor size, shape, and location, which provides context for interpreting the cellular abnormalities later observed under microscopic examination. This correlation between gross tissue examination and microscopic findings is fundamental to producing comprehensive and accurate pathology reports, as any discrepancies between these two levels of analysis can signal potential errors in specimen processing or microscopic evaluation that must be resolved to ensure diagnostic accuracy. The gross tissue examination, when combined with detailed microscopic findings, directly informs critical treatment decisions, including the need for surgical interventions, chemotherapy protocols, or radiation therapy approaches. When individuals other than the pathologist perform the gross tissue examination, the pathologist reviews the gross tissue examination in conjunction with the microscopic findings. CMS and the CDC believe that these proposed revisions to personnel requirements would not adversely affect the quality, accuracy or reliability of laboratory testing as the technical supervisor is still responsible for reviewing the gross tissue examination. This proposed approach would not change CLIA regulatory requirements related to personnel training, annual competency assessment, quality systems, PT, and biennial on-site surveys, which continue to ensure accurate and quality laboratory testing.

4. Other Proposed Personnel Qualification Requirement Changes

a. Moderate Complexity Technical Consultant (§ 493.1411)

Section 493.1411(b)(6)(i) currently allows individuals to qualify as a technical consultant for blood gas analysis if they meet the qualifications at § 493.1411(b)(1), (2), (3), or (4). We propose to revise § 493.1411(b)(6)(i) to include a cross-reference to § 493.1411(b)(5) as well. This would allow individuals with applicable associate degrees to qualify as technical consultants for blood gas analysis. The proposed amendment would address an inadvertent omission of this cross-reference, which was identified subsequent to the implementation of the 2023 CLIA final rule.

b. Moderate Complexity Clinical Consultant (§ 493.1417)

CMS received interested parties' inquiries after the implementation of the 2023 CLIA final rule, requesting clarification on whether clinical consultants who qualified prior to the final rule's effective date of December 28, 2024, continued to qualify. The 2023 CLIA final rule did not include a provision that would permit individuals who previously met the qualifications for the clinical consultant under prior standards to continue to be recognized as qualified under this rule. We propose to add this provision at § 493.1417(c) for clinical consultant moderate complexity qualifications to address this inadvertent omission in the 2023 CLIA final rule. The proposed provision for clinical consultants would be consistent with the standards applicable to all other personnel positions, namely laboratory director (§ 493.1405(b)(6)), technical consultant (§ 493.1411(b)(7)), and testing personnel (§ 493.1423(b)(8)). In addition, we propose to replace the period at the end of § 493.1417(b) with ''; or'' to accommodate the proposed addition of § 493.1417(c).

c. Moderate Complexity Testing Personnel (§ 493.1423)

Section 493.1423(b)(7)(ii) currently allows individuals to qualify as moderate complexity testing personnel for blood gas analysis if they have earned a bachelor's degree in respiratory therapy or cardiovascular technology from an accredited institution and have at least 1 year of laboratory training or experience, or both, in blood gas analysis. Section 493.1423(b)(7)(iii) currently allows individuals to qualify as moderate complexity testing personnel for blood gas analysis if they have earned an associate degree related to pulmonary function from an accredited institution and have at least 2 years of laboratory training or experience, or both, in blood gas analysis.

We propose to redesignate § 493.1423(b)(7)(ii)(A) as § 493.1423(b)(7)(ii) and § 493.1423(b)(7)(iii)(A) as § 493.1423(b)(7)(iii), and revise newly redesignated § 493.1423(b)(7)(ii) and (b)(7)(iii) to replace the word ''and'' with ''or.'' We also propose to rescind § 493.1423(b)(7)(ii)(B) and (b)(7)(iii)(B) for moderate complexity testing personnel to be consistent with the requirement for high complexity testing personnel for blood gas analysis, which does not contain an experience requirement. These proposed changes are intended to address an inadvertent error discovered following the implementation of the 2023 CLIA final rule. We believe this error resulted from duplicating the regulation for high complexity blood gas testing personnel at § 493.1489. We believe that less complex testing does not require greater experience requirements in the CLIA regulations.

d. High Complexity Technical Supervisor Qualifications (§ 493.1449)

Section 493.1449(c)(4)(i)(C)(2) currently requires individuals qualifying as a high complexity technical supervisor with a bachelor's degree of equivalency to have at least 16 semester hours in a combination of

graduate level coursework in biology, chemistry, medical technology, clinical or medical laboratory science and an approved thesis or research project related to laboratory testing for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings. CMS received feedback from interested parties stating that this regulation was confusing and could be interpreted as providing that only thesis and research projects on human subjects were acceptable. Interested parties further pointed out that most doctoral research conducted for the diagnosis, prevention, or treatment of any disease or impairment of, or assessment of the health of, human beings is initially performed on animal models before it is considered or used in clinical trials with patients. We propose to revise § 493.1449(c)(4)(i)(C)(*2*) to state that the individual must have at least 16 semester hours in a combination of graduate level coursework and an approved thesis or research project in biology, chemistry, medical technology, or clinical or medical laboratory science.

Section 493.1449(f)(2)(i)(B)(*3*) currently requires individuals functioning as technical supervisors in the subspecialty of histopathology to be certified in dermatology by the American Board of Dermatology for tests in dermatopathology. We propose to revise § 493.1449(f)(2)(i)(B)(*3*) to add the American Osteopathic Board of Dermatology, or American Board of Physician Specialties. We propose this revision to codify recognition of the American Osteopathic Board of Dermatology [35] and the American Board of Physician Specialties [36] for qualification in the regulations rather than in State Operations Manual Appendix C and Admin Info: 26–01–CLIA.

In addition, we propose to redesignate the current § 493.1273(c), which states that individuals who successfully complete a training program in neuromuscular pathology approved by HHS may examine and provide reports for neuromuscular pathology, to be included in the high complexity technical supervisor qualifications section. When this regulation was introduced in the 2003 CLIA final rule (68 FR 3640), it was included in subpart K, Quality System, as part of the updates to quality systems requirements. We intended for these individuals to qualify as technical supervisors; however, a change was made to § 493.1273 rather than subpart M, Personnel for Nonwaived Testing, as outlined in the 2003 CLIA final rule.[37] In addition, this revision was inadvertently omitted in the 2023 CLIA final rule, as subpart K was not included. We propose to redesignate § 493.1273(c) from subpart K, to § 493.1449(f)(4) in subpart M. In addition, we propose to revise the regulation to require that individuals must be a doctor of medicine or doctor of osteopathy licensed to practice medicine or osteopathy in the State in which the laboratory is located and have successfully completed an American Academy of Neurology Committee for Neuromuscular Pathology Training Program or the United Council for Neurologic Subspecialties training program. An individual qualified under § 493.1449 paragraph (b) or (f)(4)(i) of this section may delegate to an individual who is a resident in a training program leading to certification specified in paragraph(b) or (f)(4)(i)(B) of this section, the responsibility for examination and interpretation of neuromuscular pathology specimens.

Section 493.1449(i)(2)(ii) currently requires individuals qualifying as a high complexity technical supervisor in clinical cytogenetics with a doctoral degree to have 4 years of laboratory training or experience, or both, in genetics, 2 of which have been in clinical cytogenetics. We propose to revise § 493.1449(i)(2)(ii) to add the word ''or'' at the end of the regulation for consistency with the high complexity technical supervisor qualification requirements at § 493.1449(i).

e. High Complexity Clinical Consultant (§ 493.1455)

Section 493.1455(a) currently requires clinical consultants to be qualified as a laboratory director under § 493.1443(b)(1), (2), or (3) or, for the subspecialty of oral pathology, § 493.1443(b)(5). We propose to revise § 493.1455(a) to add cross-references to the high complexity laboratory director qualifications at § 493.1443(b)(4) and (b)(6) and add the word ''or'' at the end of the regulation that was inadvertently omitted in the 2023 CLIA final rule. This change would allow individuals who qualify as high complexity laboratory directors under § 493.1443(b)(4) and under the proposed new regulation for dermatopathology at § 493.1443(b)(6) to serve as a high complexity clinical consultant. This change would align with the proposed addition of dermatopathology under the high complexity laboratory director qualification requirements.

The 2023 CLIA final rule did not include a provision that would permit individuals who previously met the qualifications for the clinical consultant under prior standards to continue to be recognized as qualified under this rule. We propose to add this provision at § 493.1455(c) for clinical consultant high complexity qualifications, which was inadvertently omitted in the 2023 CLIA final rule. CMS received interested parties' inquiries after the implementation of the 2023 CLIA final rule requesting clarification on whether clinical consultants who qualified prior to the final rule's effective date of December 28, 2024, continued to qualify. The proposed regulation would also be consistent with the provisions applicable to all other personnel positions, *i.e.,* laboratory director (§ 493.1443(b)(4)), technical supervisor (§ 493.1449(j)), general supervisor (§ 493.1461(c)(4)), and testing personnel (§ 493.1489(b)(5)). In addition, we propose to replace the period at the end of § 493.1455(b) with ''; or'' to accommodate the proposed addition of § 493.1455(c).

f. High Complexity General Supervisor (§ 493.1461)

Section 493.1461(c)(3) through (4) currently permits individuals to qualify as high complexity general supervisors if they satisfy the requirements at §§ 493.1443(b)(3), 493.1449(c)(4) or (5), or 493.1461(c)(4). We propose to rescind § 493.1461(c)(3) as this requirement is duplicative of those under § 493.1461(b)(1) and (2). We also propose to redesignate § 493.1461(c)(4) as § 493.1461(c)(3) in light of the proposed rescission of current § 493.1461(c)(3). Section 493.1461(e) currently states that the general supervisor requirement is met in histopathology, oral pathology, dermatopathology, and ophthalmic pathology, because all tests and examinations must be performed by an individual who qualifies as the technical supervisor under the relevant subspecialty. We propose to revise the regulation to state that an individual providing general supervision in histopathology, oral pathology, dermatopathology, and ophthalmic pathology must be qualified as a technical supervisor since we are proposing to allow grossing to be

[35] State Operations Manual-Appendix C, Survey Procedures and Interpretive Guidelines for Laboratories and Laboratory Services *https://www.cms.gov/regulations-and-guidance/guidance/manuals/downloads/som107ap_c_lab.pdf.*

[36] Admin Info: 26–01–CLIA, *https://www.cms.gov/files/document/admin-info-26-01-clia.pdf.*

[37] 68 FR 3641; *https://www.govinfo.gov/content/pkg/FR-2003-01-24/pdf/FR-2003-01-24.pdf.*

performed by high complexity laboratory testing personnel. This proposed regulation would align with the proposed addition at § 493.1489(b)(7), which would allow high complexity laboratory testing personnel to perform the gross tissue examination which is a test under histopathology. Gross tissue examination includes the physical examination/description, including color, weight, measurement and other characteristics of the tissue, or other mechanical procedures. These individuals would not qualify as a general supervisor even though they are performing tests and examinations in histopathology.

g. High Complexity General Supervisor Responsibilities (§ 493.1463)

Sections 493.1463(a)(3) and (c) currently provide for additional supervision by the general supervisor for testing personnel who qualify under § 493.1489(b)(5). We propose to rescind both § 493.1463(a)(3) and (c). The 2023 CLIA final rule removed qualifications requiring additional supervision but inadvertently failed to rescind these two particular requirements The 2023 CLIA final rule removed the qualifications for high school degree high complexity testing personnel. On-site supervision or 24-hour review by the general supervisor is no longer necessary, as there is no longer a qualification provision for individuals with high school degrees for high complexity testing. Section 493.1463(b)(4) currently allows the director or technical supervisor to delegate to the general supervisor the responsibility of evaluating and documenting the competency of all testing personnel. We propose to revise § 493.1463(b)(4) to include ''both moderate and high complexity'' testing personnel since high complexity laboratories may perform both moderate and high complexity testing.

h. High Complexity Testing Personnel Qualifications (§ 493.1489)

Section 493.1489(b)(2)(i) currently allows an individual qualifying as high complexity testing personnel to have an earned doctoral, master's, or bachelor's degree in a chemical, biological, clinical or medical laboratory science, or medical technology from an accredited institution. We propose to revise § 493.1489(b)(2)(i) to add the word ''or'' at the end of the paragraph to clarify that individuals may qualify as high complexity testing personnel under § 493.1443(b)(2)(i) or under the proposed revised regulation at § 493.1443(b)(2)(ii).

Section 493.1489(b)(2)(ii) currently requires individuals qualifying for high complexity testing personnel without a doctoral, master's, or bachelor's degree in biology/chemistry/MT/CLS/MLS to be qualified under the requirements of §§ 493.1443(b)(3) or 493.1449(c)(4) or (5). We propose to revise § 493.1489(b)(2)(ii) to include cross-references to §§ 493.1443(b)(3)(i)(A), 493.1443(b)(3)(i)(B)(1) or (2), 493.1449(c)(4)(i)(A), 493.1449(c)(4)(i)(B)(1) and (2), 493.1449(c)(4)(i)(C)(1) and (2), 493.1449(c)(5)(i)(A), or 493.1449(c)(5)(i)(B)(1) or (2)(i) through (iii). The newly proposed cross-references include alternative ways in which individuals could qualify as high complexity testing personnel via education only. The experience/training requirements would not apply to this regulation, and individuals would not need to meet the experience/training requirements in the regulations cited to qualify as high complexity testing personnel.

Section 493.1489(b)(3)(i) currently allows an individual to qualify as high complexity testing personnel by possessing an associate degree in laboratory science or medical laboratory technology from an accredited institution. CMS and the CDC are proposing to revise § 493.1489(b)(3)(i) to codify longstanding interpretive guidance. Specifically, we propose to codify in regulatory text that, for purposes of § 493.1489(b)(3)(i), an individual may qualify as high complexity testing personnel by possessing an associate degree in chemical, biological, clinical or laboratory science, or medical technology from an accredited institution.

This proposed codification reflects guidance previously issued in the 2017 SOM Appendix C. We believe codifying this interpretation in regulation would promote clarity, consistency, and transparency for laboratories, accreditation organizations, and other interested parties by ensuring that this qualification standard is expressly stated in the applicable regulatory text.

Section 493.1489(b)(3)(ii) currently requires individuals without an associate degree in laboratory science or medical laboratory technology to have education and training equivalent to that specified in paragraph (b)(2)(i) of this section. We propose to revise § 493.1489(b)(3)(ii) to include the correct cross-reference to § 493.1489(b)(3)(i). The cross-reference was incorrectly stated in the 2023 CLIA final rule. Section 493.1489(b)(2)(i) allows qualification with a doctoral, master's, or bachelor's degree in a chemical, biological, clinical or medical laboratory science, or medical technology from an accredited institution. Section 493.1489(b)(3)(i) allows qualification via an associate's degree in a laboratory science or medical laboratory technology from an accredited institution. Section 493.1489(b)(3)(ii) outlines an equivalent pathway to an associate's degree, not a doctoral, master's or bachelor's degree.

Section 493.1495(b)(7) and (c) currently require individuals performing high complexity testing qualified under § 493.1489(b)(5) to have on-site, direct supervision or review of testing within 24 hours by the general supervisor. We propose to rescind both § 493.1495(b)(7) and (c). These regulations are now obsolete, as the 2023 CLIA final rule removed qualification pathways for individuals with high school diplomas to perform high complexity testing. With the removal of § 493.1495(b)(7) and (c), we propose to revise § 493.1495(b)(5) by adding the word ''and'' after the semicolon. In addition, we propose to revise § 493.1495(b)(6) by removing the semicolon and the word ''and'', and replacing both with a period.

We solicit comments on these proposals related to personnel qualification requirements.

D. Other Changes

The other proposed changes in this proposed rule fall into the following categories: changes to SARS–CoV–2 reporting requirements, certificate requirements, test report requirements, enforcement requirements, public consultation requirements, and editorial and technical changes.

1. SARS–CoV–2 Reporting Requirements (§§ 493.2, 493.41, 493.555(c)(6), 493.1100(a), 493.1100(b), and 493.1834(d)(2)(iii))

Section 18115 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act required that ''Every laboratory that performs or analyzes a test that is intended to detect SARS–CoV–2 or to diagnose a possible case of COVID–19 shall report the results from each such test, to the Secretary of Health and Human Services in such form and manner, and at such timing and frequency, as the Secretary may prescribe until the end of the Secretary's Public Health Emergency declaration with respect to COVID–19 or any extension of such declaration.'' [38]

[38] 85 FR 54820, *https://www.federalregister.gov/documents/2020/09/02/2020-19150/medicare-and-medicaid-programs-clinical-laboratory-improvement-amendments-clia-and-patient.*

Pursuant to section 18115 of the CARES Act, CMS codified reporting requirements related to SARS–CoV–2 test results at §§ 493.2, 493.41, 493.555(c)(6), 493.1100(a), 493.1100(b), and 493.1834(d)(2)(iii).[39] Per section 18115 of the CARES Act, CMS only had the authority to require reporting of SARS–CoV–2 test results until the end of the Federal Public Health Emergency (PHE) declaration. As a result, these regulatory reporting requirements expired with the termination of the SARS–CoV–2 PHE on May 11, 2023.[40]

Consequently, we propose to rescind the CLIA regulations at §§ 493.41, 493.555(c)(6), 493.1100(a), 493.1100(b), and 493.1834(d)(2)(iii) regarding SARS–CoV–2 reporting requirements and revise the regulation at § 493.2, to reflect these proposed rescissions as detailed below.

Section 493.2 currently defines ''Condition level requirements'' as any of the requirements identified as ''conditions'' in § 493.41 and subparts G through Q of this part. We propose to revise § 493.2 to remove the reference to § 493.41 from the definition of ''Condition level requirements,'' as we propose to rescind § 493.41 on the reporting of SARS–CoV–2 test results in its entirety.

Section 493.41 currently states that during the Public Health Emergency, as defined in § 400.200 of chapter IV of Title 42 of the CFR, each laboratory that performs a test that is intended to detect SARS–CoV–2 or to diagnose a possible case of COVID–19 (hereinafter referred to as a ''SARS–CoV–2 test'') must report SARS–CoV–2 test results to the Secretary in such form and manner, and at such timing and frequency, as the Secretary may prescribe. We propose to rescind § 493.41 in its entirety.

Section 493.555(c)(6) currently requires an accreditation organization or state licensure program to notify CMS within 10 days of any conditional level deficiency under §§ 493.41 or 493.1100(a). We propose to rescind § 493.555(c)(6), as §§ 493.41 and 493.1100(a) are in reference to the reporting of SARS–CoV–2 test results, and we are proposing to rescind these regulations.

Section 493.1100(a) and (b) requires that during the Public Health Emergency, as defined in § 400.200 of chapter IV of Title 42 of the CFR, each laboratory that performs a test that is intended to detect SARS–CoV–2 or to diagnose a possible case of COVID–19 (hereinafter referred to as a ''SARS–CoV–2 test'') must report SARS–CoV–2 test results to the Secretary in such form and manner, and at such timing and frequency, as the Secretary may prescribe. We propose to rescind § 493.1100(a) regarding the reporting of SARS–CoV–2 test results. We also propose to rescind § 493.1100(b) as ''reserved'' as we propose to rescind § 493.1100(a).

Section 493.1834(d)(2)(iii) currently provides that for a condition level deficiency under §§ 493.41 or 493.1100(a), the civil money penalty amount is $1,000 for the first day of noncompliance and $500 for each additional day of noncompliance. We propose to rescind § 493.1834(d)(2)(iii) since §§ 493.41 and 493.1100(a) are in reference to the reporting of SARS–CoV–2 test results and we are proposing to rescind these regulations.

We solicit comments on these proposals related to SARS–CoV–2 reporting requirements.

2. Certificate Requirements (§§ 493.35(b)(3), 493.39(b), 493.43(b)(3), 493.45(b)(2), 493.51(a), 493.53(b), 493.55(b)(3), 493.57(a)(2), and 493.63(a))

We propose to revise the CLIA regulations at §§ 493.35(b)(3), 493.43(b)(3), and 493.55(b)(3) to clarify the multiple-site exception and propose to include all types of laboratories instead of hospital laboratories only.

Sections 493.35(b)(3), 493.43(b)(3), and 493.55(b)(3) currently provide, for all certificate types, that laboratories within a hospital that are located at contiguous buildings on the same campus and under common direction may file a single application or multiple applications for the laboratory sites within the same physical location or street address. We propose to revise §§ 493.35(b)(3), 493.43(b)(3), and 493.55(b)(3) to clarify the multiple site exception option regarding ''contiguous building'' and ''common direction'' by removing the language ''within a hospital'', ''at contiguous building'', ''common direction'', and ''for the laboratory sites within the same physical location or street address'', and instead stating that laboratories that are located on the same campus and under the same laboratory director may file a single application or multiple applications. We have received many inquiries regarding the guidance in the SOM Appendix C regarding the multiple-site exception and the meaning of ''contiguous,'' and we propose these amendments for greater clarity.

In addition, we propose to define ''campus'' at § 493.2 as the physical area immediately adjacent to the laboratory's main building, other areas and structures that are not strictly contiguous to the main building, but are located within 250 yards of the main building, and any other area CMS determines on an individual case basis, to be part of the campus of the primary CLIA-certified laboratory. This proposed definition would be consistent with the current provider-based status definition of ''campus'' at 42 CFR 413.65(a)(2).

The regulations at §§ 493.39(b), 493.45(b)(2), 493.51(a), 493.53(b), 493.57(a)(2), and 493.63(a) contain the notification requirements for each type of CLIA certificate. These regulations currently require laboratories to notify HHS or its designee within 30 days of any change in ownership, name, location, or laboratory director. Additionally, for high complexity laboratories with a CoR or CoC certificate, the relevant regulations require notification of changes in technical supervisors (§§ 493.45(b)(2), 493.51(a)(5)).

Laboratories provide their demographic and contact information on the CMS Form 116 when they apply for CLIA certification. Laboratories currently have no regulatory obligation to notify HHS or its designee of email address changes. We propose revisions to the CLIA regulations at §§ 493.39(b), 493.45(b)(2), 493.51(a), 493.53(b), 493.57(a)(2), and 493.63(a) that would require laboratories to notify HHS or its designee if their email address has changed within 30 days to ensure CMS has the most up-to-date contact information for the laboratory and electronic communications, forms, etc., are sent to the correct email address.

Section 493.39(b) currently requires laboratories with a certificate of waiver to notify HHS or its designee within 30 days of any change(s) in ownership, name, location, or director. We propose to add a regulation at § 493.39(b)(5) that would require laboratories to notify HHS or its designee within 30 days of any change(s) in their email address. We also propose to revise § 493.39(b)(3) to remove the word ''or'' after location and add ''or'' after director in § 493.39(b)(4) to accommodate the new proposed regulation at § 493.39(b)(5).

Section 493.45(b)(2) currently requires laboratories with a registration certificate to agree to notify HHS or its designee within 30 days of any changes in ownership, name, location, director or technical supervisor (laboratories performing high complexity testing only). We propose revisions to § 493.45(b)(2) that would require

[39] 85 FR 54820, *https://www.federalregister.gov/documents/2020/09/02/2020-19150/medicare-and-medicaid-programs-clinical-laboratory-improvement-amendments-clia-and-patient.*

[40] QSO–23–15–CLIA; *https://www.cms.gov/files/document/qso-23-15-clia-original-release-date-2023-05-11.pdf.*

laboratories to notify HHS or its designee within 30 days of any change(s) in their email address.

Section 493.51(a) currently requires a laboratory with a certificate of compliance to notify HHS or its designee within 30 days of any change in ownership, name, location, director, or technical supervisor (laboratories performing high complexity only). We propose adding a new regulation at § 493.51(a)(5) that would require laboratories to notify HHS or its designee within 30 days of any change(s) in their email address. We also propose to revise § 493.51(a)(4) to remove the word ''or'' after director and renumber § 493.51(a)(5) as § 493.51(a)(6) to accommodate the new proposed regulation at § 493.51(a)(5).

Section 493.53(b) currently requires a laboratory with a certificate for PPM procedures to notify HHS or its designee within 30 days of any change in ownership, name, location, or director. We propose adding a new regulation at § 493.53(b)(5) that would require laboratories to notify HHS or its designee if their email address changes. We also propose to revise § 493.53(b)(3) to remove the word ''or'' after location and add the ''or'' after director in § 493.53(b)(4) to accommodate the newly proposed regulation at § 493.53(b)(5).

Section 493.57(a)(2) currently requires a laboratory with a registration certificate to notify HHS within 30 days of any changes in ownership, name, location, director, or supervisor (laboratories performing high complexity testing only). We propose revisions to § 493.57(a)(2) that would require laboratories to notify HHS or its designee within 30 days of any change(s) in their email address.

Section 493.63(a) currently requires a laboratory with a certificate of accreditation to provide notification within 30 days of any change in ownership, name, location, or director. We propose to add a regulation at § 493.63(a)(5) that would require laboratories to notify HHS or its designee if their email addresses change. We also propose to revise § 493.63(a)(3) to remove the word ''or'' after Location and add ''or'' after director in § 493.63(a)(4) to accommodate the newly proposed regulation at § 493.63(a)(5).

We solicit comments on these proposals related to certificate requirements.

3. Test Report Requirements (§ 493.1291(c)(2))

The regulation at § 493.1291(c)(2) currently provides that the test report must include the name and address of the laboratory location where the test was performed. We propose revisions to this provision that would require the laboratory's CLIA number and the name of the laboratory as it appears on the CLIA certificate to also be included in the test report.

Laboratories may use commercial names on the test report that do not match the name on the CLIA certificate. Additionally, multiple laboratories may operate at the same address, as permitted by QSO–18–20–CLIA.[41] Specifically, this proposed change would establish clear traceability and accountability for laboratory testing and reporting by creating a direct link between test results and the specific laboratory facility that performed the analysis. Currently, some laboratories operate under multiple ''doing business as'' (DBA) names while functioning as a single entity, which can mislead healthcare providers, patients, and other interested parties about the true source of laboratory services. Requiring the inclusion in the test reports of the laboratory name, as it appears on the CLIA certificate, and the CLIA number would eliminate confusion caused by using multiple business names and ensure that all parties can accurately identify and verify the credentials of the laboratory performing the tests. This transparency would enable better oversight by regulatory bodies and provide healthcare providers and patients with the information necessary to make informed decisions about laboratory services. CMS received a record number of complaints during the SARS–CoV–2 PHE and struggled to identify the responsible laboratory because test reports often lacked the laboratory's CLIA number or displayed a name different from the name that appears on the laboratory's CLIA certificate. Therefore, we propose to require this information to be included in the test report.

We solicit comments on this proposal related to test report requirements.

4. Enforcement Requirements (§§ 493.807(a) and (b), 493.1810(d)(2), 493.1826(a)(2), 493.1832(c)(2), 493.1834(b), 493.1834(f)(2)(iii), 493.1834(e)(1)(ii)(D), and 493.1836(c)(3))

CMS proposes several modifications to the enforcement procedures to reduce burden and maintain safety standards. CMS proposes rescinding the mandatory 6-month reinstatement waiting period requirement that currently prevents laboratories from resuming testing even after achieving compliance following PT failures. Interested parties have argued that this waiting period creates access to care issues, particularly in rural communities where alternative testing options may be limited. CMS also proposes that the duration of alternative sanctions, including requirements for patient notification, would continue until a laboratory's CLIA certificate is revoked, rather than, if earlier, at the time of suspension or limitation. Suspension or limitation of a CLIA certificate is typically not effective until after an administrative hearing decision, except in immediate jeopardy situations where suspension or limitation takes effect immediately. This proposed change is particularly important in cases of immediate jeopardy, where patient notification is critical. Under the current regulations, in situations where a suspension or limitation becomes effective immediately, laboratories may not be required to provide patient notification, potentially leaving patients unaware of life-threatening errors in their test results.

We propose to revise the CLIA regulations at §§ 493.807(a) and (b), 493.1810(d)(2), 493.1826(a)(2), 493.1832(c)(2), 493.1834(b), 493.1834(f)(2)(iii), 493.1834(e)(1)(ii)(D), and 493.1836(c)(3) to reduce burden, ensure patient care, and fix minor spelling, cross-references, and technical errors.

We propose to revise § 493.807(a) to delete the following language ''one of which may be on site.'' Section 493.807(a) currently provides that if a laboratory's certificate is suspended or limited or its Medicare or Medicaid approval is cancelled or its Medicare or Medicaid payments are suspended because it fails to participate successfully in PT for one or more specialties, subspecialties, analytes, or tests, or voluntarily withdraws its certification under CLIA for the failed specialty, subspecialty, or analyte, the laboratory must then demonstrate sustained satisfactory performance on two consecutive PT events, one of which may be on site, before CMS would consider it for reinstatement for certification and Medicare or Medicaid approval in that specialty, subspecialty, analyte, or test. Section 493.807(a) outlines how a laboratory's certificate can be reinstated after it fails to participate successfully in PT for one or more specialties, subspecialties, analytes, or tests. We propose removing the language ''one of which may be on site,'' as interested parties have found it

[41] QSO–18–20–CLIA; *https://www.cms.gov/medicare/provider-enrollment-and-certification/surveycertificationgeninfo/policy-and-memos-to-states-and-regions-items/qso18-20-clia.*

confusing. Laboratories would be able to use PT that is already on-site at the laboratory or order off-cycle PT to fulfill these reinstatement events.

We propose to rescind the existing § 493.807(b) that establishes mandatory waiting periods for laboratories seeking to resume testing after cancellation, limitation or suspension of their CLIA certificate. Section 493.807(b) currently provides that the cancellation period for Medicare and Medicaid approval or period for suspension of Medicare or Medicaid payments or suspension or limitation of certification under CLIA for the failed specialty, subspecialty, or analyte or test is for a period of not less than 6 months from the date of cancellation, limitation or suspension of the CLIA certificate. Under the current regulation, when a laboratory fails PT resulting in its cancellation of Medicare and Medicaid approval, suspension of Medicare or Medicaid payments, or suspension or limitation of its CLIA certificate for a specific specialty, subspecialty, analyte, or test, the laboratory cannot be reinstated prior to 6 months from the date of the adverse action.

In 1992, CMS initially determined that a 6-month suspension period was necessary following PT failures. This position was explained in the 1992 CLIA final rule with comment period that appeared in the February 28, 1992 **Federal Register** (57 FR 7002).[42] The 1992 CLIA final rule addressed numerous public comments received regarding the proposed waiting period. Many commenters argued that a 6-month waiting period from the date of termination of Medicare approval or CLIA certification was excessively long and requested an expedited reinstatement process. Others suggested that fewer than three PT events should be required for reinstatement, on the grounds that laboratories cannot improve their performance when they are prohibited from testing. Additionally, some suggested that rather than imposing a termination period, laboratories should be reinstated once they demonstrate that the problems leading to the failure have been corrected and they have achieved success in two PT events.

In response to these comments, CMS maintained that after a laboratory voluntarily withdraws from offering services or faces termination, it is essential for the laboratory to demonstrate that problems have been corrected before services can resume. CMS acknowledged that, while a 6-month period may seem excessive to some, the agency had previously provided a failing laboratory with at least this amount of time to correct its performance problems, yet the laboratory was unable to do so. CMS determined that reinstatement criteria should include two consecutive PT testing events to demonstrate that problems have been corrected, which would take a minimum of 6 months.

Based on more than 30 years of experience, CMS now seeks to remove the mandatory 6-month waiting period to reduce the burden on laboratories and maintain access to testing for patients, particularly in rural areas. CMS has determined that the 6-month waiting period has proven to be more punitive than motivational in achieving compliance, which is the primary purpose of enforcement actions. Most laboratories are able to demonstrate compliance prior to 6 months. Compliance includes a successful demonstration on two consecutive PT testing events, which ensures patient safety and reliability of testing results.

Interested parties have consistently argued that laboratories should be permitted to restart testing as soon as they demonstrate compliance with requirements, rather than being forced to wait through a 6-month time period. This concern has been particularly emphasized as an access to care issue, especially affecting rural communities where alternative testing options may be limited or unavailable. For instance, a small rural hospital that receives a limitation on its immunohematology testing capabilities would be required to send life-saving transfusion testing to reference laboratories, potentially causing delays in critical patient treatment. Recognizing these practical challenges, CMS has historically exercised flexibility in enforcing this regulation due to legitimate access to care concerns. Additionally, accreditation organizations have expressed significant difficulties with the underlying logic and practical application of this regulatory requirement, further supporting the need for its rescission. Removing § 493.807(b) would eliminate the timing restriction on reinstatement after enforcement actions, provided the laboratory meets § 493.807(a) and CMS verifies compliance.

Section 493.1810(d)(1) and (2) currently provides that an alternative sanction continues until the earlier of the following occurs: (1) The laboratory corrects all condition level deficiencies; or (2) CMS's suspension, limitation, or revocation of the laboratory's CLIA certificate becomes effective. Section 493.1844(d)(2)(i) states that as a general rule, if a laboratory appeals a suspension, limitation, or revocation of a CLIA certificate, the suspension, limitation or revocation is not effective until after a hearing decision by an administrative law judge (ALJ). Section 493.1844(d)(2)(ii)(A) provides an exception to this general rule where CMS determines that conditions at the laboratory pose immediate jeopardy. In that case, the effective date of the suspension or limitation of a CLIA certificate is not delayed because the laboratory has appealed and the hearing or the hearing decision is pending.

Currently, if CMS determines that the conditions at the laboratory pose immediate jeopardy such that the suspension or limitation of the CLIA certificate is effective immediately, it results in the discontinuation of any additionally imposed alternative sanctions, including but not limited to the Directed Portion of a Plan of Correction (DPPOC) at § 493.1832(b)(2), pursuant to §§ 493.1810(d)(2), 493.1832(c)(2), and 493.1844(d). If the alternative sanctions are discontinued under § 493.1832(b)(2), laboratories are not required to provide CMS a list of names and addresses of all physicians, providers, suppliers, and other clients who have used some or all of the services of the laboratory since the last certification inspection or within any other timeframe specified by CMS for notification purposes, thus leaving affected patients potentially unnotified. In cases of immediate jeopardy, patient notification is paramount as life-threatening errors in results may exist, and time is of the essence. Allowing the discontinuation of the DPPOC after the effective date of the suspension or limitation in immediate jeopardy situations may have a direct effect on patient care. Additionally, CMS does not impose alternative sanctions like the Directed Plan of Correction (DPOC) at § 493.1832(b)(1), which aids laboratories in their corrective actions when immediate jeopardy is found, and laboratories are in the most need of guidance. CMS cannot suspend or limit the CLIA certificate to prevent unsafe conditions while assisting the laboratory with a DPOC. CMS must choose between immediate suspension or limitation of the CLIA certificate without a DPOC or allowing the laboratory to continue testing. Therefore, at § 493.1810(d)(2), we propose to revise the regulation to remove the words ''suspension, limitation, or'' in order to extend CMS's ability to oversee corrective actions of

[42] 57 FR 7002 (February 28, 1992); *https://tile.loc.gov/storage-services/service/ll/fedreg/fr057/fr057040/fr057040.pdf.*

laboratories and ensure patient safety. CMS is aware that there are instances in which suspension, limitation, or revocation should result in the discontinuation of an alternative sanction, such as the sanction of a civil money penalty. Therefore, we are not proposing to add or change the alternative sanction of a civil money penalty which is governed by § 493.1834. Section 493.1834(f)(2)(iii) provides that the civil money penalty will continue to accrue until CMS suspends, limits, or revokes the laboratory's certificate of compliance, registration certificate, certificate of accreditation, or certificate for PPM procedures. Based on more than 30 years of experience, CMS has identified, and now seeks to fill, a gap in the sanction regulations that it believes would assist laboratories in achieving and maintaining compliance with CLIA requirements. For example, in immediate jeopardy cases, a DPOC may aid the laboratory in achieving compliance more effectively than just suspending or limiting testing, and a DPOC helps aid the laboratories in their corrective actions and ensures that patients are notified under the DPPOC of issues that may have occurred and could affect the accuracy and reliability of their tests.

Accordingly, CMS proposes to update §§ 493.1832 and 493.1836 to reflect the change described above and remove ''suspension'' or ''limitation.'' Currently, § 493.1832(c)(2) provides that the directed plan of correction continues in effect until the day suspension, limitation, or revocation of the laboratory's CLIA certificate. We propose to revise § 493.1832(c)(2) to remove ''day suspension, limitation, or'' and add ''is effective'' for clarity at the end of the sentence. Currently, § 493.1836(c)(3) provides that if the laboratory still does not correct its deficiencies, the Medicare sanction continues until the suspension, limitation, or revocation of the laboratory's CoR, CoC, CoA, or PPM certificate is effective for state on-site monitoring. We also propose to revise § 493.1836(c)(3) to remove ''suspension, limitation, or'' to align with the proposed changes at § 493.1810(d)(2).

Section 493.1826(a)(2) currently contains a spelling error. We propose to revise § 493.1826(a)(2) to correct the spelling of ''specialties.''

We propose to revise § 493.1834(b) and (f)(2)(iii) to add ''certificate of waiver'' to the scope of laboratories that may have civil money penalties imposed. Section 493.1834(b) currently provides the procedures that CMS follows to impose a civil money penalty in lieu of, or in addition to, suspending, limiting, or revoking the CoR, CoC, CoA, or PPM certificate of a laboratory that is found to have condition level deficiencies. Section 493.1834(f)(2)(iii) currently provides that the duration of the civil money penalty continues until CMS suspends, limits, or revokes the laboratory's CoR, CoC, CoA, or PPM certificate or compliance is achieved, whichever is earlier. The 2023 CLIA final rule updated 42 CFR part 493, subpart R to allow CMS to impose alternative sanctions on certificates of waivers by removing the phrase at § 493.1804(c)(1) that explicitly prohibited it. Upon review, these two additional regulatory paragraphs at § 493.1834(b) and (f)(2)(iii) require updates to reflect that change at § 493.1804(c)(1).

Section 493.1834(e)(1)(ii)(D) currently provides that CMS's written notice of its intent to impose a civil monetary penalty must include, among other information, the opportunity for the laboratory to respond to the notice in accordance with § 493.1810(c). We also propose to revise § 493.1834(e)(1)(ii)(D) to correct the cross-reference from § 493.1810(c) ''notice of imposition'' to § 493.1810(b) ''opportunity to respond'' for accuracy.

We solicit comments on these proposals related to enforcement requirements.

5. Public Consultation Requirements (§ 493.2001(a))

Section 353(q) of the PHSA requires that the Secretary shall consult with appropriate private organizations and public agencies in carrying out the provisions of CLIA. The regulation at § 493.2001(a) states that ''HHS will establish a Clinical Laboratory Improvement Advisory Committee [CLIAC] to advise and make recommendations on technical and scientific aspects of the provisions of this part 493.'' Consistent with Executive Order 14217[43] entitled ''Commencing the Reduction of the Federal Bureaucracy,'' CLIAC was declared terminated by the Secretary on March 31, 2025.[44]

We propose to revise § 493.2001(a) to change the word ''will'' to ''may,'' thereby making the establishment of CLIAC permissive and not required. This proposed change would align the regulation with the current statutory authority at section 353(q) of the PHSA, which requires public consultation but does not specifically require the establishment of CLIAC, with the termination of CLIAC by the Secretary on March 31, 2025, and would reflect the proposed discretionary nature of future advisory consultations. While CMS and the CDC would continue public consultation, as required by the statute, maintaining this regulation would allow for the future establishment and use of CLIAC should the need arise.

We solicit comments on this proposal related to public consultation requirements.

6. Editorial and Technical Changes (§§ 493.17(a), (b) and (c), 493.35(b)(2), 493.801(b), 493.901(a), 493.931, and 493.933)

We propose to revise the CLIA regulations at §§ 493.17(a), (b) and (c), 493.35(b)(2), 493.801(b), 493.901(a), 493.931, and 493.933 to correct errors in cross-references and to ensure consistency and clarity. Specifically:

The proposed revisions to § 493.17(a), (b) and (c) are administrative and conforming in nature. They would reflect the current FDA categorization process and responsibilities, and would not alter the criteria used to categorize laboratory tests, the scoring methodology, or the complexity thresholds established under § 493.17(a).

Sections 493.17(a), (c)(4) and (c)(5) currently provide that notices of the test categorization will be published in the **Federal Register** which includes each specific test system, assay, and examination categorized by complexity. We propose to revise these provisions by replacing ''**Federal Register**'' with ''FDA's CLIA—Clinical Laboratory Improvement Amendments Database'' or ''CLIA—Clinical Laboratory Improvement Amendments Database'' which would reflect FDA's current process for test categorization notices.

Section 493.17(b) currently states that CLIAC will conduct categorization reviews upon HHS's request and recommend revisions to the criteria for categorizing tests. We propose to replace the word ''will'' with ''may.'' This proposed change would reflect the termination of CLIAC by the Secretary on March 31, 2025, and the proposed discretionary nature of future advisory consultations as discussed in section II.D.5. of this proposed rule, and would align the regulatory text with how the categorization review process currently operates in practice. This revision would simply clarify that such reviews by CLIAC are not mandatory but available upon HHS' request.

[43] Executive Order 14217, *https://www.federalregister.gov/documents/2025/02/25/2025-03133/commencing-the-reduction-of-the-federal-bureaucracy.*

[44] CDC's CLIAC website, *https://www.cdc.gov/cliac/php/about/index.html.*

Section 493.17(c)(1)(i) currently provides that when a manufacturer submits a 510(k) or PMA application to FDA for a new commercial test system, assay, or examination, it must include supporting data specifically for device/test categorization. FDA will determine the test's complexity category, notify the manufacturer directly, and simultaneously inform both CMS and CDC of the assigned category. FDA is required to consult with CDC in three specific situations: when categorizing a brand-new technology that hasn't been categorized before, when FDA determines consultation is necessary for a requested change to an existing categorization, and when a manufacturer formally requests FDA review of a categorization decision under 21 CFR 10.75. We propose to remove the now-obsolete requirements at § 493.17(c)(1)(i) regarding CDC consultation, the three enumerated consultation situations and simultaneous notification to CMS. Specifically, we propose to remove the language ''FDA will consult with CDC concerning test categorization in the following three situations.'' from § 493.17(c)(1)(i). We also propose to revise § 493.17(c)(1)(i) to include ''De Novo request'' in addition to the current 510(k) and PMAs for the device categorization and remove the term ''simultaneously'' regarding notification to CMS. In addition, we propose to combine the proposed provision at § 493.17(c)(1)(i) with the current provision at § 493.17(c)(1)(ii), merging them into a single provision at § 493.17(c)(1). As part of this change, we propose to redesignate § 493.17(c)(1)(i) and (c)(1)(ii) as the newly combined § 493.17(c)(1). We propose to remove the current obsolete requirements related to the consultation situations with the CDC at § 493.17(c)(1)(i)(A) through (C), to align the regulations with the current FDA process. These proposed changes at § 493.17(c)(1) would align the regulations with the current FDA process for CLIA test categorization.

Section 493.17(c)(2) currently provides that for test systems, assays, or examinations not commercially available, a laboratory or professional group may submit a written request for categorization to the Public Health Service (PHS). It also states that these requests will be forwarded to CDC for evaluation, and that CDC will determine complexity category and notify the applicant, CMS, and FDA of the categorization decision. Furthermore, in the case of a request for a change of category or for previously uncategorized new technology, the current regulation states that PHS will receive the request application and forward it to CDC for categorization. We propose to remove the language ''These requests will be forwarded to the CDC for evaluation;'' and ''In the case of request for a change of category or for previously uncategorized new technology, PHS will receive the request application and forward it to CDC for categorization.'' from § 493.17(c)(2), as the request is now submitted directly to the FDA. In addition, we propose to add the language ''or recategorization'' to the first sentence of § 493.17(c)(2) following ''categorization.'' These proposed changes at § 493.17(c)(2) reflect the fact that in 2003, the Secretary delegated authority to implement the CLIA test complexity categorizations to the FDA and would align with the current FDA process.[45]

Section 493.35(b)(2) currently provides an exception to the application for a CoW requirements, providing that not-for-profit or Federal, State, or local government laboratories that engage in limited (not more than a combination of 15 moderately complex or waived tests per certificate) public health testing may file a single application. We propose to revise § 493.35(b)(2) to remove the reference to the combination of moderately complex tests, since this regulation only refers to CoW applications, which are not approved to perform moderate complexity tests as outlined in § 493.37(g).

Section 493.801(b) currently requires that the laboratory must examine or test, as applicable, the PT samples it receives from the PT program in the same manner as it tests patient specimens. This testing must be conducted in conformance with paragraph (b)(4) of this section. If the laboratory's patient specimen testing procedures would normally require reflex, distributive, or confirmatory testing at another laboratory, the laboratory should test the PT sample as it would a patient specimen, up until the point at which it would refer a patient specimen to a second laboratory for any form of further testing. We propose to revise the cross-reference in § 493.801(b) from paragraph (b)(4) to paragraph (b)(5). The regulation at § 493.801(b)(4) refers to inter-laboratory communication and not reflex testing as stated in § 493.801(b)(5).

Section 493.901(a) currently requires that, for a PT program to be approved by HHS, it must have a ''minimum of 10 laboratory participants'' for each specialty, subspecialty, and analyte or test for which the PT program is seeking reapproval. This requirement was established to ensure that PT programs have a sufficient number of participants to generate statistically valid data for grading, preventing laboratories from being burdened with ungradable PT events due to small peer groups. The CLIA regulatory framework for PT approval exists to serve and evaluate CLIA-regulated entities. Therefore, to align with our historical interpretation of the term ''laboratory participants,'' and to continue to ensure the integrity of PT as a quality assurance tool for clinical laboratories, we are proposing to clarify that the term refers to CLIA-certified laboratory participants and revise § 493.901(a) to replace the phrase ''minimum of 10 laboratory participants'' with ''minimum of 10 CLIA-certified laboratory participants.''

We propose to remove from the specialty of Endocrinology at § 493.933, ''Table 1 to Paragraph (b)—Analyte or Test,'' the following analytes: cancer antigen (CA) 125, carcinoembryonic antigen (CEA), serum folate, and vitamin B12. We also propose to remove from the specialty of Endocrinology at § 493.933, ''Table 2 to Paragraph (c)(2)—Criteria for Acceptable Performance,'' the following analytes: cancer antigen (CA) 125, carcinoembryonic antigen (CEA), serum folate, and vitamin B12. We propose moving these analytes to the correct specialty of Routine Chemistry at § 493.931, which would align with the FDA categorization.[46]

In § 493.931, Table 1 currently provides the analytes that require PT for routine chemistry. We propose to revise the table for Routine Chemistry analytes at § 493.931, ''Table 1: Table 1 to Paragraph (b) Analyte or Test Procedure,'' to add the following analytes: cancer antigen (CA) 125, carcinoembryonic antigen (CEA), serum folate, and vitamin B12. We also propose to revise the table for Routine Chemistry analytes for acceptable performance at § 493.931, ''Table 2 to Paragraph (c)(2)—Criteria for Acceptable Performance,'' to add the following: cancer antigen (CA) 125—target value ±20 percent, carcinoembryonic antigen (CEA)—target value ±15 percent or ±1 ng/mL (greater), serum folate—target value ±30 percent or ±1 ng/mL (greater), and vitamin B12—target value ±25 percent or ±30 pg/mL (greater). We propose these changes because CA 125, CEA, serum folate, and vitamin B12 are

[45] 68 FR 64350; *https://www.federalregister.gov/documents/2003/11/13/03-28435/delegation-of-authority.*

[46] FDA's CLIA Categorizations website; *https://www.fda.gov/medical-devices/ivd-regulatory-assistance/clia-categorizations.*

categorized by the FDA as General Chemistry (Routine Chemistry).[47]

III. Severability

To the extent a court may enjoin any part of this proposed rule, if finalized, the Department intends that other provisions or parts of provisions should remain in effect. Any provision of the rule as finalized held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to continue to give maximum effect to the provision permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event the provision shall be severable from this section and shall not affect the remainder thereof or the application of the provision to persons not similarly situated or to dissimilar circumstances.

This proposed rule outlines proposed changes to the CLIA regulations which encompasses four overarching areas: (1) Virtual access provisions that would codify the flexibility provided by prior exercises of enforcement discretion to allow pathologists and laboratory personnel to review digital laboratory data, digital results, live imaging, and digital images remotely under the CLIA certificate of the primary testing laboratory that generated the data, excluding the subspecialty of cytology; (2) Gynecologic cytology PT updates that would allow for the use of digital images of glass slides in PT to align with the FDA-authorized digital cytology screening systems; (3) Personnel qualification updates that would address concerns regarding any burden associated with the qualification requirements that took effect on December 28, 2024, including removing human-only laboratory science limitations and adding qualifications for histopathology gross tissue examination personnel and Mohs dermatology laboratory directors; and (4) Other changes that would remove SARS–CoV–2 reporting requirements, update certificate requirements, revise regulatory text requiring establishment of CLIAC, test report requirements, enforcement requirements, and correct editorial and technical errors.

We believe that the proposed provisions in this rule, if finalized, are generally capable of functioning on an independent basis.

We seek comments on the severability of these provisions in the proposed rule.

[47] FDA's CLIA-Clinical Laboratory Improvement Amendments Database, *https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfClia/search.cfm.*

IV. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501–3520, we are required to provide notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. To fairly evaluate whether an information collection should be approved by OMB, 44 U.S.C. 3506(c)(2)(A) requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

We are soliciting public comment on each of these issues for the following sections of this document that contain information collection requirements (ICRs):

A. Laboratory Costs To Update Policies and Procedures

1. ICRs Regarding Virtual Access

CMS and the CDC propose to codify this virtual access flexibility through formal regulatory changes. The proposed virtual access provisions would codify the flexibility provided by enforcement discretion, allowing laboratory personnel to review digital laboratory data, digital results, live imaging, and digital images remotely under the CLIA certificate of the primary testing laboratory that generated the data, excluding the subspecialty of cytology. We propose to add a definition of ''virtual access'' (§ 493.2) and update the regulatory language throughout 42 CFR part 493, to include digital laboratory data, digital results, live imaging, and digital images for CoR, CoC, and CoA certificates (§§ 493.43(a)(1) and 493.55(a)(1)), facility and retention requirements (§§ 493.1101(e) for facilities storage, 493.1105(a), (a)(3), (a)(7), and (b) for retention, 493.1105(a)(7)(i)(A) for cytology retention, and 493.1105(a)(7)(i)(B) for histopathology retention), and in the general laboratory (§§ 493.1231(a) and 493.1251(b)(2)), analytic (§ 493.1256(a)) and postanalytical systems (§§ 493.1283(a)(5) and 493.1291(a)(2)) sections to ensure testing performed via virtual access maintains the same quality standards as on-site testing, as discussed in more detail below.

If the proposals related to virtual access are finalized as proposed, we expect approximately 33,955 CLIA-certified laboratories to be affected (CoC laboratories = 16,960; CoA laboratories = 16,995 (Data from Quality, Certification and Oversight Reports (QCOR) as of August 4, 2025). We expect that approximately 40 percent of the 33,955 CoC and CoA laboratories would utilize virtual access (hospital, independent, industrial, public health, and pharmacy laboratories) and incur costs for the time needed to review the revised regulations and update their policies and procedures to be in compliance. This is 13,582 laboratories. The total one-time burden per laboratory to review and update affected policies and procedures is estimated to be 4 to 6 hours. A management level employee (11–9111) would perform this task at an hourly median wage of $56.71 per hour as published by the 2024 Bureau of Labor Statistics.[48] The wage rate would be $113.42 to include overhead and fringe benefits. The burden hours are estimated to range from 54,328 hours to 81,492 hours (13,582 laboratories × 4 or 6 hours). The total cost would range from $6,161,882 to $9,242,823 (54,328 or 81,492 hours × $113.42).

There is an ongoing burden for quality control and record keeping requirements for the approximate 13,582 CLIA-certified laboratories at §§ 493.43(a)(1)(i), 493.55(a)(3)(ii), 493.1256, and 493.1283(a)(5). We estimate this burden to be 3 hours per year. The total burden hours are estimated to be 40,746 (13,582 laboratories × 3 hours). Total cost would be approximately $4,621,411 (40,746 hours × $113.42). The revised information collection request will be submitted to OMB for approval under the OMB Control numbers of 0938–0151 and 0938–0612.

2. ICRs Regarding Gynecologic Cytology PT Requirements

CMS and the CDC propose to revise the CLIA regulations for gynecological cytology PT (§§ 493.855(a), 493.855(b), 493.945(a)(1), 493.945(b)(1), 493.945(b)(2), 493.945(b)(3)(i), 493.945(b)(3)(ii)(B), and 493.945(b)(3)(ii)(C) through (G)) to allow digital images of glass slides to align with FDA-authorized digital cytology screening systems.

[48] U.S. Bureau of Labor Statistics, Occupational Employment and Wage Statistics (OEWS) Profiles, *https://data.bls.gov/oesprofile/.*

If this proposal is finalized as proposed, we expect approximately 3,229 CLIA-certified laboratories performing testing in the subspecialty of cytology to be affected. We are unable to determine how many laboratories have adopted digital images for screening as the primary method of patient testing. We estimate the number of laboratories to be about 25 percent of 3,229 laboratories, which is 807 laboratories. We estimate it would take 1 to 1.5 hours for a laboratory to fill in this information on the PT submission form and update policy and procedures. A management-level employee (11–9111) would perform this task at an hourly median wage of $56.71 per hour, as published by the 2024 Bureau of Labor Statistics. The wage rate would be $113.42 to include overhead and fringe benefits. The burden hours are estimated to range from 807 to 1,211 (807 × 1 or 1.5 hours). The total cost would range from $91,530 to $137,352 (807 or 1,211 hours × $113.42). The revised information collection request will be submitted to OMB for approval under the OMB Control number of 0938–0612.

3. ICRs Regarding Personnel Qualification Requirements

We propose to revise the following CLIA personnel regulations: PPM laboratory director responsibilities (§ 493.1359); moderate complexity laboratory director qualifications (§ 493.1405); moderate complexity laboratory director responsibilities (§ 493.1407); moderate complexity technical consultant qualifications (§ 493.1411); moderate complexity clinical consultant qualifications (§ 493.1417); moderate complexity testing personnel qualifications (§ 493.1423); high complexity laboratory director qualifications (§ 493.1443); high complexity laboratory director responsibilities (§ 493.1445); high complexity technical supervisor qualifications (§ 493.1449); high complexity clinical consultant qualifications (§ 493.1455); high complexity general supervisor qualification (§ 493.1461); high complexity general supervisor responsibilities (§ 493.1463); and high complexity testing personnel qualifications (§ 493.1489).

We propose to revise these personnel regulations to address concerns regarding the burden associated with qualification requirements that took effect December 28, 2024, including removing human-only laboratory science limitations and adding qualifications for histopathology gross tissue examination personnel and Mohs dermatology laboratory directors.

If this proposal is finalized as proposed, we expect 24,441 PPM laboratories to incur costs to review the finalized regulations and update their affected policies and procedures to be in compliance. The total one-time burden per laboratory is estimated to be 0.25 to 0.5 hours. The burden hours are estimated to be 6,110 to 12,221 (24,441 PPM laboratories × 0.25 to 0.5 hours). A management level employee (11–9111) would perform this task at an hourly median wage of $56.71 per hour. The wage rate would be $113.42 to include overhead and fringe benefits. The total cost for laboratories would range from $692,996 to $1,386,106 (6,110 or 12,221 hours × $113.42).

If this proposal is finalized as proposed, we expect approximately 33,955 CLIA-certified laboratories to be affected (CoC laboratories = 16,960; CoA laboratories = 16,995) (Data from Quality, Certification and Oversight Reports (QCOR) as of August 4, 2025). We expect 33,955 CoC and CoA laboratories to incur costs for the time needed to review the revised regulations and update their policies and procedures to be in compliance. The total one-time burden per laboratory to review and update affected policies and procedures is estimated to be 2.25 to 4.5 hours. The burden hours are estimated to be 76,399 and 152,798 (33,955 × 2.25 or 4.5 hours). The total cost would range from $8,665,175 to $17,330,349 (76,399 or 152,798 hours × $113.42). The revised information collection request will be submitted to OMB for approval under the OMB Control number of 0938–0612.

4. ICRs Regarding Other Changes

We also propose changes to the following regulatory requirements: SARS–CoV–2 reporting requirements (§§ 493.2, 493.41, 493.555(c)(6), 493.1100(a), 493.1100(b), and 493.1834(d)(2)(iii)); certificate requirements for electronic delivery (§§ 493.35(b)(3), 493.39(b), 493.43(b)(3), 493.45(b)(2), 493.51(a), 493.53(b), 493.55(b)(3), 493.57(a)(2), and 493.63(a)); test reporting requirements (§ 493.1291); enforcement requirements (§§ 493.807(a), 493.807(b), 493.1810(d)(2), 493.1826(a)(2), 493.1832(c)(2), 493.1834(f)(2)(iii), 493.1834(e)(1)(ii)(D), and 493.1836(c)(3)); and public consultation requirements (§ 493.2001(a)).

These proposals, if finalized as proposed, would impact approximately 307,038 CLIA-certified laboratories (CoW laboratories = 248,642; CoC laboratories = 16,960; CoA laboratories = 16,995; and PPM laboratories = 24,441 (Data from Quality, Certification and Oversight Reports (QCOR)) as of August 4, 2025).

We expect that the 33,955 CoC, CoA laboratories would incur costs for the time needed to review the revised regulations and update their policies and procedures to be in compliance. The total one-time burden per laboratory to review and update affected policies and procedures is estimated to be 0.5 to 1 hour. The burden hours are estimated to be 16,978 and 33,955 (33,955 CoCs × 0.5 or 1 hour). A management-level employee (11–9111) would perform this task at an hourly median wage of $56.71 per hour, as published by the 2024 Bureau of Labor Statistics. The wage rate would be $113.42, including overhead and fringe benefits. The total cost would range from $1,925,645 to $3,851,176 (16,978 or 33,955 hours × $113.42).

We expect 248,642 CoW laboratories to incur costs to review regulations and update their affected policies and procedures. The total one-time burden per laboratory is estimated to be 0.25 to 0.5 hours. The burden hours are estimated to be 62,161 to 124,321 (248,642 CoW laboratories × 0.25 or 0.5 hours). The total cost for laboratories would range from $7,050,301 to $14,100,488 (62,161 or 124,321 hours × $113.42).

We also expect 24,441 PPM laboratories to incur costs to review regulations and update their affected policies and procedures. The total one-time burden per laboratory is estimated to be 0.25 to 0.5 hours. The total hours are estimated to be 6,110 to 12,221 (24,441 PPMs × 0.25 or 0.5 hours). A management-level employee (11–9111) would perform this task at an hourly median wage of $56.71 per hour. The wage rate would be $113.42 to include overhead and fringe benefits. The total cost for laboratories would range from $692,996 to $1,386,106 (6,110 or 12,221 hours × $113.42). The revised information collection request will be submitted to OMB for approval under the OMB Control number of 0938–0612 and 0938–0581.

5. Accreditation Organization (AO) and Exempt State (ES) Costs To Update Policies and Procedures

If the proposed changes are finalized as proposed, seven approved AOs and two ESs would have to review their policies and procedures, provide updates, and submit the changes to CMS for approval. We assume an estimated one-time burden of 30 to 729 hours to identify the applicable legal obligations and to develop the policies and

procedures needed to implement the proposed changes. The burden hours are estimated to be 270 to 6,561 (9 AOs/ESs × 30 or 729 hours). A management-level employee (11–9111) would perform this task at an hourly median wage of $56.71 per hour, as published by the 2024 Bureau of Labor Statistics. The wage rate would be $113.42 to include overhead and fringe benefits. The total cost would range from $30,623 to $744,149 (270 or 6,561 hours × $113.42). The revised information collection request will be submitted to OMB for approval under the OMB Control number of 0938–0686.

6. PT Programs

There are no collection of information requirements associated with the addition of digital images of glass slides to gynecologic PT proposal because the documentation is already being collected and maintained by the PT program as normal course of business and is a usual and customary practice in accordance with implementing regulations of the PRA at 5 CFR 1320.3(b)(2). The burden to add digital images to the cytology PT program and update the software for the change in analyte specialty is discussed in the Regulatory Impact Analysis (RIA) section below.

Table 3 reflects the total burden and associated costs for the provisions included in this proposed rule for laboratories.

TABLE 3—SUMMARY OF COSTS FOR COLLECTION OF INFORMATION IN THIS PROPOSED RULE FOR LABORATORIES

Information collection requests	Estimated burden hours one-time (total burden hours)	Estimated burden hours ongoing (total ongoing hours)	Cost one-time	Cost ongoing, per year	Total cost, one-time + ongoing	OMB document No.
Virtual Access	4–6 (54,328 to 81,492)	3 (40,746)	$6,161,882–$9,242,823	$4,621,411	$10,783,293–$13,864,234	0938–0151 and 0938–0612.
Gynecological Cytology PT Requirements.	1–1.5 (807–1,211)	N/A	91,530–137,352	N/A	91,530–137,352	0938–0612.
Personnel Qualifications (PPM).	0.25–0.5 (6,110–12,221)	N/A	692,996–1,386,106	N/A	692,996–1,386,106	0938–0612.
Personnel Qualifications, (CoC and CoA).	2.25 to 4.5 (76,399–152,798)	N/A	8,665,175–17,330,349	N/A	8,665,175–17,330,349	0938–0612.
Other Changes (CoW)	0.25–0.5 (62,161–124,321)	N/A	7,050,301–14,100,488	N/A	7,050,301–14,100,488	0938–0612 and 0938–0581.
Other Changes (PPM)	0.25–0.5 (6,110–12,221)	N/A	692,996–1,386,106	N/A	692,996–1,386,106	0938–0612 and 0938–0581.
Other Changes (CoC and CoA).	0.5–1.0 (16,978–33,955)	N/A	1,925,645–3,851,176	N/A	1,925,645–3,851,176	0938–0612 and 0938–0581.
AO and ES	30–729 (270–6,561)	N/A	30,623–744,149	N/A	30,623–744,149	0938–0686.
Totals	38.5–743.5 (223,163–424,780)	3 (40,746)	25,311,148–48,178,549	4,621,411	29,932,559–52,799,960	N/A.

If you comment on this information collection, that is, reporting, recordkeeping or third-party disclosure requirements, please submit your comments electronically as specified in the **ADDRESSES** section of this proposed rule.

Comments must be received by the date and time specified in the **DATES** section of this rule.

V. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

VI. Regulatory Impact Analysis

A. Statement of Need

1. Virtual Access

As discussed in section II.A of this proposed rule, on May 11, 2023, CMS issued memo QSO–23–15–CLIA–REVISED, entitled ''Clinical Laboratory Improvement Amendments of 1988 (CLIA) Post-Public Health Emergency (PHE) Guidance'' informing interested parties that pathologists and other qualified laboratory personnel would continue to be able to remotely review digital data, results, and images, but locations that review physical slides and use microscopes must have their own CLIA certificate. The memo also stated that laboratories that choose to allow staff to remotely review digital data, results, and images could do so if specific criteria were met, as outlined in section II.A of this proposed rule. Considering this exercise of enforcement discretion, we assume virtual access testing models are likely already in place in some laboratories. The intent of the CLIA program is to ensure that test results provided to individuals and their healthcare providers are accurate, timely, and reliable. As discussed in section II.A of this proposed rule, we propose to add a definition for virtual access and update pertinent regulatory language to include the use of virtual access throughout 42 CFR part 493. We also propose to update the regulatory language throughout 42 CFR part 493, for all certificate types, facility and retention requirements, and in the general laboratory, analytic, and postanalytic systems sections to ensure virtual access maintains the same quality standards as on-site testing. Virtual access would not include the subspecialty of cytology, as section 353(f)(4)(B)(vi) of the PHSA and the regulation at § 493.1274(a) state that cytology screening and slide preparations must be evaluated on the premises of a laboratory certified to conduct testing in the subspecialty of cytology.

2. Gynecologic Cytology PT

Laboratory instrumentation's technological capabilities are evolving to meet the modern needs of the industry. As discussed in section II.B of this proposed rule, in 2024, the FDA authorized for marketing the first digital cytology screening system, which creates digital images of glass slides. Current gynecologic cytology PT requirements at § 493.855(a) and (b) require that ''each individual is tested at least once per year and obtains a passing score. To ensure this annual testing of individuals, an announced or unannounced testing event would be conducted on-site in each laboratory at least once each year, and each individual participates in an annual

testing event that involves the examination of a 10-slide test set as described in § 493.945.'' We are proposing to revise the regulations at §§ 493.855(a) and 493.945(b) based on the recent authorization of the first digital cytology screening system and the necessity for more stringent PT requirements to ensure that PT is performed in the same manner as the primary testing method.

3. Personnel Qualification Requirements

The proposed personnel qualification updates, as discussed in section II.C. of this proposed rule, relate to laboratory director qualifications and responsibilities, blood gas testing personnel and competency assessor qualifications, gross tissue examination personnel qualifications, and include proposed changes to the gross tissue examination technical supervisor review process. The 2023 CLIA final rule updated the requirements under 42 CFR part 493, subpart M, pertaining to laboratory director qualifications and responsibilities, specifically addressing personnel qualifications and duties. As discussed in section II.C of this proposed rule, since the effective date of the updated personnel regulations, CMS has received substantial feedback from interested parties about the revised personnel qualification requirements.

CMS met directly with multiple interested parties to hear their concerns, which mainly focused on laboratory director qualifications. Interested parties expressed concerns about the requirement for physicians to have both 20 hours of CE in laboratory director responsibilities and 1 year of supervisory laboratory experience to qualify as moderate complexity laboratory directors, viewing this as burdensome. Prior to December 28, 2024, physicians for moderate complexity laboratories could qualify as moderate complexity laboratory directors with either 20 CE in laboratory director responsibilities or 1 year of supervisory laboratory experience, providing more flexibility in meeting qualification requirements and enabling physicians to open their practices upon graduation. Similarly, dermatology associations raised concerns about the qualification requirements for newly graduated and practicing dermatologists to serve as high complexity laboratory directors for laboratories that perform Mohs testing, which now require 2 years of supervisory laboratory experience and 20 CE in laboratory director responsibilities. Under previous regulations, dermatologists could qualify as laboratory directors based solely on their residency training, without requiring documentation of prior laboratory supervisory experience or the 20 CE. Interested parties noted that more stringent qualification requirements may reduce the number of eligible candidates for laboratory director positions, potentially impacting access to care in rural areas and laboratories that perform Mohs testing.

As discussed in section II.C of this proposed rule, after carefully reviewing the new personnel regulations, CMS and the CDC have determined that several personnel regulations should be revised, removed, or clarified.

CMS and the CDC propose removing definitions and language that limit background, education, experience, and training to human-only laboratory science. Interested parties from the veterinary and research communities are supportive of expanding the previous interpretation of the definition of experience and training in laboratory science to allow for additional qualified laboratory personnel. Section 353(f)(1)(C) and (2) of the PHSA gives the Secretary the authority to recognize qualifications of nonhuman laboratory science, as appropriate, for laboratory personnel. CMS and the CDC believe it is appropriate to expand the definitions and language that limit background, education, experience, and training to human-only laboratory science to expand the qualified workforce and reduce the burden, particularly on rural areas, to find qualified laboratory personnel. We also propose rescinding or revising several regulations that we believe increase the financial, time, and compliance burdens on laboratory directors without delivering measurable benefits with respect to patient safety and regulatory compliance, including competency for PPM testing personnel, laboratory director on-site visits, and additional requirements of experience and courses specifically in CLIA laboratory director's responsibilities.

Based on interested parties' feedback, CMS and the CDC propose to add regulations for testing personnel that may perform histopathology gross tissue examination and Mohs dermatology laboratory directors who perform testing in dermatopathology. The regulations for histology testing personnel allow individuals who may not have previously qualified to now meet the qualifications to perform histopathology gross tissue examination, expanding the number of individuals qualified to perform this test. Mohs dermatology laboratory directors can now qualify through their dermatology board certification instead of producing documentation from their residency and fellowship to establish experience requirements. These additional regulations would result in a less burdensome qualification process and address workforce shortages.

Current CLIA regulations may impose undue burdens to meet testing personnel qualifications for moderate complexity blood gas testing. This may lead to increased costs for obtaining and maintaining those qualifications and may lead to a lack of qualified testing personnel. Also, CLIA regulations restrict who can perform competency assessments for moderate complexity blood gas testing, which may lead to a lack of qualified personnel who can perform competency assessments. CMS and the CDC propose to add regulations that would allow flexibility for blood gas personnel requirements.

Current CLIA regulations do not include personnel qualifications for gross tissue examinations. To address this gap, this proposed rule includes educational requirements for high complexity testing personnel qualifications, including recognizing histotechnicians, histotechnologists, and pathologist assistants as high complexity testing personnel.

Current CLIA interpretive guidance, which is found in SOM Appendix C, recommends that in the case of gross tissue examinations, all physical examinations/descriptions of tissue including color, weight, measurement, and other characteristics of the tissue; or other mechanical procedures, performed in the absence of the technical supervisor by individuals qualified under § 493.1489 should be reviewed within 24 hours by the technical supervisor. The proposed rule would codify this interpretive guidance at § 493.1273(c), with a modification to provide that results must be reviewed by the technical supervisor before the final test report is issued, instead of within 24 hours.

4. Other Changes

This proposed rule also includes proposals related to removing the obsolete requirement for SARS–CoV–2 results reporting, as the SARS–CoV–2 PHE has ended, updating the requirement that laboratories must notify HHS or its designee if their email addresses change, adding the CLIA number and laboratory name to test reports, modifying enforcement requirements, and revising regulatory text requiring the establishment of CLIAC for public consultation. Other editorial and technical changes to fix cross-references and ensure consistency and clarity are also included.

B. Overall Impact

We have examined the impacts of this rule as required by Executive Order 12866, ''Regulatory Planning and Review''; Executive Order 13132, ''Federalism''; Executive Order 13563, ''Improving Regulation and Regulatory Review''; Executive Order 14192, ''Unleashing Prosperity Through Deregulation''; the Regulatory Flexibility Act (RFA) (Pub. L. 96–354); section 1102(b) of the Social Security Act; and section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select those regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as any regulatory action that is likely to result in a rule that may: (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, or the President's priorities.

An RIA must be prepared for a regulatory action that is significant under section 3(f)(1) of E.O. 12866. Based on our estimates, the OMB Office of Information and Regulatory Affairs (OIRA) has determined this proposed rule is significant per section 3(f)(1) of E.O. 12866, see Table 4 (Summary of All Estimated Costs and Cost Savings). We have prepared this RIA to the best of our abilities, including both a qualitative and quantitative analysis, and are requesting public comments on the impacts to assist us in making this determination in the final rule. We estimate that this proposed rule would impose initial costs ranging from a low estimate of $19,352,721 to a high estimate of $40,654,504 during year one of implementation. At the same time, this proposed rule would generate recurring annual cost savings beginning the first year of implementation, with these savings continuing annually. Estimated annual cost savings range from a low estimate of $2,809,311 and a high estimate of $149,751,325. Table 5 (Annual and Present Value Estimates of Costs, Cost Savings, and Total Anticipated Impact (3 Percent and 7 Percent Discount Rates) presents estimates of year one and ongoing annualized costs, cost savings, and total anticipated impact over a 5-year time period (2028–2032) using 3 percent and 7 percent discount rates, consistent with OMB Circular A–4.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

TABLE 4—SUMMARY OF ALL ESTIMATED COSTS AND COST SAVINGS

Estimated costs and benefits	Initial/implementation (Year 1)		Ongoing annually/maintenance (Year 2–5)	
	Low estimate	High estimate	Low estimate	High estimate
Costs:				
Laboratory Costs to Update Policies and Procedures for all Personnel Qualifications and Other Changes	($19,033,833)	($38,067,665)	$0	$0
Accreditation Organization and Exempt State Costs for All Updates	(30,623)	(744,149)	0	0
(Voluntary) Implementation Costs of Virtual Access (estimate for one laboratory)	(102,143)	(1,601,616)	0	0
(Voluntary) Maintenance and Compliance Costs of Virtual Access (estimate for one laboratory)	0	0	(113)	(340)
PT Programs to Update Software Costs for Gynecologic Cytology PT	(94,592)	(103,779)	0	0
Gynecologic Cytology PT Quantifiable Costs for Laboratories	(91,530)	(137,295)	0	0
Total Estimated Costs	−(19,352,721)	(40,654,504)	(113)	(340)
Cost Savings:				
Laboratory Director Qualifications (Boards including CE estimate for renewal)	+3,846,856	+117,927,825	+1,525,056	+90,431,700
Laboratory Director Qualifications (CE hours estimate)	+2,716,400	+33,955,000	0	0
Laboratory Director Responsibilities (Annual on-site travel and lodging)	+644,431	+1,723,282	+644,431	+1,723,282
Laboratory Director Responsibilities (Annual PPM competency assessment)	+639,937	+57,596,683	+639,937	+57,596,683
Total Estimated Cost Savings	+7,847,624	+211,202,790	+2,809,424	+149,751,665
Total Anticipated Impact (Total Cost Savings − Total Cost)	−(11,505,097)	+170,548,286	+2,809,311	+149,751,325

TABLE 5—YEAR-SPECIFIC UNDISCOUNTED AND PRESENT VALUE ESTIMATES OF COSTS, COST SAVINGS, AND TOTAL ANTICIPATED IMPACT

[3 Percent and 7 percent discount rates]

	Undiscounted value (low estimate–high estimate)	Year-specific present value [a]	
		3% Discount rate (low estimate–high estimate)	7% Discount rate (low estimate–high estimate)
Total Estimated Costs:			
Year 1 *(2028)*	$19,352,721–$40,654,504	$19,352,721–$40,654,504	$19,352,721–$40,654,504
Year 2 *(2029)*	113–340	110–330	106–318
Year 3 *(2030)*	113–340	107–320	99–297
Year 4 *(2031)*	113–340	103–311	92–278
Year 5 *(2032)*	113–340	100–302	86–260
Total Estimated Cost Savings:			

TABLE 5—YEAR-SPECIFIC UNDISCOUNTED AND PRESENT VALUE ESTIMATES OF COSTS, COST SAVINGS, AND TOTAL ANTICIPATED IMPACT—Continued

[3 Percent and 7 percent discount rates]

	Undiscounted value (low estimate–high estimate)	Year-specific present value [a]	
		3% Discount rate (low estimate–high estimate)	7% Discount rate (low estimate–high estimate)
Year 1 *(2028)*	7,847,624–211,202,790	7,847,624–211,202,790	7,847,624–211,202,790
Year 2 *(2029)*	2,809,424–149,751,665	2,727,596–145,394,722	2,625,631–139,956,696
Year 3 *(2030)*	2,809,424–149,751,665	2,648,152–141,163,808	2,454,795–130,809,997
Year 4 *(2031)*	2,809,424–149,751,665	2,571,022–137,056,124	2,296,068–122,351,399
Year 5 *(2032)*	2,809,424–149,751,665	2,496,138–133,067,931	2,145,859–114,846,391
Total Anticipated Impact (Total Cost Savings − Total Cost):			
Year 1 *(2028)*	−(11,505,097)–170,548,286	−(11,505,097)–170,548,286	−(11,505,097)–170,548,286
Year 2 *(2029)*	2,809,311–149,751,325	2,727,486–145,394,392	2,625,524–139,956,378
Year 3 *(2030)*	2,809,311–149,751,325	2,648,045–141,163,487	2,454,695–130,809,700
Year 4 (2031)	2,809,311–149,751,325	2,570,919–137,055,813	2,295,975–122,351,121
Year 5 *(2032)*	2,809,311–149,751,325	2,496,038–133,067,628	2,145,771–114,846,130

[a] Present values were calculated by multiplying the annual estimate by the applicable OMB Circular A–4 discount factor. Discount factors equal 1.0000 (2028), 0.9709 (2029), 0.9426 (2030), 0.9151 (2031), and 0.8885 (2032) for the 3 percent discount rate, and 1.0000 (2028), 0.9346 (2029), 0.8734 (2030), 0.8163 (2031), and 0.7629 (2032) for the 7 percent discount rate.

C. Detailed Economic Analysis

1. Benefits

a. Virtual Access

We have determined there would be several non-quantifiable benefits for laboratories currently using or deciding to implement a virtual access testing model. Clinical laboratories across the country are currently experiencing a critical shortage of qualified laboratory personnel (Diane C. Halstead, Robert L. Sautter, *A Literature Review on How We Can Address Medical Laboratory Scientist Staffing Shortages, Laboratory Medicine,* Volume 54, Issue 1, January 2023, Pages e31–e36, *https://doi.org/10.1093/labmed/lmac090*). Workforce recruitment and retention is another challenge faced by many clinical laboratories across the country, but particularly in rural areas where positions are staying vacant longer (Leber AL, Peterson E, Dien Bard J, Personnel Standards and Workforce Subcommittee, American Society for Microbiology. *The Hidden Crisis in the Times of COVID–19: Critical Shortages of Medical Laboratory Professionals in Clinical Microbiology.* J. Clin. Microbiol. 2022 Aug. 17; 60(8) *https://pmc.ncbi.nlm.nih.gov/articles/PMC9383190/*). We believe virtual access can enhance job opportunities and flexibilities in clinical laboratories by enabling qualified personnel to review, digital laboratory data, digital results, live imaging, and digital images via a secure connection to the laboratory software systems, LIS, instruments, or EHR. If this proposal is finalized as proposed, virtual access would allow for travel cost savings and a lessened burden for personnel who normally would commute to the primary testing laboratory for job duties that are applicable. We believe there would be an additional benefit for laboratories using virtual access as outlined in this proposed rule, because no additional CLIA certificate or fees outside of the primary testing laboratory where the digital laboratory data, images, and results are transmitted from and back to would be required. However, any location using a microscope to examine physical slides would require its own CLIA certificate. Laboratories would also benefit from virtual access because it would allow for the use of new technologies as the industry evolves to meet modern laboratory testing needs. Virtual access provides several public health benefits, as noted in the CMS issued memo QSO–23–15–CLIA–REVISED titled ''Clinical Laboratory Improvement Amendments of 1988 (CLIA) Post-Public Health Emergency (PHE) Guidance.'' This exercise of enforcement discretion allowed laboratories to increase their testing capacity and accessibility in locations or in situations where on-site reviews were not feasible. We believe codifying this flexibility to allow for virtual access would continue to allow for an increase in testing capacity and accessibility across the country. However, data is not currently being collected on the number of laboratories that have relied on the enforcement discretion or the extent to which it has affected testing capacity and accessibility. Therefore, at this time, the benefits of codifying virtual access allowances cannot be reliably quantified.

b. Personnel Qualifications

(1) Laboratory Director Qualifications and Responsibilities

We have identified quantifiable and non-quantifiable benefits associated with several of the proposed changes to the personnel qualification requirements. We believe that by making these changes, there would be an increased availability of qualified laboratory directors. The changes described in this proposed rule would permit laboratory experience outside a CLIA-certified laboratory, including a medical residency or fellowship, and animal research projects as pathways to gain the necessary laboratory experience and education to qualify as a laboratory director. Laboratory directors who oversee high complexity or moderate complexity testing may qualify as laboratory directors by obtaining 20 CE credits in laboratory director responsibilities or laboratory experience, providing more qualification opportunities. Also, removing the board certification requirement for laboratory directors who oversee moderate complexity testing would reduce burden and cost continuously, as boards require CE credit hours to maintain certification.

CMS and the CDC propose new regulations for laboratory director qualifications for dermatopathology high complexity testing. Based on feedback from multiple dermatology boards, we propose that dermatologists' specialized training should qualify them as laboratory directors for testing Mohs procedures. According to research, in 2014, there were 2,240 Mohs surgeons in the U.S., and 1,118 of them were

members of the American College of Mohs Surgery (ACMS) (H Feng, D Belkin, and RG Geronemus. *Dermatologic Surgery* 45(1): p. 160–163, January 2019). Members of ACMS and the American Society for Mohs Surgery (ASMS) boards must be trained as part of a fellowship training program for one to 2 years after dermatology residency to be certified. By allowing dermatologists to be qualified as laboratory directors, it would increase the pool of qualified members to oversee dermatopathology laboratories.

Other proposed changes allow for cost savings in addition to lessening the burden. Removing the requirement for laboratory directors to be on-site at least twice a year would reduce costs. Additionally, removing the requirement for PPM competency assessments would further reduce costs.

As presented in Table 6 (Laboratory Director Qualifications and Responsibilities Cost Savings), we estimated quantifiable benefits for laboratories related to laboratory director qualifications and responsibilities. A breakdown of the cost savings is provided in the RIA Section 2, Costs.

TABLE 6—LABORATORY DIRECTOR QUALIFICATIONS AND RESPONSIBILITIES COST SAVINGS

Change	Affected CLIA certificate or complexity type(s)	Initial/implementation (year 1)		Ongoing annually/maintenance	
		Low estimate	High estimate	Low estimate	High estimate
Laboratory Director Qualifications (Boards with CE 1st year estimate).	Moderate Complexity Laboratory Directors.	$3,846,856	$117,927,825	$1,525,056	$90,431,700
Laboratory Director Qualifications (CE credits).	CoC/CoA	2,716,400	33,955,000	0	0
Laboratory Director Responsibilities (Annual on-site travel and lodging).	CoC/CoA	644,431	1,723,282	644,431	1,723,282
Laboratory Director Responsibilities (Annual PPM competency assessment).	PPM	639,937	57,596,683	639,937	57,596,683
Total Cost Savings		7,847,624	211,202,790	2,809,424	149,751,665

(2) Blood Gas Testing Personnel and Competency Assessor Qualifications

CMS and the CDC propose to add qualifiers for moderate complexity blood gas testing personnel to allow those with the applicable associate degrees to qualify as technical consultants for blood gas analysis. We also propose to rescind the regulations requiring that for moderate complexity blood gas testing, the personnel should have a year of experience. These proposed changes are intended to address an inadvertent error discovered following the implementation of the 2023 CLIA final rule. We believe this error resulted from duplicating the regulation for high complexity blood gas testing personnel at § 493.1489. We believe that less complex testing does not require greater experience requirements in the CLIA regulations. These proposed changes offer more flexibility by allowing more opportunities to qualify as moderate complexity blood gas testing personnel and to provide competency assessments while maintaining the laboratory's ability to produce accurate and reliable testing.

(3) Gross Tissue Examination Personnel Qualifications

The proposed changes to the personnel qualifications that permit histotechnicians, histotechnologists, and pathologist assistants to qualify as high complexity testing personnel may close a regulatory gap and address workforce shortages by increasing the availability of testing personnel who can perform gross tissue examination.

(4) Gross Tissue Examination Technical Supervisor Review

The proposed changes to the gross tissue examination technical supervisor review process would provide a benefit of less restrictive guidance. It would permit laboratories to perform the review before the final test report is issued, instead of within 24 hours, which should allow for more flexibility in the gross tissue examination process while maintaining the laboratory's ability to produce accurate and reliable testing.

c. Gynecologic Cytology PT

We believe there would be several non-quantifiable benefits for cytology laboratories associated with finalization of our proposal related to gynecologic cytology PT. As a result of the FDA authorization of new technologies in this area, cytology laboratories may decide to perform gynecologic cytology testing using digital images. If a laboratory performs gynecologic cytology testing using digital images, it must comply with gynecologic cytology PT requirements at § 493.855(a) and (b). The requirement for PT programs that offer gynecologic cytology PT specimens to include a system to monitor the integrity of testing, if offering a digital image option, would benefit laboratories using digital cytology systems by allowing them to participate in PT programs that utilize digital images while maintaining the integrity and relevance of the PT process.

d. Other Changes

(1) Certificate Requirements

One of the benefits of this proposed rule is that it would modernize CLIA by leveraging a digital-first approach, promoting sustainability, and allowing for faster communication between CMS and laboratories.

(2) Proposed Addition of CLIA Number and Laboratory Name to Test Reports

CMS is aware that laboratories sometimes use commercial names that are not identical to names on the CLIA certificate, and the current regulations do not address this situation. Specifically, this proposed change would establish clear traceability and accountability for laboratory testing and reporting by creating a direct link between test results and the specific laboratory facility that performed the analysis. Currently, some laboratories operate under multiple DBA names while functioning as a single entity, which can mislead healthcare providers, patients, and other interested parties about the true source of laboratory services. Requiring the inclusion of the laboratory name as it appears on the CLIA certificate and CLIA number in test reports would eliminate confusion caused by using multiple business names and ensure that all parties can

accurately identify and verify the credentials of the laboratory performing the tests. This transparency would enable better oversight by regulatory bodies and provide healthcare providers and patients with the information necessary to make informed decisions about laboratory services.

(3) Enforcement Requirements

Modifying enforcement requirements by rescinding the mandatory 6-month reinstatement waiting period, which currently prevents laboratories from resuming testing even after they have returned to compliance following PT failures, and by continuing alternative sanctions, including patient notification requirements, until a laboratory's CLIA certificate is revoked rather than when it is suspended or limited, would reduce burden while maintaining safety standards.

2. Costs

a. Virtual Access

The proposed addition of virtual access into the CLIA regulations for laboratories electing to review digital laboratory data, digital results, live imaging, and digital images performed under the CLIA certificate of the primary testing laboratory that generated the data via a secure connection to the primary testing laboratory software systems, LIS, instruments, EHR, or encrypted communications when not physically on the premises of the primary testing laboratory would have initial and ongoing impact costs for those applicable laboratories. This proposed rule formally outlines the proposed compliance requirements, including the primary testing laboratory's CLIA laboratory director's oversight responsibilities, testing limitations, and facility and retention requirements for laboratories that currently utilize virtual access and laboratories that may voluntarily choose to implement virtual access in the future. The virtual access allowances in this proposed rule provide an additional testing option for laboratories, further increasing testing capabilities and flexibility.

Laboratory business models can vary significantly depending on the types of testing performed, the testing complexities, and the populations or geographic regions served. These variations can influence operational workflows, staffing, and financial decisions that laboratories must consider when determining which tests to offer and implement, including how results would be reviewed, verified, and reported. Considering these factors, it is difficult to specifically pinpoint how many laboratories currently utilize or in the future would implement virtual access. However, we estimate approximately 40 percent (13,582) of all CoC and CoA laboratories may already have the capability to use or implement virtual access. The 40% estimate was calculated using CLIA enrollment data by identifying the current number of laboratories classified as hospital-based, independent, industrial, public health, or pharmacies. This number was then divided by the total number of laboratories with a CoA or CoC certificate type to calculate the percentage.

When estimating virtual access costs, we considered the total testing process of virtual access to include the test analysis, transmission of results, images, or data via a secure connection, review at a secure location, and transmission back to the primary testing laboratory. To estimate the cost impacts for laboratories voluntarily using or implementing in the future virtual access, we relied on publicly available data for common expense costs for equipment and maintenance, service agreements, digital software and licensing, data storage, digital results and imaging, validation and verification, and administrative compliance. Since virtual access is voluntary, we estimated the cost for one laboratory to implement virtual access with consideration for the lowest and highest estimates for equipment, software, and administrative costs. These cost estimates are outlined in Table 7 (Virtual Access Quantifiable Costs per Laboratory).

(1) Quantifiable Equipment and Software Costs

To estimate the total cost for each CoC and CoA laboratory to acquire digital whole slide instrumentation or other applicable instrumentation capable of analyzing and/or reporting laboratory data, digital results, live images, and/or digital images, we reviewed publicly available data on common expenses for whole slide imaging instrumentation. To determine the equipment cost, we considered the cost for the equipment only, not including any customizations a laboratory may purchase based on their testing workflow. We estimate the cost for a laboratory to acquire equipment would range from $100,000 to $1,500,000 (1 Laboratory × 100,000 or 1,500,000 dollars) (Kumar N, Gupta R, Gupta S. Whole Slide Imaging (WSI) in Pathology: Current Perspectives and Future Directions. J Digit Imaging. 2020;33(4):1034–1040, *https://pmc.ncbi.nlm.nih.gov/articles/PMC7522141/*). We assume the cost for equipment would be a one-time cost burden for laboratories purchasing equipment. If the laboratory leases equipment, we assume there would be a decreased cost initially and ongoing, as leasing commonly allows laboratories to acquire equipment without a significant initial investment and with other offset costs for testing materials. We assume the lifespan of the equipment would vary for each laboratory, so additional costs to replace the equipment at the end of life or lease were not included in the initial cost range to acquire the equipment.

Concurrently, laboratories may utilize software during the testing process to facilitate the transfer of laboratory data, digital results, live and/or digital images through a secure private network. Laboratories must also have a system in place to detail who performed the test via virtual access and on what device the test was performed to resolve quality issues and complaints. To estimate the costs of digital software, we reviewed publicly available websites of companies offering and comparing digital software prices. This allowed us to determine an estimated cost range by considering the lowest and highest price for digital software options. The digital software costs ranged from $1,000 to $100,000 (1 Laboratory × 1,000 or 100,000 dollars) based on the software's functionality and features. We assume laboratories that require customizations, multiple instrumentation integrations, and user licenses would have an increased cost, comparable to the upper end of the range. We estimate costs associated with digital software, including licensing costs, would be ongoing for the life of the test, and the cost may vary over time depending on the type of software license purchased (for example, perpetual, annual, or subscription) (*https://www.labx.com/categories/software, https://www.itqlick.com/laboratory-connector/pricing*). Maintenance costs that may be associated with the digital software were not included in the initial cost to acquire the software because we assume these costs would vary over time.

(2) Quantifiable Administrative Costs

We estimate that CoC and CoA laboratories would incur labor costs for the time needed to review the revised regulations and update their policies and procedures if they are currently using virtual access. Laboratories voluntarily implementing virtual access would incur labor costs for the time needed to write policies and procedures. The total one-time burden per laboratory to review, update, or

write policies and procedures is estimated to be 4 to 6 hours. Using the most recently published data by the 2024 Bureau of Labor Statistics, a management level employee (Code 11–9111) would perform these tasks at an hourly median wage of $56.71 per hour. The wage rate would be $113.42 to include overhead and fringe benefits. The total cost would range from $454 to $681 [1 Laboratory × (4 hours × $113.42) or (6 hours × $113.42)].

Similarly, we estimate that CoC and CoA laboratories would also incur labor costs for the time required for staff to implement virtual access testing and quality assurance processes to monitor the virtual access testing. The total one-time burden per laboratory for these activities is estimated to be 6 to 8 hours. A management level employee (Code 11–9111) would perform these tasks at an hourly median wage of $56.71 per hour as published by the 2024 Bureau of Labor Statistics. The wage rate would be $113.42 to include overhead and fringe benefits. The total cost for these activities for each laboratory that chooses to implement virtual access would range from $681 to $907 [1 Laboratory × (6 hours × $113.42) or (8 hours × $113.42)].

We estimate that laboratories currently utilizing or implementing virtual access would have other ongoing administrative costs associated with notifying CMS of virtual access staff and recordkeeping. The ongoing cost burden per laboratory for these activities is 5 to 15 minutes per operating day, once a month. A management level employee (Code 11–9111) would perform these tasks at an hourly median wage of $56.71 per hour as published by the 2024 Bureau of Labor Statistics. The wage rate would be $113.42 to include overhead and fringe benefits. The total cost for these activities for each laboratory that chooses to implement virtual access would range from $9 to $28 [1 Laboratory × (0.08 hours × $113.42) or (0.25 hours × $113.42)]. These estimated costs would be ongoing for the life of the test.

Laboratories electing to implement virtual access would have ongoing administrative costs associated with the equipment maintenance, personnel training and competency assessments, and semiannual verification studies. A management level employee (Code 11–9111) would perform these tasks at an hourly median wage of $56.71 per hour as published by the 2024 Bureau of Labor Statistics. The wage rate would be $113.42 to include overhead and fringe benefits. The estimated total ongoing burden for each laboratory would range from 1 to 3 hours. The total cost per laboratory would range from $113 to $340 [1 Laboratory × (1 hour × $113.42) or (3 hours × $113.42)].

TABLE 7—VIRTUAL ACCESS QUANTIFIABLE COSTS PER LABORATORY

	Initial/implementation (Year 1)		Ongoing/maintenance and compliance	
	Low estimate	High estimate	Low estimate	High estimate
Laboratory	1	1	1	1
Equipment Costs	$100,000	$1,500,000	.....	.....
Software Costs	$1,000	$100,000	.....	.....
Administrative Costs	$1,143	$1,616	$113	$340
Total	$102,143	$1,601,616	$113	$340

(3) Non-Quantifiable Costs

If this proposal is finalized as proposed, a number of non-quantifiable costs would also result for laboratories utilizing or voluntarily implementing virtual access testing. We are unable to quantify the cost for laboratories for the equipment maintenance, including service agreements because these costs would vary greatly depending on the type of equipment maintenance a laboratory acquires (for example, original equipment manufacturer service, in-house service, or service provided by a third party (*https://www.labmanager.com/the-business-of-science-financial-strategies-every-lab-manager-needs-to-know-34421*). These costs are variable due to the level of the service contracts negotiated by each laboratory. A laboratory may also choose to outsource the service of the equipment, and we do not have the capability to determine those costs.

As outlined in sections II.A of this proposed rule, for compliance, laboratories utilizing virtual access would be required to follow facility and retention CLIA requirements for nonwaived testing, including the storage of laboratory data, digital results, live images, and/or digital images. We are not able to quantify the cost to store these files, images, or data because the average cost for storage differs depending on the type of storage used: cloud or local, volume and retention needs, and access and security features. We assume most laboratories would have access to cloud storage options or a local network server where files may be stored at a reduced cost. Also, laboratories utilizing an existing laboratory information system or electronic medical record to report patient results would have capabilities for storing patient results in their existing system (*https://www.ncbi.nlm.nih.gov/books/NBK562702/*).

We are not able to quantify the costs associated with obtaining testing materials that may be required or needed for validation and verification studies. These costs would vary depending on the test complexity, testing requirements determined by the equipment manufacturer, and any system customizations based on specific testing needs.

b. Personnel Qualifications

(1) Laboratory Director Qualifications and Responsibilities

To estimate the cost savings for removing the requirement for moderate complexity laboratory directors to be board certified, we looked at the websites of each of the nine HHS-approved certification boards for laboratory directors to gather the appropriate information. To determine the cost, we used the application fee, exam fee, and annual fee or maintenance fee.

We assumed that the laboratory directors would not let their certification lapse, and the application fee and the exam fee were only used in the calculation for the first year of cost savings. The application fees ranged from $225 to $775, and the exam fees ranged from $200 to $1,050 for a single exam. For those requiring a general and a specialty exam, the fees ranged from $525 to $2,225. We looked at annual fees/maintenance fees that the boards charged, which ranged from $112 to

$500, and the CE course fees were set at a low of $20 and a high of $50. There is a large range of fees for CE courses as determined by the type of course and how they are received. For example, when a person registers for a conference, sometimes as many as 60 CE credits are available over the course of the conference, depending on the activities/presentations during the conference. Other courses are taken online at little to no cost. We assumed that courses offering CE usually cost between $20 and $50, but we understand that this may be an underestimation. From the boards' websites, we were able to determine how many credits were required annually to retain certification. To determine the cost savings, we multiplied the lowest number of credits by the lowest CE fee (10 CE Credits × $20 CE Fees = $200) and the highest number of credits by the highest CE fee (50 CE Credits × $50 = $2,500). These numbers were added to the sum of the application fee, exam fee, and annual fee to determine the savings for the first year. We removed the application fee and the exam fee for years 2 and 3 only because some boards retain a three-year cycle for continuing education credits.

To estimate the number of laboratories affected by this proposed change, we used the number of PPM-certified laboratories since PPM testing is considered moderate complexity. To find the low range, we divided the number of PPM laboratories by five because, according to the CLIA regulations, one director may oversee up to five laboratories. For the high range, we assumed all the laboratories were directed by one person and used the total number of PPM laboratories. We multiplied the lowest number of laboratories by the lowest cost for board certification and the highest number of laboratories by the highest cost for certification to reach the range of $3,846,856 to $117,927,825 for the first year and $1,525,056 to $90,431,700 for later years. These cost savings estimations are outlined in Table 8 (Laboratory Director Board Certification Cost Savings for Moderate Complexity Laboratories).

TABLE 8—LABORATORY DIRECTOR BOARD CERTIFICATION COST SAVINGS FOR MODERATE COMPLEXITY LABORATORIES

	First year		Years 2 and 3	
	Low estimate	High estimate	Low estimate	High estimate
Total Number of Affected Groups	4,888	24,441	4,888	24,441
Application Fee	$275	$775	$0	$0
Exam Fee	$200	$2,225	$0	$0
Maintenance Fee	$112	$500	$112	$1,200
Continuing Education	$200	$2,500	$200	$2,500
Total	$3,846,856	$117,927,825	$1,525,056	$90,431,700

A personnel change proposed in this rule is to remove the requirement to have 20 CE hours in laboratory director responsibilities to qualify as a laboratory director. This proposed change would reduce the burden and cost for all 33,955 CoC and CoA laboratories and their directors. To estimate the CE hour cost savings, we assumed that courses offering CE usually cost between $20 and $50, but we understand that this may be an underestimation. To find the low range, we divided the number of CoC and CoA laboratories by five because, according to the CLIA regulations, one director may oversee up to five laboratories. For the high range, we assumed all the laboratories were directed by one person and used the total number of CoC and CoA laboratories. Based on a low estimate of $20 and a high estimate of $50 for each course, we estimate the cost savings range from $2,716,400 to $33,955,000 (6,791 × $20 × 20 CE hours or 33,955 × $50 × 20 CE hours). These cost savings estimates are outlined in Table 9 (CE Hours Cost Savings for All CoC and CoA Laboratory Directors).

TABLE 9—CE HOURS COST SAVINGS FOR ALL COC AND COA LABORATORY DIRECTORS

	Low estimate		High estimate	
Number of CoC/CoA Laboratories	6,791	33,955	6,791	33,955
CE Course Fees	$20	$20	$50	$50
CE Credit Hours	20	20	20	20
Total	$2,716,400	$13,582,000	$6,791,000	$33,955,000

A personnel change proposed in this rule includes removing the requirement for PPM laboratory competency assessments which would reduce costs associated with labor. This proposed change would reduce the burden and the cost to all 24,441 PPM laboratories and their directors. To find the low range we divided the number of PPM laboratories by five because according to the CLIA regulations one director may oversee up to five laboratories. For the high range we assumed all the laboratories were directed by one person and used the total number of PPM laboratories. The following five procedures are the minimum regulatory requirements for assessing the competency of all personnel performing PPM procedures: directly observe routine patient test performance, including, if applicable, specimen handling, processing, and testing, monitor the recording and reporting of test results, review test results or worksheets, assess test performance through testing internal blind testing samples or external PT samples, and assess problem-solving skills. Testing under a CLIA Certificate for PPM procedures is restricted to nine specific microscopic examinations using bright-field or phase-contrast microscopy: all direct wet-mount preparations for the presence or absence of bacteria, fungi, parasites, and human cellular elements, all potassium hydroxide (KOH) preparations, pinworm examinations, fern tests, post-coital direct, qualitative

examinations of vaginal or cervical mucous, urine sediment examinations, nasal smears for granulocytes, fecal leukocyte examinations, qualitative semen analysis (limited to the presence or absence of sperm and detection of motility).

However, not every PPM laboratory performs all nine of these PPM procedures. Also, PPM laboratories vary in size, and we do not have data on the number of personnel at each location. The cost of PT materials varies because they can be purchased from various vendors or prepared in-house using previously performed patient specimens. Due to this variability in PPM competency assessments, we determined cost savings by estimating the number of personnel, labor hours, and assuming a physician (Code 29–1210) would perform this task at an hourly median wage of $130.92 per hour, as published by the 2024 Bureau of Labor Statistics. The wage rate would be $261.84, including overhead and fringe benefits. We assumed at least two personnel would need to be available to complete the competency assessment. One for performing the testing and one to assess the competency. We did not include cost savings for the PT materials used because we are unable to determine the costs due to the variability of materials used by each laboratory. For the low estimate, we used one PPM test, and for the high estimate, we used all nine PPM tests. We estimated it would take 15–30 minutes or 0.25 to 0.5 hours to assess someone's competency, including the direct observation for each PPM test. Based on a low estimate of 1 PPM test and a high estimate of 9 PPM tests for each competency assessment, we estimate the cost savings range from $639,937 to $57,596,683. Low estimate: (4,888 PPM laboratories × 2 personnel × 1 PPM test) × (0.25 hours × $261.84). High estimate: (24,441 PPM laboratories × 2 personnel × 9 PPM tests) × (0.5 hours × $261.84). These cost savings estimations are outlined in Table 10 (Competency Assessment Cost Savings for PPM Laboratories).

TABLE 10—COMPETENCY ASSESSMENT COST SAVINGS FOR PPM LABORATORIES

	Low estimate				High estimate			
Number of Laboratories	4,888	4,888	4,888	4,888	24,441	24,441	24,441	24,441
Number of Personnel ..	2	2	2	2	2	2	2	2
PPM Test(s) Performed	1	1	9	9	1	1	9	9
Labor Hours	0.25	0.5	0.25	0.5	0.25	0.5	0.25	0.5
Wage Rate	$261.84	$261.84	$261.84	$261.84	$261.84	$261.84	$261.84	$261.84
Total	$639,937	$1,279,874	$5,759,433	$11,518,865	$3,199,816	$6,399,631	$28,798,341	$57,596,683

A personnel change proposed in this rule includes removing the requirement for laboratory directors to be on-site at the laboratories they direct at least twice a year. This change would reduce the burden and the cost to the laboratories. To estimate the cost savings, we referred to Table 21 (Estimated Travel Costs to Meet On-site Laboratory Director Requirement) given in the Regulatory Impact Analysis of the final rule, ''CLIA Fees; Histocompatibility, Personnel, and Alternative Sanctions for Certificate of Waiver Laboratories Final Rule'', as a starting point using the same assumptions but with current information.

There are 40 states, four territories, and the District of Columbia where the laboratory director is not required to be on-site at least twice per year. Therefore, some of the 24,824 CoC and CoA laboratories (August 08, 2025, Quality, Certification and Oversight Reports (QCOR)) that have incurred travel costs would no longer have that burden. Based on the final rule, we assume that between five percent (1,241) and 20 percent (4,965) of the CoC and CoA laboratories must travel twice a year to meet the requirement. We assumed that this travel would include a combination of two modes of transportation, driving and flying. For the low estimate, we assumed that one percent of the 24,824 or 248 would compensate their directors for flights, while four percent or 993 would compensate them for their mileage to drive. For the high estimate, we assumed that, at most, two percent of the 24,824 or 496 would compensate their laboratory director for flying and that 18 percent or 4,468 would compensate for driving.

Driving: We believe most laboratory directors would drive fewer than 250 miles round-trip to reach the laboratories they direct. We assume these laboratory directors would drive to the location, conduct business, and return home the same day. We base our calculations for driving on the maximum estimated distance of 250 miles at $0.70 per mile (*https://www.gsa.gov/travel?gsaredirect=travel-resources*) for a maximum cost of $175 per trip. This may be an overestimation because we believe not all laboratory directors who drive would travel 250 miles round-trip. Based on the low estimate of 993 laboratories and our high estimate of 4,468 laboratories, our calculated cost savings estimate for driving ranges from $173,768 to $781,956. The cost savings estimations are outlined in Table 10 (Cost Savings for Laboratory Director on-site visit requirements).

Flying and Lodging: Our estimates for the cost savings of flying assume that, in these cases, travel to a remote site is necessary. We believe basing it on travel to a remote site would overestimate the cost savings because in many locations, although the laboratory director may fly to reach their destination, they would not travel to remote locations, and the travel cost savings would be less. However, we do not know the specific circumstances under which flying would be required. Consistent with the airfare assumption used in the 2023 CLIA final rule, we estimated a conservative maximum airfare of $1,500 to account for travel to remote locations or other circumstances where airfare costs may be higher. We estimated lodging costs to average $175 per night based on the average of 100 hotel rates throughout the U.S. for 2024 (Business Travel News; *https://ik.imgkit.net/3vlqs5axxjf/BTN/uploadedfiles/Microsites/Consumer_Travel_Index/BTN_2024_US_Per%20_Diems%20_Ranked_CTI.pdf*).

We assumed lodging for two nights would be needed. Therefore, the total estimated cost savings for one trip would be $1,500 flight + $350 lodging, or $1,850 per trip. Based on the low estimate of 248 laboratories and our high estimate of 496 laboratories that require flying to on-site visits, the cost savings would be between $470,663 and $941,326. Based on these assumptions for both driving and flying, we estimate the total cost savings for laboratories that compensate travel for the laboratory

director range from $644,431 to $1,723,282. The cost savings estimations are outlined in Table 11 (Cost Savings for Laboratory Director on-site visit requirements).

TABLE 11—COST SAVINGS FOR LABORATORY DIRECTOR ON-SITE VISIT REQUIREMENTS

Regulation change	Affected group	Total number of affected group				Airfare cost ($1,500)	Lodging cost ($175 * 2 nights)	Driving cost ($0.70/mile * 250 miles)	Total impact for laboratory director on-site regulation changes	
	CoA & CoC Laboratories	Low estimate		High estimate					Low estimate	High estimate
On-Site Laboratory Director	Driving	4%	993	18%	4,468	N/A	N/A	$175	$173,768	$781,956
	Flying	1%	248	2%	496	$1,500	$350	N/A	470,663	941,326
		Total	124	Total	4,965	Total Cost Savings			644,431	1,723,282

We anticipate short-term implementation costs to update policies and procedures. As presented in Table 12 (Laboratory Director Qualifications and Responsibilities Policies and Procedures Quantifiable Costs), we estimated quantifiable costs that would be incurred by laboratories to update policies and procedures relating to the proposed changes. We expect 33,955 CoC and CoA laboratories and 24,441 PPM laboratories would have cost impacts for the time needed to review the revised regulations and update policies and procedures to ensure compliance. We estimate the total one-time cost burden per CoC and CoA laboratory is 1.5 to 3 hours and 0.25 to 0.5 hours per PPM laboratory. Assuming a management-level employee (Code 11–9111) would perform this task at an hourly median wage of $56.71 per hour as published by the 2024 Bureau of Labor Statistics, the wage rate would be $113.42 to include overhead and fringe benefits. For CoC and CoA, the total cost would range from $5,776,764 to $11,553,528 [33,955 CoC and CoA laboratories × (1.5 hours × $113.42) or (3 hours × $113.42)]. For PPM, the total cost would range from $693,025 to $1,386,049 [24,441 PPM laboratories × (0.25 hours × $113.42) or (0.5 hours × $113.42)].

TABLE 12—LABORATORY DIRECTOR QUALIFICATIONS AND RESPONSIBILITIES POLICIES AND PROCEDURES QUANTIFIABLE COSTS

Change	Affected CLIA certificate type(s)	Low estimate	High estimate
Laboratory Director Qualifications and Responsibilities Policies and Procedures Updates.	CoC/CoA	$5,783,569	$11,567,139
Laboratory Director Qualifications and Responsibilities Policies and Procedures Updates.	PPM	693,025	1,386,049
Total Costs		6,476,594	12,953,188

(2) Blood Gas Testing Personnel and Competency Assessor Qualifications

We anticipate short-term implementation costs to update policies and procedures. As presented in Table 13 (Blood Gas Testing Qualifications Quantifiable Cost), we estimated quantifiable costs that would be incurred by laboratories to update policies and procedures relating to the proposed changes. We estimate the total one-time cost burden per CoC and CoA laboratory is 0.25 to 0.5 hours. Assuming a management-level employee (Code 11–9111) would perform this task at an hourly median wage of $56.71 per hour, as published by the 2024 Bureau of Labor Statistics, the wage rate would be $113.42 to include overhead and fringe benefits. The total cost would range from $962,794 to $1,925,588 [33,955 CoC and CoA laboratories × (0.25 hours × $113.42) or (0.5 hours × $113.42)].

TABLE 13—BLOOD GAS TESTING QUALIFICATIONS QUANTIFIABLE COST

Change	Affected CLIA certificate type(s)	Low estimate	High estimate
Blood Gas Testing Personnel and Competency Assessor Qualifications Policies and Procedures Updates.	CoC/CoA	$962,794	$1,925,588

(3) Gross Tissue Examination Personnel Qualifications

We anticipate short-term implementation costs to update policies and procedures. As presented in Table 14 (Gross Tissue Examination Personnel Qualifications Quantifiable Cost), we estimated quantifiable costs that would be incurred by laboratories to update policies and procedures relating to the proposed changes. We estimate the total one-time cost burden per CoC and CoA laboratory is 0.25 to 0.5 hours. Assuming a management-level employee (Code 11–9111) would perform this task at an hourly median wage of $56.71 per hour, as published by the 2024 Bureau of Labor Statistics, the wage rate would be $113.42 to include overhead and fringe benefits. The total cost would range from

$962,794 to $1,925,588 [33,955 CoC and CoA laboratories × (0.25 hours × $113.42) or (0.5 hours × $113.42)].

TABLE 14—GROSS TISSUE EXAMINATION PERSONNEL QUALIFICATIONS QUANTIFIABLE COST

Change	Affected CLIA certificate type(s)	Low estimate	High estimate
Gross Tissue Examination Personnel Qualifications Policies and Procedures Updates	CoC/CoA	$962,794	$1,925,588

(4) Gross Tissue Examination Technical Supervisor Review

We anticipate short-term implementation costs to update policies and procedures. As presented in Table 15 (Gross Tissue Examination Technical Supervisor Review Quantifiable Cost), we estimated quantifiable costs that would be incurred by laboratories to update policies and procedures relating to the proposed changes. We estimate the total one-time cost burden per CoC and CoA laboratory is 0.25 to 0.5 hours. Assuming a management-level employee (Code 11–9111) would perform this task at an hourly median wage of $56.71 per hour, as published by the 2024 Bureau of Labor Statistics, the wage rate would be $113.42 to include overhead and fringe benefits. The total cost would range from $962,794 to $1,925,588 [33,955 CoC and CoA laboratories × (0.25 hours × $113.42) or (0.5 hours × $113.42)].

TABLE 15—GROSS TISSUE EXAMINATION TECHNICAL SUPERVISOR REVIEW QUANTIFIABLE COST

Change	Affected CLIA certificate type(s)	Low estimate	High estimate
Gross Tissue Examination Technical Supervisor Review Policies and Procedures Updates.	CoC/CoA	$962,794	$1,925,588

(5) Personnel Regulations Non-Quantifiable Costs

There are non-quantifiable costs associated with the changes to the personnel regulations. The changes to the blood gas testing personnel and competency assessment qualifications could not be quantified other than by updating the policies and procedures, because the revisions provide flexibility to the laboratory. It is unclear the number of laboratories that would use the new flexibility and how often. The same is true for the new flexibilities for gross tissue examination personnel qualifications and gross tissue examination technical supervisor review.

c. Gynecologic Cytology PT

(1) Costs for Laboratories

As presented in Table 16 (Gynecologic Cytology PT Quantifiable Costs), the implementation of the proposed rule for gynecologic cytology PT would primarily impact cytology laboratories. We estimate approximately 25 percent of all cytology laboratories (807 cytology laboratories) have adopted digital images for screening as their primary method of patient testing, and would have a cost burden for the time needed to review the revised regulations and update policies and procedures to ensure compliance. We estimate the total one-time cost burden per cytology laboratory is 1 to 1.5 hours. Assuming a management-level employee (Code 11–9111) would perform this task at an hourly median wage of $56.71 per hour, as published by the 2024 Bureau of Labor Statistics, the wage rate would be $113.42 to include overhead and fringe benefits. The total cost for 807 cytology laboratories would range from $91,530 to $137,295 [807 laboratories × (1 hour × $113.42) or (1.5 hours × $113.42)].

(2) Costs for PT Programs

Changes to the requirements for gynecologic cytology PT would affect two PT programs currently offering gynecologic cytology PT. We estimate that these PT programs would incur costs to update software to include the review of digital slides with an internal monitoring system, review the updated regulations, and update their affected policies and procedures. We estimate the total one-time cost burden per PT program is 1 to 1.5 hours to review the updated regulations and update affected policies and procedures. We assume these tasks would be performed by a management-level employee (Code 11–9111) at an hourly median wage of $56.71 per hour as published by the 2024 Bureau of Labor Statistics. The wage rate would be $113.42 to include overhead and fringe benefits. For these activities, the total cost for two PT programs would range from $227 to $340 [2 PT programs × (1 hour × $113.42) or (1.5 hours × $113.42)].

Concurrently, we estimate the total one-time cost burden per PT program to develop or modify existing software is 416 to 456 hours. Upon request, these estimated hours were provided by the ASCP, one of the two PT programs that currently offer gynecologic cytology PT. The total cost for two PT programs would range from $94,365 to $103,439 [2 PT programs × (416 hours × $113.42) × (456 hours × $113.42)].

TABLE 16—GYNECOLOGIC CYTOLOGY PT QUANTIFIABLE COSTS

	Cytology laboratories		PT programs	
	Low estimate	High estimate	Low estimate	High estimate
Total Impacted	807	807	2	2
Administrative Costs	$91,530	$137,295	$227	$340
Software Development or Modifications	.....	.....	$94,365	$103,439
Total	$91,530	$137,295	$94,592	$103,779

d. Other Changes

As presented in Table 17 (Other Changes Quantifiable Costs), we estimated quantifiable costs that would be incurred by laboratories relating to the proposed other changes. We estimate the total one-time cost burden per CoC and CoA laboratory is 0.5 to 1 hour, 0.25 to 0.5 hours per CoW laboratory, and 0.25 to 0.5 hours per PPM laboratory. Assuming a management-level employee (Code 11–9111) would perform this task at an hourly median wage of $56.71 per hour, as published by the 2024 Bureau of Labor Statistics, the wage rate would be $113.42 to include overhead and fringe benefits. For CoC and CoA, the total cost would range from $1,925,588 to $3,851,176 [33,955 CoC and CoA laboratories × (0.5 hours × $113.42) or (1 hour × $113.42)]. For CoW, the total cost would range from $7,050,244 to $14,100,488 [248,642 CoW laboratories × (0.25 hours × $113.42) or (0.5 hours × $113.42)]. For PPM, the total cost would range from $693,025 to $1,386,049 [24,441 PPM laboratories × (0.25 hours × $113.42) or (0.5 hours × $113.42)].

A summary of those costs is provided for each category under Other Changes:

1. *SARS–CoV–2 Reporting Requirements:* There is no foreseen cost burden as the reporting requirements ended when the SARS–CoV–2 PHE was terminated.

2. *Certificate Requirements:* There is no foreseen cost burden. The laboratory's email address is already required on Form CMS–116.

3. *Addition of CLIA Number and Laboratory Name to Test Reports:* We anticipate a cost to some laboratories that do not currently have their laboratory name and/or CLIA number on their test reports to update the Laboratory Information Management System (LIMS) or non-LIMS-based test report, such as paper-based processes (for example, PDF and fax). Currently, there is no available data on how many laboratories lack this information on their test reports. There are also expected to be short-term implementation costs to update policies and procedures.

4. *Enforcement Requirements:* There is no foreseen cost burden for the proposed enforcement requirements.

5. *Editorial and Technical Changes:* There is no foreseen cost burden for the proposed editorial and technical changes.

TABLE 17—OTHER CHANGES QUANTIFIABLE COSTS

Change	Affected CLIA certificate type(s)	Low estimate	High estimate
Other Changes Policies and Procedures Updates	CoC/CoA	$1,925,588	$3,851,176
	CoW	7,050,244	14,100,488
	PPM	693,025	1,386,049
Total Costs		9,668,857	19,337,713

e. Accreditation Organization and Exempt State Costs

If the proposed changes are finalized, seven approved AOs and two ESs would have to identify the applicable legal obligations and develop the policies and procedures needed to reflect the new requirements for virtual access, gynecologic cytology PT, and all personnel updates. We reviewed data from CMS–R–185—December 29, 2023, where each AO and ES provided to CMS the number of labor hours per year for their organization to accumulate information and develop a comparison between their requirements and survey process and those of CLIA, see Table 18 (Estimation of Accreditation Organizations and Exempt States Labor Hours). Of note, the table does not include data from A2LA. Based on this information, we estimate a one-time cost of 30 to 729 hours to implement the proposed changes. We assume a management-level employee (Code 11–9111) would perform this task at an hourly median wage of $56.71 per hour, as published by the 2024 Bureau of Labor Statistics. The wage rate would be $113.42 to include overhead and fringe benefits. The total cost would range from $30,623 to $744,149 [9 × (30 hours × $113.42) or (729 hours × $113.42)]. The estimated costs are presented in Table 19 (Accreditation Organization and Exempt State Costs).

TABLE 18—ESTIMATION OF ACCREDITATION ORGANIZATIONS AND EXEMPT STATES LABOR HOURS

Name of accreditation organization/exempt state	AABB	ACHC	ASHI	CAP	COLA	NY	TJC	WA
Number of hours (per year) for organization to accumulate information and develop a crosswalk (comparison between their requirements and survey processes and those of CLIA	160	180	30	150	729	240	550	48

TABLE 19—ACCREDITATION ORGANIZATION AND EXEMPT STATE COSTS

Change	Low estimate	High estimate
Accreditation Organization and Exempt State Labor Costs to Implement Proposed Rule	$30,623	$744,149

3. Transfers

The proposed rule does not include any transfers of payments between persons or groups.

4. Regulatory Review Cost Estimation

Due to the uncertainty involved with accurately quantifying the number of entities that would review the rule, we assume that the total number of unique commenters (20,574) on the 2023 CLIA final rule would be the estimated number of reviewers of this proposed rule. We acknowledge that this assumption may understate or overstate the costs of reviewing this rule. It is possible that not all commenters

reviewed last year's rule in detail, and it is also possible that some reviewers chose not to comment on the proposed rule. For these reasons, we assumed that the number of past commenters would be a fair estimate of the number of reviewers of this rule. We welcome any comments on the approach in estimating the number of entities that would review this proposed rule.

We also recognize that different types of entities are in many cases affected by mutually exclusive sections of this proposed rule. Therefore, for the purposes of our estimate, we assume that each reviewer reads approximately 50 percent of the rule. We seek comments on this assumption.

Using the wage information from the 2024 Bureau of Labor Statistics for medical and health service managers (Code 11–9111), we estimate that the cost of reviewing this rule is $113.42 per hour, including overhead and fringe benefits. Assuming an average reading speed, we estimate that it would take approximately 2 hours for the staff to review half of this proposed rule. For each entity that reviews the rule, the estimated cost is $226.84 (2 hours × $113.42). Therefore, we estimate that the total cost of reviewing this regulation is $4,667,006 ($226.84 × 20,574).

D. Alternatives Considered

1. Virtual Access

Several alternatives were considered when proposing the changes in this rule. When considering alternatives to formal rulemaking for virtual access, CMS and the CDC evaluated two primary options: codifying the current enforcement discretion or discontinuing it. These technological developments have fundamentally changed how laboratory services can be delivered, making the original regulatory framework inadequate for current capabilities. Therefore, formal rulemaking emerged as the most viable path forward to provide regulatory clarity while acknowledging modern technological realities.

2. Personnel Qualifications

The changes to the personnel requirements are being proposed in response to interested parties' concerns after the 2023 CLIA final rule regulatory updates to subpart M became effective on December 28, 2024. The qualifications for a laboratory director were changed to add experience and 20 CE credit hours. Interested parties were concerned that additional qualifications could lead to a workforce shortage, especially in rural areas. Other concerns mentioned the increased burden on laboratories from the laboratory directors' on-site visits and workforce shortage due to restrictive qualification requirements. CMS and the CDC evaluated a couple of potential approaches to address the concerns from interested parties about the new personnel qualification regulations. First, we considered rescinding all of the personnel qualification regulations codified in the 2023 CLIA final rule in their entirety and returning to the prior regulatory requirements; however, this approach would have eliminated the critical flexibility we created for nontraditional degree holders [49] to meet personnel qualification requirements. Second, we evaluated the possibility of fully revising the personnel qualification regulations to achieve maximum simplification; however, we determined that the organization of the current regulations is appropriate, as it has been used for 30 years, and laboratories are familiar with the structure and the requirements, and selected specific changes based on interested parties' feedback.

3. Gynecology Cytology PT Requirements

No feasible alternatives are apparent for the changes proposed for gynecological cytology PT with digital images due to the FDA authorization of the first digital cytology screening system, which creates digital images of glass slides, in 2024. Laboratories performing gynecological cytology testing using digital images would have to perform PT in the same manner as the primary testing method to ensure quality and accurate results while maintaining regulatory compliance. Therefore, making no changes in this area creates a regulatory gap.

4. Other Changes

No feasible alternatives are apparent for the proposed other changes.

E. Accounting Statement and Table

Consistent with OMB Circular A–4 (available at *https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf*), we have prepared an accounting statement in Table 20 showing the classification of the impact associated with the provisions of this rule.

TABLE 20—ACCOUNTING STATEMENT

Category	Minimum estimate	Maximum estimate	Source citation (RIA, preamble, etc.)
Benefits:			
Monetized benefits (cost savings), 2028–2032	$4.0 million (7%) $3.9 million (3%)	$162.5 million (7%) $162.8 million (3%)	
Initial Year 1 *(2028)*	+$7,847,624	+$211,202,790	RIA Section B (Table 4).
Year 2 *(2029)*	+$2,809,424	+$149,751,665	RIA Section B (Table 4).
Year 3 *(2030)*	+$2,809,424	+$149,751,665	RIA Section B (Table 4).
Year 4 (*2031)*	+$2,809,424	+$149,751,665	RIA Section B (Table 4).
Year 5 (*2032)*	+$2,809,424	+$149,751,665	RIA Section B (Table 4).
Costs:			
Annualized monetized costs, 2028–2032	$4.4 million (7%) $4.1 million (3%)	$9.3 million (7%) $8.6 million (3%)	
Initial Year 1 *(2028)*	($19,352,721)	($40,654,504)	RIA Section B (Table 4).
Year 2 *(2029)*	(113)	(340)	RIA Section B (Table 4).
Year 3 *(2030)*	(113)	(340)	RIA Section B (Table 4).
Year 4 *(2031)*	(113)	(340)	RIA Section B (Table 4).
Year 5 *(2032)*	(113)	(340)	RIA Section B (Table 4).

[49] Sections 493.1405(b)(3)(i)(B), 493.1405(b)(4)(i)(B), 493.1405(b)(4)(i)(C), 493.1405(b)(5)(i)(B), 493.1411(b)(3)(i)(B), 493.1411(b)(4)(i)(B), 493.1423(b)(3), 493.1443(b)(3)(i)(B), 493.1449(c)(3)(i)(B), 493.1449(c)(4)(i)(B), 493.1449(c)(4)(i)(C), 493.1449(c)(5)(i)(B), 493.1449(d)(3)(i)(B), 493.1449(d)(4)(i)(B), 493.1449(d)(5)(i)(B), 493.1449(h)(2)(i), 493.1449(i)(2)(i), and 493.1489(b)(2)(ii); *https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-493#part-493.*

F. Regulatory Flexibility Act (RFA) (Effects on AOs, Clinical Laboratories, and PT Programs)

The RFA requires agencies to analyze options for regulatory relief of small entities, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, approximately 76 percent of clinical laboratories are considered small nonprofit organizations as reported in the American Hospital Association (AHA) Fast Fact Sheet, updated February 2026 (*https://www.aha.org/infographics/2026-02-05-fast-facts-us-hospitals-infographics*). Clinical laboratories operate in a variety of organizational settings. Consequently, affected laboratories may be classified under multiple North American Industry Classification System (NAICS) codes depending on the parent organization. We estimate most laboratories are small businesses and fall under the following NAICS categories: 621112 Office of Physicians (except Mental Health Specialists), 621511 Medical Laboratories, and 622110 General Medical and Surgical Hospitals. All CMS-approved accreditation organizations are private nonprofit organizations, as required under § 493.551(a). All approved non-governmental PT programs must be offered by a private nonprofit organization, consistent with § 493.901. Because we lack sufficient data to develop an accurate estimate of the number of laboratories that meet the definition of a small business, we assume, for purposes of this analysis, that all laboratories may fall within that category and could therefore be affected by this rule. We anticipate, however, that this impact would be economically positive rather than negative.

As detailed in Tables 4 and 5, we expect there would be significant cost savings beyond the initial impact of updating policies and procedures for laboratories. The exact savings or costs would depend on the types, scope, and complexity of testing in the laboratory. The adoption of the proposed virtual access flexibility, if finalized, would be voluntary, and many laboratories have already taken advantage of this flexibility under the post-PHE enforcement discretion announced in QSO–23–15–CLIA–REVISED. CMS was urged to codify this flexibility that allowed for virtual access by interested parties and small entities, such as physician-owned laboratories. See Table 7 for estimated per laboratory costs for virtual access. For proposed changes in gynecological cytology PT, we estimate that two PT programs would incur a one-time cost burden as described in Table 16. The proposed personnel changes in the proposed rule are associated with the majority of cost savings and would vary depending on the type of laboratory and services offered. The proposed flexibilities in personnel qualifications were proposed specifically to address concerns from interested parties and small entities. See Tables 6, 8, 9, 10, and 11 for estimated cost savings, and Tables 12 through 16 for estimated costs. We estimate the one-time cost burden for the other proposed changes contained in this proposed rule in Table 17. Table 19 contains estimated costs for AOs and ESs to implement the policies contained in this proposed rule, if finalized. CMS will seek public comments on the RFA to help improve the estimates for the final rule.

G. Unfunded Mandates Reform Act (UMRA)

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2026, that threshold is approximately $193 million. We found that this proposed rule does not mandate any requirements for State, local, or tribal governments, or for the private sector.

H. Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts state law, or otherwise has Federalism implications. Two States have exempt status, which means we have determined that the State has enacted laws relating to the laboratory requirements that are equal to or more stringent than CLIA requirements, and the State licensure program has been approved by CMS. With the implementation of the proposed rule, the two States, New York and Washington, would need to update their policies and procedures to maintain their exempt status, but would otherwise not incur additional costs. Therefore, this proposed rule would not have a substantial direct effect on State or local governments, preempt States, or otherwise have a Federalism implication, and there is no change in the distribution of power and responsibilities among the various levels of government.

I. E.O. 14192, ''Unleashing Prosperity Through Deregulation''

Executive Order 14192, entitled ''Unleashing Prosperity Through Deregulation'' was issued on January 31, 2024, and requires that ''any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.'' This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action. As outlined in the RIA Section B. Overall Impact, Table 4 (Summary of All Estimated Costs and Cost Savings), we estimate that this proposed rule would generate an average estimate of $155,800,639 in annualized cost savings at a 7 percent discount rate, discounted relative to year 2028, over a five-year time period.

Mehmet Oz, Administrator of the Centers for Medicare & Medicaid Services, approved this document on October 5, 2026.

Dr. Erica Schwartz, MD, MPH, JD, RADM, USPHS (ret), Director of the Centers for Disease Control and Prevention (CDC) and Administrator of the Agency for Toxic Substances and Disease Registry (ATSDR), approved this document on October 2, 2026.

List of Subjects in 42 CFR Part 493

Administrative practice and procedure, Grant programs—health, Health facilities, Laboratories, Medicaid, Medicare, Penalties, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR part 493 as set forth below:

PART 493—LABORATORY REQUIREMENTS

■ 1. The authority citation for part 493 continues to read as follows:

Authority: 42 U.S.C. 263a, 1302, 1395x(e), 1395x(s)(3) and(s)(17).

■ 2. Section 493.2 is amended by—
■ a. Adding the definitions of ''Biological degree'', ''Campus'', ''Chemical degree'', and ''Clinical or Medical Laboratory Science or Medical Technology'' in alphabetical order;
■ b. Revising the definition of ''Condition level requirements'' and ''Doctoral degree'';
■ c. Removing the definitions of ''Experience directing or supervising'', and ''Laboratory training or experience'';
■ d. Revising the definition of ''Test system''; and
■ e. Adding the definition of ''Virtual access'' in alphabetical order.

The additions and revisions read as follows:

§ 493.2 Definitions.

* * * * *

Biological degree means an academic program classified in the 2020 version of the U.S. Department of Education's National Center for Education Statistics (NCES) Classification of Instructional Programs (CIP) under category 26 Biological and Biomedical Sciences, category 01.0901 General Animal Sciences, category 01.0902 Agricultural Animal Breeding, category 01.0903 Animal Health, category 01.80 Veterinary Medicine, and category 01.81 Veterinary Biomedical and Clinical Sciences.

* * * * *

Campus means the physical area immediately adjacent to the laboratory's main building, other areas and structures that are not strictly contiguous to the main building but are located within 250 yards of the main building, and any other area CMS determines on an individual case basis to be part of the campus of the primary CLIA-certified laboratory.

* * * * *

Chemical degree means an academic program classified under category 40.05 Chemistry in the 2020 version of the U.S. Department of Education's National Center for Education Statistics (NCES) Classification of Instructional Programs (CIP).

* * * * *

Clinical or Medical Laboratory Science or Medical Technology degree means an academic program classified in the 2020 version of the U.S. Department of Education's National Center for Education Statistics (NCES) Classification of Instructional Programs (CIP) under category 51.0811 Pathology/Pathologist Assistant, category 51.1001 Blood Bank Technology Specialist, category 51.1002 Cytotechnology/Cytotechnologist, category 51.1003 Hematology Technology/Technician, category 51.1004 Clinical/Medical Laboratory Technician, category 51.1005 Clinical Laboratory Science/Medical Technology/Technologist, category 51.1007 Histologic Technology/Histotechnologist, category 51.1008 Histologic Technician, and category 51.1010 Cytogenetics/Genetics/Clinical Genetics Technology/Technologist.

* * * * *

Condition level requirements means any of the requirements identified as ''conditions'' in subparts G through Q of this part.

* * * * *

Doctoral degree means an earned doctoral degree as defined by the academic institution's doctoral program.

* * * * *

Test system means the instructions and all of the instrumentation, equipment, reagents, live imaging, digital images, and supplies to perform an assay or examination and generate accurate and reliable test results.

* * * * *

Virtual access means review of digital laboratory data, digital results, live imaging, and digital images performed under the CLIA certificate of the primary testing laboratory that generated the data when not physically on the premises of the primary testing laboratory. Such review must be conducted via a secure connection to the primary testing laboratory's software systems, laboratory information system (LIS), instruments, electronic health records (EHR), or encrypted communications. Virtual access is not permitted in the subspecialty of cytology.

* * * * *

■ 3. Section 493.17 is amended by revising paragraph (a) introductory text, and paragraphs (b) and (c) to read as follows:

§ 493.17 Test Categorization.

(a) *Categorization by criteria.* Notices will be published in the FDA's CLIA—Clinical Laboratory Improvement Amendments Database which lists each specific test system, assay, and examination categorized by complexity. Using the seven criteria specified in this paragraph for categorizing tests of moderate or high complexity, each specific laboratory test system, assay, and examination will be graded for level of complexity by assigning scores of 1, 2, or 3 within each criteria. The score of ''1'' indicates the lowest level of complexity, and the score of ''3'' indicates the highest level. These scores will be totaled. Test systems, assays or examinations receiving scores of 12 or less will be categorized as moderate complexity, while those receiving scores above 12 will be categorized as high complexity.

Note: A score of ''2'' will be assigned to a criteria heading when the characteristics for a particular test are intermediate between the descriptions listed for scores of ''1'' and ''3.''

* * * * *

(b) *Revisions to the criteria for categorization.* The Clinical Laboratory Improvement Advisory Committee, as defined in subpart T of this part, may conduct reviews upon request of HHS and recommend to HHS revisions to the criteria for categorization of tests.

(c) *Process for device/test categorization utilizing the scoring system under* § 493.17(a). (1) For new commercial test systems, assays, or examinations, the manufacturer, as part of its 510(k), De Novo request, and PMA application to FDA, will submit supporting data for device/test categorization. FDA will determine the complexity category, notify the manufacturers directly, and will inform CMS of the device/test category. Test categorization will be effective as of the notification to the applicant.

(2) For test systems, assays, or examinations not commercially available, a laboratory or professional group may submit a written request for categorization or recategorization to FDA. FDA will determine the complexity category and notify the applicant and CMS of the categorization decision.

(3) A request for recategorization will be accepted for review if it is based on new information not previously submitted in a request for categorization or recategorization by the same applicant and will not be considered more frequently than once per year.

(4) If a laboratory test system, assay or examination does not appear on the lists of tests in FDA's CLIA—Clinical Laboratory Improvement Amendments Database, it is considered to be a test of high complexity until FDA, upon request, reviews the matter and notifies the applicant of its decision. Test categorization is effective as of the notification to the applicant.

(5) FDA will publish revisions periodically to the list of moderate and high complexity tests in the CLIA—Clinical Laboratory Improvement Amendments Database.

■ 4. Section 493.35 is amended by revising paragraphs (b)(2) and (3) to read as follows:

§ 493.35 Application for a certificate of waiver.

* * * * *

(b) * * *

(2) Not-for-profit or Federal, State, or local government laboratories that engage in limited (not more than 15 waived tests per certificate) public health testing may file a single application.

(3) Laboratories that are located on the same campus and under the same laboratory director may file a single application or multiple applications.

* * * * *

■ 5. Section 493.39 is amended by revising paragraphs (b)(3) through (5) to read as follows:

§ 493.39 Notification requirements for laboratories issued a certificate of waiver.

* * * * *

(b) * * *

(3) Location;

(4) Director; or

(5) Email address.

§ 493.41 [Removed]

■ 6. Section 493.41 is removed.

■ 7. Section 493.43 is amended by revising paragraphs (a) and (b)(3) to read as follows:

§ 493.43 Application for registration certificate, certificate for provider-performed microscopy (PPM) procedures, and certificate of compliance.

(a) *Filing of application.* Except as specified in paragraph (b) of this section, all laboratories performing nonwaived testing must file a separate application for each laboratory location.

(1) Virtual access is considered to be conducted at the primary testing laboratory regardless of the physical location of the laboratory personnel and, therefore, is under the CLIA certificate of the primary testing laboratory that generated the data. This does not apply to provider-performed microscopy (PPM) procedure certificates.

(i) The laboratory director is responsible for all testing performed including testing utilizing virtual access.

(ii) All testing must be performed by qualified laboratory personnel under the CLIA-certified laboratory that provides virtual access. The primary testing laboratory must provide CMS with a list of all staff utilizing virtual access upon request.

(2) Reserved

* * * * *

(b) * * *

(3) Laboratories that are located on the same campus and under the same laboratory director may file a single application or multiple applications.

* * * * *

■ 8. Section 493.45 is amended by revising paragraph (b)(2) to read as follows:

§ 493.45 Requirements for a registration certificate.

* * * * *

(b) * * *

(2) Agrees to notify HHS or its designee within 30 days of any changes in ownership, name, location, director, email address, or technical supervisor (laboratories performing high complexity testing only);

* * * * *

■ 9. Section 493.51 is amended by—

■ a. Revising paragraph (a)(4);

■ b. Redesignating paragraph (a)(5) as paragraph (a)(6); and

■ c. Adding a new paragraph (a)(5).

The revision and addition read as follows:

§ 493.51 Notification requirements for laboratories issued a certificate of compliance.

* * * * *

(a) * * *

(4) Director;

(5) Email address; or

* * * * *

■ 10. Section 493.53 is amended by—

■ a. Revising paragraphs (b)(3) and (4); and

■ b. Adding paragraph (b)(5).

The revisions and addition read as follows:

§ 493.53 Notification requirements for laboratories issued a certificate for provider-performed microscopy (PPM) procedures.

* * * * *

(b) * * *

(3) Location;

(4) Director; or

(5) Email address.

■ 11. Section 493.55 is amended by—

■ a. Adding paragraph (a)(3); and

■ b. Revising paragraph (b)(3).

The addition and revision read as follows:

§ 493.55 Application for registration certificate and certificate of accreditation.

(a) * * *

(3) Virtual access is considered to be conducted at the primary testing laboratory regardless of the physical location of the laboratory personnel and, therefore, is under the CLIA certificate of the primary testing laboratory that generated the data.

(i) The laboratory director is responsible for all testing performed including testing utilizing virtual access.

(ii) All testing must be performed by qualified laboratory personnel under the CLIA-certified laboratory that provides virtual access. The primary testing laboratory must provide CMS with a list of all staff utilizing virtual access upon request.

(b) * * *

(3) Laboratories that are located on the same campus and under the same laboratory director may file a single application or multiple applications.

* * * * *

■ 12. Section 493.57 is amended by revising paragraph (a)(2) to read as follows:

§ 493.57 Requirements for a registration certificate.

* * * * *

(a) * * *

(2) Agrees to notify HHS within 30 days of any changes in ownership, name, location, director, email address, or technical supervisor (laboratories performing high complexity testing only).

* * * * *

■ 13. Section 493.63 is amended by—

■ a. Revising paragraphs (a)(3) and (4); and

■ b. Adding paragraph (a)(5).

The revision and addition read as follows:

§ 493.63 Notification requirements for laboratories issued a certificate of accreditation.

* * * * *

(a) * * *

(3) Location;

(4) Director; or

(5) Email address.

* * * * *

§ 493.555 [Amended]

■ 14. Section 493.555 is amended by removing paragraph (c)(6).

§ 493.801 [Amended]

■ 15. Section 493.801 is amended in paragraph (b) introductory text by removing the paragraph reference ''(b)(4)'' and adding in its place the paragraph reference ''(b)(5)''.

§ 493.807 [Amended]

■ 16. Section 493.807 is amended in paragraph (a) by removing the following language ''one of which may be on site,'' and removing paragraph (b).

■ 17. Section 493.855 is amended by revising paragraphs (a) and (b) to read as follows:

§ 493.855 Standard; Cytology: gynecologic examinations.

* * * * *

(a) The laboratory must ensure that each individual engaged in the examination of gynecologic preparations is enrolled in a proficiency testing program approved by CMS by January 1, 1995, if available in the State in which he or she is employed. The laboratory must ensure that each individual is tested at least once per year and obtains a passing score. To ensure this annual testing of individuals, an announced or unannounced testing event will be conducted on-site in each laboratory at least once each year. Laboratories will be notified of the time of each announced on-site testing event at least 30 days prior to each event. Additional testing events will be conducted as necessary in each State or region for the purpose of testing individuals who miss the on-site testing event and for retesting individuals as described in paragraph (b) of this section. Proficiency testing programs approved by HHS must

have a system in place to monitor the integrity of the testing.

(b) The laboratory must ensure that each individual participates in an annual testing event that involves the examination of a 10-slide test set or digital images of the test slides as described in § 493.945. Individuals who fail this testing event are retested with another 10-slide test set or digital images of the test slides as described in paragraphs (b)(1) and (2) of this section. Individuals who fail this second test are subsequently retested with a 20-slide test set or digital images of the test slides as described in paragraphs (b)(2) and (3) of this section. Individuals are given not more than 2 hours to complete the 10-slide test set or digital images of the test slides and not more than 4 hours to complete the 20-slide test set or digital images of the test slides. Unexcused failure to appear by an individual for a retest will result in test failure with resulting remediation and limitations on slide examinations as specified in (b)(1) through (3) of this section.

(1) An individual is determined to have failed the annual testing event if he or she scores less than 90 percent on a 10-slide test set or digital images of the test slides. For an individual who fails an annual proficiency testing event, the laboratory must schedule a retesting event which must take place not more than 45 days after receipt of the notification of failure.

(2) An individual is determined to have failed the second testing event if he or she scores less than 90 percent on a 10-slide test set or digital images of the test slides. For an individual who fails a second testing event, the laboratory must provide him or her with documented, remedial training and education in the area of failure, and must assure that all gynecologic slides or digital images of the slides evaluated subsequent to the notice of failure are reexamined until the individual is again retested with a 20-slide test set or digital images of the test slides and scores at least 90 percent. Reexamination of slides or digital images of the slides must be documented.

(3) An individual is determined to have failed the third testing event if he or she scores less than 90 percent on a 20-slide test set or digital images of the test slides. An individual who fails the third testing event must cease examining gynecologic slide preparations immediately upon notification of test failure and may not resume examining gynecologic slides or digital images of the slides until the laboratory assures that the individual obtains at least 35 hours of documented, formally structured, continuing education in diagnostic cytopathology that focuses on the examination of gynecologic preparations, and until he or she is retested with a 20-slide test set or digital images of the test slides and scores at least 90 percent.

* * * * *

■ 18. Section 493.901(a) is amended by revising Paragraph (a) to read as follows:

§ 493.901 Approval of proficiency testing programs.

* * * * *

(a) Require a minimum of 10 CLIA-certified laboratory participants for each specialty, subspecialty, and analyte or test for which the proficiency testing program is seeking reapproval;

* * * * *

■ 19. Section 493.931 is amended by revising Table 1 to Paragraph (b) and Table 2 to Paragraph (c)(2) to read as follows:

§ 493.931 Routine chemistry.

* * * * *

(b) * * *

Table 1 to Paragraph (b)—Analyte or Test Procedure

Alanine aminotransferase (ALT/SGPT).
Albumin.
Alkaline phosphatase.
Amylase.
Aspartate aminotransferase (AST/SGOT).
Bilirubin, total.
Blood gas (pH, pO2, and pCO2).
B-natriuretic peptide (BNP).
proBNP.
Calcium, total.
Cancer antigen (CA) 125.
Carbon dioxide.
Chloride.
Carcinoembryonic antigen (CEA).
Cholesterol, total.
Cholesterol, high density lipoprotein.
Cholesterol, low density lipoprotein, (direct measurement).
Creatine kinase (CK).
CK–MB isoenzymes.
Creatinine.
Ferritin.
Folate, serum.
Gamma glutamyl transferase.
Glucose (Excluding measurements on devices cleared by FDA for home use).
Hemoglobin A1c.
Iron, total.
Lactate dehydrogenase (LDH).
Magnesium.
Phosphorus.
Potassium.
Prostate specific antigen (PSA), total.
Sodium.
Total iron binding capacity (TIBC) (direct measurement).
Total Protein.
Triglycerides.
Troponin I.
Troponin T.

Table 1 to Paragraph (b)—Analyte or Test Procedure—Continued

Urea Nitrogen.
Uric Acid.
Vitamin B12.

* * * * * (2) * * *

(c) * * *

TABLE 2 TO PARAGRAPH (c)(2)—CRITERIA FOR ACCEPTABLE PERFORMANCE

Analyte or test	Criteria for acceptable performance
The criteria for acceptable performance are—	
Alanine aminotransferase (ALT/SGPT)	Target value ±15% or 6U/L (greater).
Albumin	Target value ±8%.
Alkaline phosphatase	Target value ±20%.
Amylase	Target value ±20%.
Aspartate aminotransferase (AST/SGOT)	Target value ±15% or 6U/L (greater).
Bilirubin, total	Target value ±20% or ±0.4 mg/dL (greater).
Blood gas pCO2	Target value ±8% or ±5 mm Hg (greater).
Blood gas pO2	Target value ±15% or ±15 mmHg (greater).
Blood gas pH	Target value ±0.04.
B-natriuretic peptide (BNP)	Target value ±30%.
Pro B-natriuretic peptide (proBNP)	Target value ±30%.
Calcium, total	Target value ±1.0 mg/dL.
Cancer antigen (CA) 125	Target value ±20%.
Carbon dioxide	Target value ±20%.
Carcinoembryonic antigen (CEA)	Target value ±15% or 1 ng/mL (greater).
Chloride	Target value ±5%.
Cholesterol, total	Target value ±10%.
Cholesterol, high density lipoprotein (HDL)	Target value ±20% or 6 mg/dL (greater).
Cholesterol, low density lipoprotein (LDL), direct measurement	Target value ±20%.
Creatine kinase (CK)	Target value ±20%.
CK–MB isoenzymes	Target value ± 25% or 3 ng/mL (greater) or MB elevated (presence or absence).
Creatinine	Target value ±10% or 0.2 mg/dL (greater).
Ferritin	Target value ±20%.
Folate, serum	Target value ±30% or ±1 ng/mL greater).
Gamma glutamyl transferase	Target value ±15% or 5 U/L (greater).
Glucose (excluding measurements devices cleared by FDA for home use.).	Target value ±8% or 6 mg/dL (greater).
Hemoglobin A1c	Target value ±8%.
Iron, total	Target value ±15%.
Lactate dehydrogenase (LDH)	Target value ±15%.
Magnesium	Target value ±15%.
Phosphorus	Target value ± 10% or 0.3 mg/dL (greater).
Potassium	Target value ±0.3 mmol/L.
Prostate Specific Antigen, total	Target value ±20% or 0.2 ng/mL (greater).
Sodium	Target value ±4 mmol/L.
Total Iron Binding Capacity (direct measurement)	Target value ±20%.
Total Protein	Target value ±8%.
Triglycerides	Target value ±15%.
Troponin I	Target value ± 30% or 0.9 ng/mL (greater).
Troponin T	Target value ±30% or 0.2 ng/mL (greater).
Urea nitrogen	Target value ±9% or 2 mg/dL (greater).
Uric acid	Target value ±10%.
Vitamin B12	Target value ± 25% or ±30 pg/mL (greater).

* * * * *

■ 20. Section 493.933 is amended by revising Table 1 to Paragraph (b) and Table 2 to Paragraph (c)(2) to read as follows:

§ 493.933 Endocrinology.

* * * * *

(b) * * *

TABLE 1 TO PARAGRAPH (b)—ANALYTE OR TEST

Cortisol.
Estradiol.
Follicle stimulating hormone.
Free thyroxine.
Human chorionic gonadotropin (HCG) (excluding urine pregnancy tests done by visual color comparison categorized as waived tests).

TABLE 1 TO PARAGRAPH (b)—ANALYTE OR TEST—Continued

Luteinizing hormone.
Parathyroid hormone.
Progesterone.
Prolactin.
Testosterone.
T3 Uptake.
Triiodothyronine.
Thyroid-stimulating hormone.
Thyroxine.

(c) * * * (2) * * *

TABLE 2 TO PARAGRAPH (C)(2)—CRITERIA FOR ACCEPTABLE PERFORMANCE

Analyte or test	Criteria for acceptable performance
The criteria for acceptable performance are—	
Cortisol	Target value ±20%.
Estradiol	Target value ±30%.
Follicle stimulating hormone	Target value ±18% or 2 IU/L (greater).
Free thyroxine	Target value or ±15% or ±0.3 ng/dL (greater).
Human chorionic Gonadotropin (excluding urine pregnancy tests done by visual color comparison categorized as waived tests).	Target value ±18% or 3 mIU/mL (greater) or positive or negative.
Luteinizing hormone	Target value ±20%.
Parathyroid hormone	Target value ±30%.
Progesterone	Target value ±25%.
Prolactin	Target value ±20%.
Testosterone	Target value ±30% or 20 ng/dL (greater).
T3 uptake	Target value ±18%.
Triiodothyronine	Target value ±30%.
Thyroid-stimulating hormone	Target value ±20% or 0.2 mIU/L (greater).
Thyroxine	Target value ±20% or 1.0 mcg/dL (greater).

* * * * *

■ 21. Section 493.945 is amended by revising paragraphs (a), (b) introductory text, (b)(1) and (2), (b)(3)(i), (b)(3)(ii)(B), (b)(3)(ii)(C) introductory text, (b)(3)(ii)(D) introductory text, (b)(3)(ii)(E), (b)(3)(ii)(F) introductory text, and (b)(3)(ii)(G) introductory text to read as follows:

§ 493.945 Cytology; gynecologic examinations.

(a) *Program content and frequency of challenge.* (1) To be approved for proficiency testing for gynecologic examinations (Pap smears) in cytology, a program must provide test sets composed of 10- and 20-glass slides or digital images of the test slides. Proficiency testing programs may obtain slides for test sets from cytology laboratories, provided the slides have been retained by the laboratory for the required period specified in §§ 493.1105(a)(7)(i)(A) and 493.1274(f)(2). If slide preparations are still subject to retention by the laboratory, they may be loaned to a proficiency testing program if the program provides the laboratory with documentation of the loan of the slides and ensures that slides loaned to it are retrievable upon request. Each test set must include at least one slide representing each of the response categories described in paragraph (b)(3)(ii)(A) of this section, and test sets should be comparable so that equitable testing is achieved within and between proficiency testing providers.

(2) To be approved for proficiency testing in gynecologic cytology, a program must provide announced and unannounced on-site testing for each individual at least once per year and must provide an initial retesting event for each individual within 45 days after notification of test failure and subsequent retesting events within 45 days after completion of remedial action described in § 493.855. Proficiency testing programs approved by HHS must have a system in place to monitor the integrity of the testing.

(b) *Evaluation of an individual's performance.* HHS approves only those programs that assess the accuracy of each individual's responses on both 10- and 20-slide test sets or digital images of the test slides in which the slides/digital images have been referenced as specified in paragraph (b)(1) of this section.

(1) To determine the accuracy of an individual's response on a particular challenge (slide/digital image), the program must compare the individual's response for each slide preparation or digital image of slide preparation with the response that reflects the predetermined consensus agreement or confirmation on the diagnostic category, as described in the table in paragraph (b)(3)(ii)(A) of this section. For all slide preparations or digital images of slide preparations, a 100 percent consensus agreement among a minimum of three physicians certified in anatomic pathology is required. In addition, for premalignant and malignant slide preparations or digital images of slide preparations, confirmation by tissue biopsy is required either by comparison of the reported biopsy results or reevaluation of biopsy slide material by a physician certified in anatomic pathology.

(2) An individual qualified as a technical supervisor under § 493.1449(b) or (e) who routinely interprets gynecologic slide preparations or digital images of the slide preparations only after they have been examined by a cytotechnologist can either be tested using a test set that has been screened by a cytotechnologist in the same laboratory or using a test set that has not been screened. A technical supervisor who screens and interprets

slide preparations or digital images of the slide preparations that have not been previously examined must be tested using a test set that has not been previously screened.

(3) * * *

(i) Each slide set or digital image of the slide set must contain 10 or 20 slides or digital images of the slides with point values established for each slide preparation or digital image of slide preparation based on the significance of the relationship of the interpretation of the slide/digital image to a clinical condition and whether the participant in the testing event is a cytotechnologist qualified under §§ 493.1469 or 493.1483 or functioning as a technical supervisor in cytology qualified under § 493.1449(b) or (e) of this part.

(ii) * * *

* * * * *

(B) In accordance with the criteria for the scoring system, the charts in paragraphs (b)(3)(ii)(C) and (D) of this section, for technical supervisors and cytotechnologists, respectively, provide a maximum of 10 points for a correct response and a maximum of minus five (−5) points for an incorrect response on a 10-slide/digital image test set. For example, if the correct response on a slide/digital image of the slide is ''high grade squamous intraepithelial lesion'' (category ''D'' on the scoring system chart) and an examinee calls it ''normal or negative'' (category ''B'' on the scoring system chart), then the examinee's point value on that slide/digital image of the slide is calculated as minus five (−5). Each slide/digital image of the slide is scored individually in the same manner. The individual's score for the testing event is determined by adding the point value achieved for each slide preparation/digital image of the slide, dividing by the total points for the testing event and multiplying by 100.

(C) Criteria for scoring system for a 10-slide/digital image test set. (See table at paragraph (b)(3)(ii)(A) of this section for a description of the response categories.) For technical supervisors qualified under § 493.1449(b) or (e):

* * * * *

(D) Criteria for scoring system for a 10-slide/digital image test set. (See table at paragraph (b)(3)(ii)(A) of this section for a description of the response categories.) For cytotechnologists qualified under §§ 493.1469 or 493.1483:

* * * * *

(E) In accordance with the criteria for the scoring system, the charts in paragraphs (b)(3)(ii)(F) and (G) of this section, for technical supervisors and cytotechnologists, respectively, provide maximums of 5 points for a correct response and minus ten (−10) points for an incorrect response on a 20-slide/digital image test set.

(F) Criteria for scoring system for a 20-slide/digital image test set. (See table at paragraph (b)(3)(ii)(A) of this section for a description of the response categories.) For technical supervisors qualified under § 493.1449(b) or (e):

* * * * *

(G) Criteria for scoring system for a 20-slide/digital image test set. (See table at (b)(3)(ii)(A) of this section for a description of the response categories.) For cytotechnologists qualified under §§ 493.1469 or 493.1483:

* * * * *

§ 493.1100 [Amended]

■ 22. Section 493.1100 is amended by removing paragraphs (a) and (b).

■ 23. Section 493.1101 is amended by revising paragraph (e) to read as follows:

§ 493.1101 Standard: Facilities.

* * * * *

(e) Records, and, as applicable, slides, blocks, digital images, digital data, and tissues must be maintained and stored under conditions that ensure proper preservation.

■ 24. Section 493.1105 is amended by revising paragraphs (a) introductory text, (a)(3) introductory text, (a)(7), and (b) to read as follows:

§ 493.1105 Standard: Retention requirements.

(a) The laboratory must retain its records, digital images, digital data, and, as applicable, slides, blocks, and tissues as follows:

* * * * *

(3) *Analytic systems records.* Retain quality control and patient test records (including instrument printouts, digital images, and digital data, if applicable) and records documenting all analytic systems activities specified in §§ 493.1252 through 493.1289 for at least 2 years. In addition, retain the following:

* * * * *

(7) *Slide, digital image, block, and tissue retention—*

(i) *Slides.*

(A) Retain cytology slide preparations and digital images for at least 5 years from the date of examination (see § 493.1274(f) for proficiency testing exception).

(B) Retain histopathology slides and digital images for at least 10 years from the date of examination.

(ii) *Blocks.* Retain pathology specimen blocks for at least 2 years from the date of examination.

(iii) *Tissue.* Preserve remnants of tissue for pathology examination until a diagnosis is made on the specimen.

(b) If the laboratory ceases operation, the laboratory must make provisions to ensure that all records, digital images, digital data, and, as applicable, slides, blocks, and tissue are retained and available for the time frames specified in this section.

■ 25. Section 493.1231 is amended by adding paragraph (a) to read as follows:

§ 493.1231 Standard: Confidentiality of patient information.

* * * * *

(a) The laboratory must have policies that ensure virtual access is performed in a confidential environment on a secure network connection.

(b) [Reserved].

■ 26. Section 493.1251 is amended by revising paragraph (b)(2) to read as follows:

§ 493.1251 Standard: Procedure manual.

* * * * *

(b) * * *

(2) Microscopic and digital imaging examination, including the detection of inadequately prepared slides or digital images.

* * * * *

■ 27. Section 493.1256 is amended by revising paragraph (a) to read as follows:

§ 493.1256 Standard: Control procedures.

(a) For each test system, the laboratory is responsible for having control procedures that monitor the accuracy and precision of the complete analytic process including testing performed via virtual access.

* * * * *

■ 28. Section 493.1273 is amended by revising paragraph (c) to read as follows:

§ 493.1273 Standard: Histopathology.

* * * * *

(c) Gross tissue examination results must be reviewed by the technical supervisor before the final test report is issued.

* * * * *

■ 29. Section 493.1283 is amended by adding paragraph (a)(5) to read as follows:

§ 493.1283 Standard: Test records.

(a) * * *

(5) Records of virtual access including the identity of the personnel who performed the test(s), the software version (as applicable), and the electronic device used.

* * * * *

■ 30. Section 493.1291 is amended by revising paragraphs (a)(2) and (c)(2) to read as follows:

§ 493.1291 Test report.

(a) * * *

(2) Results and patient-specific data electronically reported using virtual access, network or interfaced systems.

* * * * *

(c) * * *

(2) The CLIA number, name of the laboratory as it appears on the CLIA certificate, and address of the laboratory location where the test was performed.

* * * * *

§ 493.1359 [Amended]

■ 31. Section 493.1359 is amended by removing paragraphs (c)(1) through (5) and (d).

■ 32. Section 493.1405 is amended by revising paragraph (b) to read as follows:

§ 493.1405 Standard: Laboratory director qualifications.

* * * * *

(b) The laboratory director must—

(1)(i) Be a doctor of medicine or doctor of osteopathy licensed to practice medicine or osteopathy in the State in which the laboratory is located; and

(ii) Be certified in anatomic or clinical pathology, or both, by the American Board of Pathology or the American Osteopathic Board of Pathology; or

(2)(i) Be a doctor of medicine, doctor of osteopathy, or doctor of podiatric medicine licensed to practice medicine, osteopathy, or podiatry in the State in which the laboratory is located; and

(ii) Have had laboratory training or experience consisting of:

(A) At least 1 year directing or supervising nonwaived laboratory testing; or

(B) Have at least 20 CE credit hours in laboratory practice that cover the laboratory director responsibilities defined in § 493.1407; or

(C) Have at least 1 year of laboratory training during medical residency or fellowship; or

(3)(i)(A) Hold an earned doctoral degree in a chemical, biological, clinical or medical laboratory science or medical technology from an accredited institution; or

(B) Hold an earned doctoral degree; and

(*1*) Have at least 16 semester hours of doctoral level coursework in biology, chemistry, medical technology (MT), clinical laboratory science (CLS), or medical laboratory science (MLS); or

(*2*) An approved thesis or research project in biology/chemistry/MT/CLS/MLS; and

(ii)(A) Have at least 20 CE credit hours in laboratory practice that cover the laboratory director responsibilities defined in § 493.1407; or

(B) Have had at least 1 year of experience directing or supervising nonwaived laboratory testing; or

(4)(i)(A) Have earned a master's degree in a chemical, biological, clinical or medical laboratory science or medical technology from an accredited institution; or

(B)(*1*) Meet bachelor's degree equivalency; and

(*2*) Have at least 16 semester hours of additional graduate level coursework in biology, chemistry, medical technology, clinical or medical laboratory science; or

(C)(*1*) Meet bachelor's degree equivalency; and

(*2*) Have at least 16 semester hours in a combination of graduate level coursework in biology, chemistry, medical technology, clinical or medical laboratory science and an approved thesis or research project; and

(ii)(A) Have at least 1 year of supervisory laboratory experience in nonwaived testing; or

(B) Have at least 20 CE credit hours in laboratory practice that cover the director responsibilities defined in § 493.1407; or

(5)(i)(A) Have earned a bachelor's degree in a chemical, biological, clinical or medical laboratory science or medical technology from an accredited institution; or

(B) At least 120 semester hours, or equivalent, from an accredited institution that, at a minimum, includes either—

(*1*) Forty-eight (48) semester hours of medical laboratory science or medical laboratory technology courses; or

(*2*) Forty-eight (48) semester hours of science courses that include—

(*i*) Twelve (12) semester hours of chemistry, which must include general chemistry and biochemistry or organic chemistry;

(*ii*) Twelve (12) semester hours of biology, which must include general biology and molecular biology, cell biology or genetics; and

(*iii*) Twenty-four (24) semester hours of chemistry, biology, or medical laboratory science or medical laboratory technology in any combination; and

(ii)(A) Have at least 1 year of supervisory laboratory experience in nonwaived testing; or

(B) Have at least 20 CE credit hours in laboratory practice that cover the director responsibilities defined in § 493.1407; or

(6) Notwithstanding any other provision of this section, an individual is considered qualified as a laboratory director of moderate complexity testing under this section if they were qualified and serving as a laboratory director of moderate or high complexity testing in a CLIA-certified laboratory as of December 28, 2024, and have done so continuously since December 28, 2024.

■ 33. Section 493.1407 is amended by revising paragraph (c) to read as follows:

§ 493.1407 Standard; Laboratory director responsibilities.

* * * * *

(c) Laboratory directors must be accessible to the laboratory as needed.

* * * * *

■ 34. Section 493.1411 is amended by revising paragraph (b)(6)(i) to read as follows:

§ 493.1411 Standard; Technical consultant qualifications.

* * * * *

(b) * * *

(6) * * *

(i) Be qualified under paragraph (b)(1), (2), (3), (4), or (5) of this section; or

* * * * *

■ 35. Section 493.1417 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 493.1417 Standard; Clinical consultant qualifications.

* * * * *

(b) Be a doctor of medicine, doctor of osteopathy or doctor of podiatric medicine and possess a license to practice medicine, osteopathy or podiatry in the State in which the laboratory is located; or

(c) Notwithstanding any other provision of this section, an individual is considered qualified as a clinical consultant under this section if they were qualified and serving as a clinical consultant for moderate or high complexity testing in a CLIA-certified laboratory as of December 28, 2024, and have done so continuously since December 28, 2024.

■ 36. Section 493.1423 is amended by revising paragraph (b)(7) to read as follows:

§ 493.1423 Standard; Testing personnel qualifications.

* * * * *

(b) * * *

(7) For blood gas analysis, the individual must—

(i) Be qualified under paragraph (b)(1), (2), (3), (4), (5), or (6) of this section; or

(ii) Have earned a bachelor's degree in respiratory therapy or cardiovascular technology from an accredited institution; or

(iii) Have earned an associate degree related to pulmonary function from an accredited institution; or

* * * * *

■ 37. Section 493.1443 is amended by—

■ a. Revising paragraphs (b)(2) and (3); and

■ b. Adding paragraph (b)(6).

The revisions and addition read as follows:

§ 493.1443 Standard; Laboratory director qualifications.

* * * * *

(b) * * *

(2)(i) Be a doctor of medicine, a doctor of osteopathy, or doctor of podiatric medicine licensed to practice medicine, osteopathy, or podiatry in the State in which the laboratory is located; and

(ii)(A) Have at least 1 year of experience directing or supervising high complexity testing; or

(B) Have at least 20 CE credit hours in laboratory practice that cover the director responsibilities defined in § 493.1445; or

(C) Have at least 1 year of laboratory training during medical residency or fellowship; or

(3)(i)(A) Hold an earned doctoral degree in a chemical, biological, clinical or medical laboratory science or medical technology from an accredited institution; or

(B) Hold an earned doctoral degree; and

(*1*) Have at least 16 semester hours of doctoral level coursework in biology, chemistry, medical technology (MT), clinical laboratory science (CLS), or medical laboratory science (MLS); or

(*2*) An approved thesis or research project in biology/chemistry/MT/CLS/MLS; and

(ii)(A) Have at least 1 year of experience directing or supervising high complexity testing; or

(B) Have at least 20 CE credit hours in laboratory practice that cover the director responsibilities defined in § 493.1445; or

* * * * *

(6) For tests in dermatopathology, meet one of the following requirements:

(i) Be a doctor of medicine or doctor of osteopathy licensed to practice medicine or osteopathy in the State in which the laboratory is located; and

(ii) Meet one of the following requirements:

(A) Be certified in anatomic pathology by the American Board of Pathology or the American Osteopathic Board of Pathology; or

(B) Be certified in dermatopathology by the American Board of Dermatology and the American Board of Pathology; or

(C) Be certified in dermatology by the American Board of Dermatology, American Osteopathic Board of Dermatology, or American Board of Physician Specialties.

■ 38. Section 493.1445 is amended by revising paragraph (c) to read as follows:

§ 493.1445 Standard; Laboratory director responsibilities.

* * * * *

(c) The laboratory director must be accessible to the laboratory as needed.

* * * * *

■ 39. Section 493.1449 is amended by—

■ a. Revising paragraphs (c)(4)(i)(C)(2) and (f)(2)(i)(B)(3);

■ b. Adding paragraph (f)(4); and

■ c. Revising paragraph (i)(2)(ii).

The revisions and addition read as follows:

§ 493.1449 Standard; Technical supervisor qualifications.

* * * * *

(c) * * *

(4) * * *

(i) * * *

(C) * * *

(2) Have at least 16 semester hours in a combination of graduate level coursework and an approved thesis or research project in biology, chemistry, medical technology, or clinical or medical laboratory science; and

* * * * *

(f) * * *

(2) * * *

(i) * * *

(B) * * *

(3) Be certified in dermatology by the American Board of Dermatology, American Osteopathic Board of Dermatology, or American Board of Physician Specialties; or

* * * * *

(4) For tests in neuromuscular pathology, meet one of the following requirements:

(i)(A) Be a doctor of medicine or doctor of osteopathy licensed to practice medicine or osteopathy in the State in which the laboratory is located; and

(B) Successfully completed an American Academy of Neurology Committee for Neuromuscular Pathology Training Program or the United Council for Neurologic Subspecialties training program; or

(ii) An individual qualified under paragraph (b) or (f)(4)(i) of this section may delegate to an individual who is a resident in a training program leading to certification specified in paragraph(b) or (f)(4)(i)(B) of this section, the responsibility for examination and interpretation of neuromuscular pathology specimens; or

* * * * *

(i) * * *

(2) * * *

(ii) Have 4 years of laboratory training or experience, or both, in genetics, 2 of which have been in clinical cytogenetics; or

Note 1 to paragraphs (b) through (i): The technical supervisor requirements for ''laboratory training or experience, or both'' in each specialty or subspecialty may be acquired concurrently in more than one of the specialties or subspecialties of service. For example, an individual who has a doctoral degree in chemistry and additionally has documentation of 1 year of laboratory experience working concurrently in high complexity testing in the specialties of microbiology and chemistry and 6 months of that work experience included high complexity testing in bacteriology, mycology, and mycobacteriology, would qualify as the technical supervisor for the specialty of chemistry and the subspecialties of bacteriology, mycology, and mycobacteriology.

* * * * *

■ 40. Section 493.1455 is amended by—

■ a. Revising paragraphs (a) and (b); and

■ b. Adding paragraph (c).

The revision and addition read as follows:

§ 493.1455 Standard; Clinical consultant qualifications.

* * * * *

(a) Be qualified as a laboratory director under § 493.1443(b)(1), (2), (3), (4), or for the subspecialty of oral pathology, § 493.1443(b)(5), or for tests in dermatopathology, § 493.1443(b)(6); or

(b) Be a doctor of medicine, doctor of osteopathy or doctor of podiatric medicine and possess a license to practice medicine, osteopathy or podiatry in the State in which the laboratory is located; or

(c) Notwithstanding any other provision of this section, an individual is considered qualified as a clinical consultant under this section if they were qualified and serving as a clinical consultant for high complexity testing in a CLIA-certified laboratory as of December 28, 2024, and have done so continuously since December 28, 2024.

■ 41. Section 493.1461 is amended by—

■ a. Removing paragraph (c)(3);

■ b. Redesignating paragraph (c)(4) as (c)(3); and

■ c. Revising paragraph (e) introductory text.

The revision reads as follows:

§ 493.1461 Standard: General supervisor qualifications.

* * * * *

(e) For histopathology, oral pathology, dermatopathology, and ophthalmic pathology, the individual providing

general supervision must be qualified as follows:

* * * * *

■ 42. Section 493.1463 is amended by—
■ a. Removing paragraph (a)(3);
■ b. Redesignating paragraph (a)(4) as (a)(3);
■ c. Revising paragraph (b)(4); and
■ c. Removing paragraph (c).

The revision reads as follows:

§ 493.1463 Standard: General supervisor responsibilities.

* * * * *

(b) * * *

(4) Evaluating and documenting the competency of both moderate and high complexity testing personnel.

■ 43. Section 493.1489 is amended by revising paragraphs (b)(2)(i) and (ii); (b)(3)(i) and (ii); and (b)(7) to read as follows:

§ 493.1489 Standard; Testing personnel qualifications.

* * * * *

(b) * * *

(2) * * *

(i) Have earned a doctoral, master's, or bachelor's degree in a chemical, biological, clinical or medical laboratory science, or medical technology from an accredited institution; or

(ii) Be qualified under the requirements of §§ 493.1443(b)(3)(i)(A), 493.1443(b)(3)(i)(B)(1) or (2), or 493.1449(c)(4)(i)(A), 493.1449(c)(4)(i)(B)(1) and (2), 493.1449(c)(4)(i)(C)(1) and (2), 493.1449(c)(5)(i)(A), or 493.1449(c)(5)(i)(B)(1) or (2)(i) through (iii); or

(3) * * *

(i) Have earned an associate degree in a chemical, biological, clinical or medical laboratory science or medical laboratory technology from an accredited institution; or

(ii) Have education and training equivalent to that specified in paragraph (b)(3)(i) of this section that includes—

* * * * *

(7) For histopathology—

(i) Meet the qualifications of § 493.1449(b) or (f) to perform tissue examinations.

(ii) For gross tissue examinations, meet the qualifications of paragraphs (b)(1) through (5) of this section.

■ 44. Section 493.1495 is amended by—
■ a. Revising paragraph (b)(5) and (6); and
■ b. Removing paragraphs (b)(7) and (c);

The revisions read as follows:

§ 493.1495 Standard; Testing personnel responsibilities.

* * * * *

(b) * * *

(5) Be capable of identifying problems that may adversely affect test performance or reporting of test results and either must correct the problems or immediately notify the general supervisor, technical supervisor, clinical consultant, or director; and

(6) Document all corrective actions taken when test systems deviate from the laboratory's established performance specifications.

■ 45. Section 493.1810 is amended by revising paragraph (d)(2) to read as follows:

§ 493.1810 Imposition and lifting of alternative sanctions.

* * * * *

(d) * * *

(2) CMS's revocation of the laboratory's CLIA certificate becomes effective.

* * * * *

■ 46. Section 493.1826 is amended by revising paragraph (a)(2) to read as follows:

§ 493.1826 Suspension of part of Medicare payments.

(a) * * *

(2) CMS suspends Medicare payment for those specialties or subspecialties of tests for which the laboratory is out of compliance with Federal requirements.

* * * * *

■ 47. Section 493.1832 is amended by revising paragraph (c)(2) to read as follows:

§ 493.1832 Directed plan of correction and directed portion of a plan of correction.

* * * * *

(c) * * *

(2) The directed plan of correction continues in effect until the revocation of the laboratory's CLIA certificate is effective.

■ 48. Section 493.1834 is amended by revising paragraph (b) to read as follows:

§ 493.1834 Civil money penalty.

* * * * *

(b) Scope. This section sets forth the procedures that CMS follows to impose a civil money penalty in lieu of, or in addition to, suspending, limiting, or revoking the certificate of compliance, registration certificate, certificate of accreditation, certificate for PPM procedures, or certificate of waiver of a laboratory that is found to have conditional level deficiencies.

* * * * *

§ 493.1834 [Amended]

■ 49. Section 493.1834 is amended by removing paragraph (d)(2)(iii).

■ 50. Section 493.1834(f)(2)(iii) is amended by revising paragraph (f)(2)(iii) to read as follows:

§ 493.1834 Civil money penalty.

* * * * *

(f) * * *

(2) * * *

(iii) CMS suspends, limits, or revokes the laboratory's certificate of compliance, registration certificate, certificate of accreditation, certificate for PPM procedures, or certificate of waiver.

* * * * *

■ 51. Section 493.1834 is amended in paragraph (e)(1)(ii)(D) by removing the reference ''§ 493.1810(c)'' and adding in its place the reference ''§ 493.1810(b)''.

■ 52. Section 493.1836 is amended by revising paragraph (c)(3) to read as follows:

§ 493.1836 State on-site monitoring.

* * * * *

(c) * * *

(3) If the laboratory still does not correct its deficiencies, the Medicare sanction continues until the revocation of the laboratory's certificate of compliance, registration certificate, certificate of accreditation, or certificate for PPM procedures is effective.

■ 53. Section 493.2001 is amended by revising paragraph (a) to read as follows:

§ 493.2001 Establishment and function of the Clinical Laboratory Advisory Committee.

(a) HHS may establish a Clinical Laboratory Improvement Advisory Committee to advise and make recommendations on technical and scientific aspects of the provisions of this part 493.

* * * * *

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2026–20613 Filed 10–7–26; 8:45 am]

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Part III

Department of Homeland Security

U.S. Customs and Border Protection

19 CFR Parts 113, 128, 141, et al.

Low-Value Shipments; Proposed Rule

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Parts 113, 128, 141, 143, 145

[USCBP–2026–0298]

RIN 1685–AA38

Low-Value Shipments

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the U.S. Customs and Border Protection regulations to modify filing requirements for informal entries of goods valued at $2,500 or less and to establish a new electronic informal entry type for merchandise entering through the mail environment. This document also proposes other related changes such as requiring an additional data element for carriers pertaining to mail shipments and imposing bonding requirements for certain informal entries.

DATES: Comments on the rule must be received on or before December 7, 2026.

ADDRESSES: You may submit comments, identified by docket number, through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments via docket number USCBP–2026–0298.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents, a plain language summary, and submitted comments, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Christopher Mabelitini, Director, Intellectual Property Rights & E-Commerce Division, Office of Trade, U.S. Customs and Border Protection, 202–325–6915, *ecommerce@cbp.dhs.gov.*

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I. Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of this rulemaking. U.S. Customs and Border Protection (CBP) also invites comments that relate to the economic, environmental, or federalism effects that might result from this rule. If appropriate to a specific comment, the commenter should reference the specific portion of the rule, explain the reason for any recommended change, and include data, information, or authority that supports the recommended change.

II. Background

Under 19 U.S.C. 1498(a)(1)(A), the Secretary of the Treasury [1] is authorized to prescribe rules and regulations concerning the entry of merchandise when the aggregate value of the shipment is not more than $2,500, *i.e.,* informal entries, including shipments of merchandise that may have previously qualified for the *de minimis* exemption provided for in 19 U.S.C. 1321(a)(2)(C) for shipments of merchandise imported by one person on one day having an aggregate fair retail value in the country of shipment of not more than $800.

The *de minimis* exemption has been suspended since at least August 29, 2025.[2] On June 24, 2026, CBP published two interim final rules (IFRs) in the **Federal Register** announcing, *inter alia,* the indefinite suspension of the *de minimis* exemption in CBP's regulations, effective June 24, 2026.[3] Additionally, the One Big Beautiful Bill Act, which was enacted on July 4, 2025, terminated the *de minimis* exemption effective July 1, 2027.[4]

This proposed rulemaking addresses issues in the informal entry environment concerning CBP's efforts to protect the revenue and to identify violations of U.S. customs and trade laws, health and safety requirements, intellectual property rights, and consumer protection rules, as well as to detect and prevent illicit drugs such as fentanyl (including synthetic drug precursors and related chemicals and related manufacturing equipment) from entering the country. While some of these challenges have long been present in the informal entry environment, now that shipments formerly eligible for the *de minimis* exemption and associated entry procedures will likely be utilizing

[1] The Homeland Security Act of 2002 (HSA) generally transferred the functions of the U.S. Customs Service from the Treasury Department to the Secretary of Homeland Security. *See* Public Law 107–296, 116 Stat. 2142; 6 U.S.C. 203 (''there shall be transferred to the Secretary [of Homeland Security] the functions . . . of (1) the United States Customs Service of the Department of the Treasury, including the functions of the Secretary of the Treasury relating thereto''). Nevertheless, pursuant to Section 412 of the HSA, the Treasury Department retained authority related to various customs revenue functions, including those functions found in the Tariff Act of 1930 (Pub. L. 71–361, 46 Stat. 590, as amended (codified at 19 U.S.C. 1202 *et seq.*)). 6 U.S.C. 212(a)(1), (2). But the Secretary of the Treasury may delegate any such retained authority at the Treasury Secretary's discretion. 6 U.S.C. 212(a)(1). Consistent with this delegation authority, the Secretary of the Treasury issued Treasury Order 100–20 (available at *https://home.treasury.gov/about/general-information/orders-and-directives/treasury-order-100-20*), delegating the authorities contained in 6 U.S.C. 212 and 215 to the Secretary of Homeland Security.

[2] *See* E.O. 14324, 90 FR 37775 (suspending duty-free *de minimis* treatment for low-value imports of all countries since August 29, 2025); E.O. 14256, 90 FR 14899 (suspending duty-free *de minimis* treatment for low-value imports from the People's Republic of China since May 2, 2025).

[3] On June 24, 2026, CBP published an interim final rule (IFR) suspending the *de minimis* exemption for merchandise arriving via all modes other than through the postal environment (91 FR 37789) and a concurrent IFR suspending the *de minimis* exemption for merchandise arriving through the postal environment (91 FR 37801).

[4] One Big Beautiful Bill Act, Public Law 119–21, Section 70531(b), 139 Stat. 72, 283 (2025).

informal entry procedures, these proposed regulations are necessary to adequately address the risks and challenges present in the low-value shipment environment generally. Specifically, and as discussed in more detail below, CBP is proposing additional data and bonding requirements for certain informal entries. Further, CBP is proposing to require that informal entries be filed electronically, prior to or upon the date of importation, and to establish a new electronic informal entry type for merchandise entering through the mail environment, *i.e.,* entry type 13. Related to the proposed new informal mail entry type 13, CBP is also proposing to require additional data from carriers.

A. Authority

1. Informal Entry

All merchandise imported into the customs territory of the United States is subject to entry and clearance procedures, unless excepted. 19 U.S.C. 1484–85, 1498; 19 CFR 141.4. These procedures ensure the proper appraisement, valuation, and tariff classification of the merchandise for the purpose of collecting the lawful amount of duties owed, as well as compliance with all other laws and regulations administered and enforced by CBP. Different types of entry procedures are used for the entry and clearance of merchandise depending upon its value and other relevant criteria.

Formal entry procedures, established by 19 U.S.C. 1484 and 1485, are generally applicable to shipments of merchandise valued in excess of $2,500.[5] Informal entry procedures are authorized by 19 U.S.C. 1498(a)(1)(A) for shipments of merchandise valued at $2,500 or less, and may incorporate formal entry procedures appearing in 19 U.S.C. 1484 and 1485. 19 U.S.C. 1498(b). Informal entry regulations are generally found in 19 CFR part 143, subpart C. Generally, informal entry procedures are less burdensome and complex than formal entry procedures. However, CBP may require formal entry for any merchandise if deemed necessary for purposes of admissibility, revenue protection, or the efficient conduct of customs business. 19 CFR 143.22. The process for filing informal entry is generally limited to parties with the right to make entry, *i.e.,* an owner or purchaser of the shipment or, when appropriately designated by the owner, purchaser, or consignee of the shipment, a licensed customs broker. 19 CFR 143.26(a). Specific procedures for shipments imported by mail, including informal mail entries, are found in part 145, Mail Importations (19 CFR part 145).

2. Bonding

The Secretary of Homeland Security and the Commissioner of CBP [6] have broad legal authority to require bonds or other security ''by regulation or specific instruction'' when necessary to protect the revenue of the United States or to assure compliance with any law, regulation, or instruction that CBP is authorized to enforce. 19 U.S.C. 1623(a); 19 CFR 113.1. The Secretary and the Commissioner also have the authority to prescribe the conditions and form of the bond, the manner in which the bond may be filed, and the amount of the bond. 19 U.S.C. 1623(b); 19 CFR 113.2. This authority encompasses setting the amount owed upon breach of a bond condition. *Id.*

CBP has promulgated regulations exercising this authority in 19 CFR part 113, detailing requirements for the execution and filing of bonds. Subpart G of 19 CFR part 113 enumerates the terms and conditions for bonds required by CBP. The terms and conditions for the Basic Importation and Entry Bond are found in 19 CFR 113.62.

3. Manifest Requirements

Under 19 U.S.C. 1431(b), carriers are required to submit to CBP information concerning cargo they are transporting to the United States. Under 19 U.S.C. 1431(d), CBP is authorized to specify by regulation the form for, and the information and data required in, a manifest.

B. The New Low-Value Shipment Environment

Customs enforcement is essential to the national security, foreign policy, and economy of the United States. Effective customs enforcement prevents the importation of unlawful and dangerous goods and guarantees compliance with Federal laws, including laws governing forced labor, rules of origin, origin marking, intellectual property, revenue collection, and product safety. Among other things, the continued rise of e-commerce, with the internet empowering individuals to easily make international purchases, the increase of the value cap for the *de minimis* exemption to $800 in 2016,[7] and the establishment of the Entry Type 86 test [8] in which CBP authorized a voluntary electronic entry process for qualifying low-value shipments in the Automated Commercial Environment (ACE), led to drastic increases in the volume of shipments using the $800 *de minimis* exemption (and low-value informal entries more generally, *i.e.,* shipments valued at $2,500 or less).

The drastic increase in volume highlighted numerous challenges facing CBP that impose significant and costly burdens related to processing lawful shipments and identifying violative and dangerous merchandise in the low-value environment. Even though the availability of the *de minimis* exemption is suspended and will be terminated on July 1, 2027, CBP anticipates that the volume of low-value shipments will remain problematically high as merchandise formerly eligible for the *de minimis* exemption shifts to other informal entry procedures, such as entry type 11, an informal entry type that provides CBP with certain relevant data about the merchandise.[9]

Low-value shipments sent via mail are processed initially at one of the U.S. Postal Service's (USPS) International Service Centers (ISCs) that sort international mail before it is transferred to a CBP facility for further examination. However, until the publication on June 24, 2026, of the interim final rule focusing on merchandise arriving via the postal environment, the mail informal entry process set forth in the regulations was a paper process with almost no advance entry information provided.

Under the recently updated regulatory framework for informal mail entries,[10] which requires the electronic payment of duties and transmission via email of a worksheet on a monthly basis by a party with the right to make entry, CBP still must engage in a burdensome manual process to verify the

[5] Part 142 of title 19 of the CFR (19 CFR part 142) implements 19 U.S.C. 1484, as amended, and prescribes formal entry procedures.

[6] Consistent with the explanation provided earlier in footnote 1, this authority has been delegated to the Secretary of Homeland Security and his delegates.

[7] In 2016, Section 901(d) of Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) amended 19 U.S.C. 1321(a)(2)(C) by increasing the value cap from $200 to $800. Section 901 did not change the administrative exemptions for bona-fide gifts and personal or household articles accompanying travelers under 19 U.S.C. 1321(a)(2)(A) and (B), respectively.

[8] 84 FR 40079 (Aug. 13, 2019); suspended by 90 FR 42418 (Sept. 2, 2025).

[9] Entry type 11 (or ''type 11'') is the general informal entry type for merchandise valued at $2,500 or less (the general formal entry type is referred to as ''type 01''). The requirements for a type 11 also apply to type 12 entries, for merchandise valued at $2,500 or less that is subject to a quota/visa. Comparatively, type 12 is a rarely used entry type—in FY25, there were only 214 type 12 entries filed. The requirements for type 11 entries, as described in this rule, will also apply to type 12 entries. For more information on entry types, please see *https://www.cbp.gov/trade/automated/catair.*

[10] *See* 91 FR 37801 (June 24, 2026).

information necessary for the shipment to be deemed admissible and properly entered in accordance with all applicable requirements. While this updated process is an improvement on the prior regulatory process, where a CBP officer would manually prepare the mail entry form for a shipment and the recipient paid the duties, taxes, and fees owed subsequently through the Postal Service, the proposed amendments in this rulemaking will allow CBP to more effectively manage its enforcement and processing responsibilities.

Even though the Entry Type 86 test proved insufficient to adequately address the issues for which it was designed, the lessons CBP learned from the test informed the recently announced Entry Type 13 test for the new electronic informal entry process for mail.[11] Accordingly, the proposals included in this rulemaking are based in part on the lessons learned from the Entry Type 86 test, including the need to require electronic filing, which data elements must be mandatory, requiring a consignee to use a licensed customs broker to file an informal entry, and the need to receive the data prior to or upon arrival of the shipment.

Simply put, CBP requires an electronic process for informal entries in order to effectively process data for purposes of validating entry information, conduct targeting in a timely and effective manner, and detect and seize illicit merchandise, such as illegal firearms, prohibited items, illicit fentanyl, and other illicit drugs. Absent these proposed regulatory amendments, discussed in more detail below, the sheer volume of imports in the informal entry environment would continue to hamper CBP's efforts to process entries and enforce U.S. law.

As noted above, the overwhelming volume of low-value shipments makes it more challenging for CBP to conduct targeting for purposes of identifying violations of U.S. customs and trade laws, health and safety requirements, intellectual property rights, and consumer protection rules, as well as preventing illicit drugs, such as fentanyl, and synthetic drug precursors, related chemicals, and manufacturing equipment from entering the country. Moreover, many consumers ordering goods online do not have sufficient information or knowledge about the goods to comply with customs and trade laws and other requirements increases the danger that an item they are purchasing may not comply with U.S. health and safety standards or pose other risks. Taken together, if not addressed, the enforcement challenges in the current environment have the capacity to put Americans' well-being and lives at risk.

Accordingly, as discussed in more detail below, CBP is proposing to implement a number of changes to address issues in the low-value shipment environment. Specifically, pursuant to its authority in 19 U.S.C. 1498(a)(1)(A), CBP is proposing to implement changes to the informal entry process for shipments valued at $2,500 or less by mandating electronic filing as well as modifying data requirements and filing timelines. Additionally, CBP is proposing a new electronic entry process for mail shipments valued at $2,500 or less. CBP is also proposing to modify the bonding requirements for informal entries, and, pursuant to its broad statutory authority in 19 U.S.C. 1498(a)(1)(A) and 1498(b), to expand the regulatory criteria when CBP may require formal entry for merchandise valued at $2,500 or less (including for entries filed through the proposed electronic process for mail). And finally, related to the new informal entry process for mail shipments valued at $2,500 or less, under its 19 U.S.C. 1431 authority, CBP is proposing to require additional information regarding mail shipments that carriers must provide as part of a manifest for mail shipments.

C. Addressing Issues in the Low-Value Shipment Environment

1. Informal Entry Type 11 Requirements

To address the challenges CBP faces in the low-value shipment environment, CBP is proposing to modify the entry process for shipments of merchandise valued at $2,500 or less, *i.e.,* informal entries.[12] CBP is proposing to amend this process by requiring the entry to be filed electronically as an entry type 11 filing, upon or prior to the date of importation, and requiring identification of the final deliver-to party if different from the ultimate consignee on the entry summary. Relatedly, and as discussed further below in the *Informal Entry Bond Requirements* section, CBP is also proposing to amend the bonding requirements for entry type 11 filings.

a. Entry Type 11 Filing Requirements

Pursuant to 19 CFR 141.5, an entry must be made within 15 calendar days after merchandise has landed from a vessel, aircraft, or vehicle, or after arrival at the port of destination in the case of merchandise transported in bond.[13] This traditional entry timeframe, providing over two weeks to make entry after the arrival of the merchandise, poses problems in the context of high-volume, low-value shipments because it does not provide CBP with sufficient time to properly conduct risk assessment and targeting before the arrival of such potentially dangerous or unlawful importations in the United States. Requiring the entry data necessary to determine admissibility and eligibility for release to be provided prior to or upon the arrival of a shipment will enable CBP to make such determinations at or before a shipment arrives.

Accordingly, with this proposed rule, CBP is setting the deadline to make entry for informal entry type 11 to be upon or prior to the date of importation, which is defined in 19 CFR 101.1 as the date of arrival within port limits with intent to unlade for merchandise arriving by vessel, or the date of arrival within the customs territory of the United States for all other merchandise.

In addition, CBP is proposing to amend the regulations to require electronic filing for entry type 11. Currently, entry type 11 filers have the option to make entry on paper or electronically pursuant to 19 CFR 143.23. Paper entries are manually added to ACE by CBP employees, which imposes a processing cost to CBP both in time and expense. Moreover, the vast majority of type 11 entries are already filed electronically, so CBP does not anticipate this proposed change to pose a significant burden on the public. For example, from September 1, 2025 to May 31, 2026, only 73,534 type 11 entries were submitted manually as paper filings out of 52,450,418 type 11 entries in total (or 0.14%). It is crucial not only for CBP to have entry data at the time of or prior to the arrival of the merchandise, but also for CBP to receive the data electronically to allow for a more automated assessment of entry data for admissibility and revenue collection purposes.

b. Entry Type 11 Data: Final Deliver-To Party

CBP has determined that effective targeting requires identifying the party to whom an imported good is ultimately intended to be delivered, who may not be the initial recipient or the consignee

[11] *See* 91 FR 38007 (July 24, 2026). The notice announcing the Entry Type 13 test includes a detailed description of the test, including information regarding eligible participants and the requirements for filing entry under the test.

[12] *See* 19 U.S.C. 1498(a)(1)(A); 19 CFR part 143, subpart C.

[13] Participants in the Entry Type 86 test, previously available for filers claiming the *de minimis* exemption, were required to file prior to or upon arrival of the cargo into the United States. *See* 89 FR 2630 (Jan. 16, 2024).

taking custody of the good upon arrival. Accordingly, CBP is proposing to require the submission of data identifying the Final Deliver-To Party (including the party's address), if this party is distinct from the ultimate consignee identified on the entry summary (CBP Form 7501). The purpose of this additional data element is to enable CBP to identify to whom and where the imported merchandise is destined to be delivered in the United States. To avoid duplication of data elements, CBP is proposing to only require identifying the final deliver-to party if this party is distinct from the ultimate consignee named on the entry summary. The final deliver-to party is the final intended recipient of the shipment, as known at the time of filing the entry summary.

c. Informal Entry and Chapter 99, Subchapter III, HTSUS

CBP is proposing to amend 19 CFR 143.21 by removing references to the $250 limit on eligibility for informal entry for merchandise classified under Chapter 99, Subchapters III and IV, Harmonized Tariff Schedule of the United States (HTSUS), *e.g.,* goods subject to temporary trade remedies and/or quotas, as compared to the general $2,500 value limit for informal entry. Accordingly, under the proposed amendment, goods classified under Subchapters III and IV of Chapter 99, HTSUS, valued over $250, but not more than $2,500, would no longer be prohibited from using informal entry procedures. This proposed amendment will avoid requiring shipments of merchandise valued between $251 and $2,500 and subject to measures such as Section 232 duties (Section 232 of the Trade Expansion Act of 1962, as amended; 19 U.S.C. 1862, Public Law 87–794, 76 Stat. 872) to be formally entered, thus providing the option for filers to use informal entry procedures, because the additional duties imposed by these measures are listed in Subchapter III to Chapter 99 of the HTSUS. This proposed amendment mirrors the same change made to other informal entry regulations in 2012. 77 FR 72715 (Dec. 6, 2012). Relatedly, CBP is proposing to amend 19 CFR 141.82 and 143.23 to remove references to the $250 limit on merchandise classified under Subchapters III and IV of Chapter 99, HTSUS.

d. Right To Make Entry

CBP is proposing to amend 19 CFR 143.26(a) to require a consignee intending to enter merchandise who is not an owner or purchaser (such as a foreign postal operator, the United States Postal Service, a freight forwarder, or a carrier) to appoint a licensed customs broker who will act as the importer of record for the entry of shipments valued at $2,500 or less that are not covered by the exception in 19 CFR 143.26(b). This proposed amendment makes it clear that the requirement for a broker to act as the importer of record on behalf of a consignee, applicable to formally entered merchandise,[14] would also be applicable to the entry of merchandise valued at $2,500 or less which is entered via entry type 11 or via the newly proposed electronic informal mail entry type 13, discussed in more detail below. This proposed amendment was a requirement of the Entry Type 86 test.[15] The requirements for entering shipments exempt from duty under 19 U.S.C. 1321(a)(2)(A)–(B) will remain unchanged from the current provisions in 19 CFR 143.26(b).

2. New Informal Mail Entry Type 13 Requirements

Considering the issues discussed above and the shifting of mail volumes formerly eligible for the *de minimis* exemption to the informal entry process, CBP has determined it is necessary to transition to a fully electronic new entry type for mail shipments that will replace the current process under 19 CFR 145.12(b). CBP recently announced the Entry Type 13 test regarding electronic procedures for informal entry of shipments valued at $2,500 or less entering the United States through the international mail process. *See* 91 FR 38007. The Entry Type 13 test is designed to allow CBP to evaluate ACE functionality and operational procedures while allowing participants to become familiar with the process generally during the pendency of this rulemaking. Accordingly, CBP is proposing a new regulatory entry type 13—Informal Mail Entry, applicable to shipments of merchandise valued at $2,500 or less, that are sent to the United States via mail, and that would be eligible for entry type 11 if shipped to the United States by a means other than through the international postal network.

Additionally, CBP is proposing to require additional data from carriers transporting mail to the United States, which are listed as optional in the Entry Type 13 test. Under the current regulations, such carriers only provide CBP with the weight of any mail transported into the United States, which does not allow CBP to sufficiently address the risks in this environment as CBP cannot verify that a specific mail article has been entered in accordance with all applicable requirements.[16]

Relatedly, and as discussed further below in the *Informal Entry Bond Requirements* section, CBP is also proposing to amend the bonding requirements for informal entries—including entry type 13 informal mail entries.

a. New Entry Type 13—Informal Mail Entry

CBP is proposing to require electronic entry filing for mail shipments arriving into the United States and entered under section 145.12(b), which would be eligible for entry type 11 if shipped to the United States by means other than mail. CBP is proposing that such mail shipments of merchandise valued at $2,500 or less must be entered via the newly established entry type 13—Informal Mail Entry. In practice, this new proposed entry type 13 for mail will largely mirror the data and process for the entry type 11, as modified by this proposed rulemaking, including the time of filing requirement discussed above and the additional requirements specific to mail discussed below.

To file an entry type 13, a party with the right to make entry will have the option to self-file the entry electronically in ACE or use a licensed broker.[17] The right to make entry, and thus to file an entry type 13, is limited to an owner or purchaser of the merchandise being mailed to the United States, or a licensed broker properly appointed by the owner, purchaser, or consignee. Under these proposed regulations, a consignee must obtain the services of a licensed broker who will act as the importer of record for the mail entry, consistent with the proposed requirements for informal entries in 19 CFR 143.26(a) detailed above. It is important to note that these proposed requirements are related to the entry and release of merchandise imported into the United States through the postal network and are distinct from, and in addition to, Universal Postal Union (UPU) requirements.

[14] Customs Directive 3530–002A (June 27, 2001), available at *https://www.cbp.gov/document/directives/3530-002a-right-make-entry.*

[15] *See* 84 FR 40079 (Aug. 13, 2019).

[16] Although CBP receives additional data for mail pursuant to the regulations implementing 19 U.S.C. 1415(a)(3)(K), that information cannot be used ''for any commercial enforcement purposes, including for determining merchandise entry.'' *See* 19 U.S.C. 1415(a)(3)(F).

[17] For more information regarding ACE, including information on the Automated Broker Interface (ABI) and ACE Portal application, please see *https://www.cbp.gov/trade/automated.*

b. Additional Data Requirements for Entry Type 13 Filers and Carriers

In addition to all data required for a type 11 informal entry, including the newly proposed Final Deliver-To Party, CBP is proposing to require additional data for a type 13 informal mail entry. These are needed in order to address the risks present in the mail environment and the unique and more complex enforcement challenges arising from the shifting volume of mail formerly eligible for the *de minimis* exemption, as explained in more detail above. Accordingly, CBP proposes to require the following additional data element for entry type 13 filings:

Shipper/Sender. This data element will include both the identity and address of the party causing the goods to be shipped and it will be filed by the importer of record or the broker. This data element will be required on the entry type 13 filed to secure the release of an imported mail article.

Additionally, CBP is proposing to require that the *Tracking Number,* which is a unique number generated by the foreign postal operator assigned to each international mail shipment, *i.e.,* the Universal Postal Union S–10 tracking number, also be provided by the party filing the inward manifest (generally carriers) for the mail article laden aboard an arriving conveyance. While this number is required for filers under 19 CFR 145.12(b)(3)(xii) as part of the postal informal entry process, it is listed as an optional data element for carriers participating in the Entry Type 13 test. Matching the required tracking number reported by the carrier as part of the manifest with the tracking number reported on the type 13 informal mail entry filing will allow CBP to determine the precise time of arrival for each mail shipment and confirm that an entry has been timely filed.

c. Unentered Informal Mail Entries

In the informal entry mail environment, as a result of the new deadline to file entry upon or prior to the date of importation, shipments arriving before an entry has been filed will not be released from CBP custody. The effect of this proposed entry requirement on the high volume of low-value shipments arriving daily means that USPS and CBP will need to move quickly to identify and dispose of mail articles for which an entry has not been timely filed to avoid the cost and burden of storing large volumes of unentered mail shipments. Accordingly, with this rulemaking, CBP is proposing that such mail articles will be deemed voluntarily abandoned if no entry is filed within 15 days of importation, and such deemed abandoned articles will then be processed in accordance with USPS requirements and procedures, which may entail destruction or return of the shipment to the sender.

Therefore, this document proposes to add a new section 145.6 (19 CFR 145.6), Unentered Packages, explaining that mail articles valued at $2,500 or less for which an entry has not been timely and properly filed will be considered by CBP to be voluntarily abandoned at the expiration of a 15-day period, beginning on the date of importation, at which time the merchandise will be processed accordingly by USPS, which may include destruction or returning the shipment to the sender.

3. Informal Entry Bond Requirements

As discussed above, pursuant to 19 U.S.C. 1623, CBP has broad legal authority to require bonds or other security ''by regulation or specific instruction'' when necessary to protect the revenue of the United States or to ensure compliance with laws, regulations, and lawful instructions, and to prescribe the conditions and form of the bond, the manner in which the bond may be filed, the amount of the bond, and the amount owed upon breach of a bond condition. Currently, for informal entries, including those in the mail environment, bonding is only required in certain situations.

a. Basic Importation and Entry Bond Required for Informal Entries

To help ensure that the revenue is protected and ensure the payment of the duties, taxes, and fees owed at liquidation, CBP is proposing to require that all entry type 11 and entry type 13 filers must obtain a basic importation and entry bond (either a single transaction bond (STB) or a continuous bond), with the conditions found in 19 CFR 113.62. An entry type 11 or entry type 13 filer needing a bond may either terminate and replace an existing continuous basic importation and entry bond after the finalization of this proposed rule or obtain a new basic importation and entry bond (continuous or single transaction) after the finalization of this proposed rule.

In circumstances where an entry of imported merchandise is not bonded, there is little recourse for CBP to collect the revenue owed if an importer of record defaults on its obligation to tender accurate duties, taxes, and fees. By requiring a bond for type 11 and type 13 entries, akin to bond requirements for merchandise required to be formally entered, a surety or a cash deposit ensures payment to CBP in the event the importer of record defaults. This bonding proposal is designed to secure the revenue to be collected from such imported merchandise. A basic importation and entry bond also secures redelivery of merchandise, *e.g.,* when additional information is necessary to determine admissibility, and obligates an importer of record to correct non-compliance with an applicable law or regulation pertaining to admissibility, which aids CBP in ensuring the safety and security of American consumers. And, as mentioned above related to when a consignee who is not an owner or purchaser of the imported merchandise appoints a broker to file a type 11 or type 13 entry, CBP is proposing to require the broker to act as the importer of record, and thus the broker's basic importation and entry bond will be obligated.

b. Minimum Amount for Liquidated Damages

Liquidated damages are predetermined amounts bond principals agree to pay if they breach the conditions of their customs bond, such as failing to redeliver merchandise or meet other import requirements. A claim for liquidated damages is issued on the ''Notice of Penalty or Liquidated Damages Incurred and Demand for Payment'' (CBP Form 5955A). Importers can petition for relief from a claim for liquidated damages within 60 calendar days of the date of issuance of the CBP Form 5955A. Sureties are notified of liability for liquidated damages at the same time as principals, and if the principal does not respond within 60 days, a demand on the surety is issued.

Many of the existing bond conditions for a basic importation and entry bond, including conditions other than those set forth in 19 CFR 113.62(a), (g), (i), (j), (k)(2), (k)(3), (l), and (m), set the amount of liquidated damages under the bond at the value of the merchandise involved in the default, or three times the value of the merchandise involved in the default if the merchandise is restricted or prohibited merchandise or alcoholic beverages, or at another amount that may be authorized by law or regulation. For low-value shipments subject to this proposed rulemaking, assessment of liquidated damages based on the value of the merchandise will often be insufficient to ensure compliance with all applicable laws, bond conditions, and to protect the revenue. Accordingly, in conjunction with the new bonding requirements discussed above, for the basic importation and entry bond conditions other than 19 CFR 113.62(a), (g), (i), (j), (k)(2), (k)(3), (l), and (m), CBP is proposing to establish a new

minimum amount for liquidated damages assessed due to a breach of the bond for an entry type 11 or entry type 13. This proposed new minimum amount will protect the revenue and ensure compliance with applicable laws and regulations while also ensuring that the cost to CBP from collecting liquidated damages does not exceed the amount recovered. Therefore, CBP is proposing to amend 19 CFR 113.62(n) to modify the liquidated damages assessed for informal entry type 11 and informal mail entry type 13 shipments to impose a new minimum amount of $1,000 for each breach of a listed bond condition.

III. Explanation of Proposed Amendments to the CBP Regulations

This rulemaking proposes amendments to provisions found in 19 CFR parts 113, 128, 141, 143, and 145. CBP generally intends this proposed rule's provisions to be severable from each other. CBP expects to provide additional detail on severability in the final rule once CBP has considered public comments and finalized the regulatory language.

A. Proposed Amendments to Part 113

CBP is proposing to amend part 113, in accordance with the requirements discussed above. Specifically, CBP is proposing to amend § 113.62(n) by revising paragraph (n)(1) to add a reference to newly added paragraph (n)(6) (19 CFR 113.62(n)(6)), which states that defaulting on a bond required for informal entries (including mail) will result in a claim for liquidated damages in an amount equal to the value of the merchandise or $1,000, whichever is greater, or if the merchandise is restricted or prohibited or alcoholic beverages, in an amount equal to three times the value of the merchandise or $1,000, whichever is greater, or another amount authorized by law or regulation.

B. Proposed Amendments to Part 128

CBP is proposing to amend part 128. Specifically, CBP is proposing to amend § 128.24 by adding a new paragraph (f) (19 CFR 128.24(f)) to specify that bona-fide gifts (19 U.S.C. 1321(a)(2)(A)) will continue to be entered as provided for in 19 CFR 143.23(j) and 145.32. Simply put, this proposed amendment is intended to make clear that there is no change to the procedures for entering bona-fide gifts.

C. Proposed Amendments to Part 141

CBP is proposing to amend part 141, in accordance with the new informal entry requirements described above. Specifically, CBP is proposing to amend 19 CFR 141.5 to include a new paragraph (b) stating that an entry for merchandise valued at $2,500 or less for which an entry type 11 or entry type 13 is required must be filed upon or prior to the date of importation to be timely. Additionally, the proposed amendments to 19 CFR 141.5 specify the consequence for failure to timely enter such merchandise and add a reference to newly added 19 CFR 145.6 regarding unentered packages in the mail environment.

CBP is proposing to amend 19 CFR 141.68(f) to state that the time of entry for informal mail entries will be the time specified for informal entries generally, in accordance with 19 CFR 141.68(h), which states that the time of entry for informal entries will be the time the specified form is executed or completed in proper form, and filed together with any related required documents, and estimated duties, if any, have been deposited. Pursuant to 19 U.S.C. 1315(a)(1), the duty rate for a mail article is based on the ''rate or rates in effect when the preparation of the entry is completed.''

CBP is proposing to amend 19 CFR 141.82(d) by removing the $250 limit on eligibility for informal entry for merchandise classified under Subchapters III and IV of Chapter 99, HTSUS. This proposed modification mirrors other amendments made at 19 CFR 143.21 and 143.23, explained in more detail below, in order to allow articles valued at $2,500 or less, that are subject to measures such as Section 232 duties, to be informally entered.

D. Proposed Amendments to Part 143

CBP is proposing to amend part 143, in accordance with the new requirements described above. Specifically, CBP is proposing to amend 19 CFR 143.21(a) and (c) by removing references to a $250 limit on eligibility for informal entry of merchandise classified under Subchapters III and IV of Chapter 99, HTSUS. This proposed modification will allow articles valued at $2,500 or less, that are subject to measures such as Section 232 duties, to be informally entered.

CBP is proposing to amend 19 CFR 143.22, consistent with its broad authority to regulate the informal entry of shipments valued at $2,500 or less pursuant to 19 U.S.C. 1498(a)(1)(A) and 1498(b),[18] to expand the criteria under which CBP may require formal entry for a shipment otherwise eligible to be informally entered. Specifically, with this proposed amendment, CBP will expand its discretionary authority to require formal entry for any reason deemed appropriate, to include requiring formal entries by a specific importer of record, or specific types or categories of merchandise, or merchandise produced by a specific manufacturer or seller. Thus, the proposed changes clarify that CBP is not limited to requiring formal entry on a case-by-case basis for a specific shipment of merchandise. Instead, under this proposed provision, CBP may require formal entry on a blanket basis, *e.g.,* based on importer of record, manufacturer, or category of merchandise, in accordance with criteria deemed relevant by CBP.

CBP is proposing to amend 19 CFR 143.23 to require that a filer entering merchandise under entry type 11 must transmit the electronic equivalent of CBP Forms 3461 and 7501, or CBP Form 7501, to CBP via a CBP-authorized Electronic Data Interchange (EDI) system. CBP is also proposing to amend 19 CFR 143.23(d) to remove the parenthetical phrase ''except for articles valued in excess of $250 classified in Chapter 99, Subchapter III and IV, Harmonized Tariff Schedule of the United States'' to align with the proposed changes discussed above.

CBP is proposing to amend 19 CFR 143.26(a) to clarify the parties who may enter merchandise valued at $2,500 or less and to state that consignees that are not owners or purchasers are required to appoint a customs broker to act as the importer of record for an informal entry for a shipment valued at $2,500 or less, unless excepted pursuant to paragraph (b).

CBP is proposing to add a new section 143.29 (19 CFR 143.29) stating that shipments valued at $2,500 or less, for which CBP Forms 3461 and 7501, or CBP Form 7501, must be filed, will not be released from CBP custody unless an STB or continuous bond containing the bond conditions set forth in § 113.62 has been transmitted to CBP pursuant to part 113.

E. Proposed Amendments to Part 145

CBP is proposing to amend part 145, in accordance with the new requirements described above. Specifically, CBP is proposing to add a new section 145.6 (19 CFR 145.6) to state that any international mail shipment valued at $2,500 or less which remains not properly entered at the expiration of a 15-day period will not be released by CBP and will be deemed voluntarily abandoned. Under this proposed amendment, further

[18] ''The Secretary of [Homeland Security] is authorized to include in such rules and regulations any of the provisions of section 1484 or 1485 of this title (relating, respectively, to entry and to declaration of merchandise generally).''

disposition or processing of the international mail shipment will be completed by the United States Postal Service in accordance with applicable requirements and procedures.

CBP is proposing to add a new section 145.7 (19 CFR 145.7) to state that, for mail shipments valued at $2,500 or less, a tracking number matching the tracking number provided by the party with the right to make entry as part of the electronic equivalents of the CBP Forms required by 19 CFR 145.12(b)(1), *i.e.,* the Universal Postal Union S–10 tracking number assigned to each international mail shipment, must be provided as part of the inward manifest required in § 4.7a (vessel), 122.48a (air), 123.91 (rail), 123.92 (truck), or 128.21 (express consignments) of this chapter.

CBP is proposing to amend 19 CFR 145.12(b) to modify the current regulatory process for mail shipments (involving the worksheet and *pay.gov* requirements) to state that, unless an exception applies, mail shipments valued at $2,500 or less are required to be entered electronically by transmitting the data elements from CBP Forms 3461 and 7501, or CBP Form 7501, via a CBP-authorized EDI system upon or prior to the date of importation of the shipment. This builds upon and improves the process CBP established in *Indefinite Suspension of the De Minimis Exemption for Mail Shipments and New Postal Informal Entry Process,* 91 FR 37801 (Jun. 24, 2026), which required carriers to submit necessary data elements via email.

CBP is proposing to revise section 145.15 (19 CFR 145.15) to more closely reflect the entry requirements proposed in this rulemaking. Revised section 145.15 states that an entry type 13 informally entered mail shipment will not be released from CBP custody, and the entry will not be accepted, unless an STB or continuous bond containing the bond conditions set forth in § 113.62 of this chapter, executed by an approved corporate surety, or secured by cash deposits as provided for in § 113.40 of this chapter, has been transmitted to CBP pursuant to part 113. Akin to the revisions made to section 145.12(b), these changes refine and improve the process established in *Indefinite Suspension of the De Minimis Exemption for Mail Shipments and New Postal Informal Entry Process.*

IV. Statutory and Regulatory Requirements

A. Executive Orders 12866, 13563, and 14192

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 14192 (Unleashing Prosperity Through Deregulation) directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that ''any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.''

This rule has been designated a ''significant regulatory action'' that is economically significant, under section 3(f)(1) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget. Pursuant to section 5(a) of Executive Order 14192, the requirements of that Executive Order do not apply to regulations issued with respect to homeland security or foreign affairs-related functions of the United States. This notice of proposed rulemaking is issued with respect to foreign affairs-related functions of the United States Government. Accordingly, this notice of proposed rulemaking is exempt from the requirements of Executive Order 14192. The present value of the net cost of the rule over 2026–2035 would be $9,298,017,345 (2026 USD) under a discount rate of 3% or $7,715,548,573 under a rate of 7%, discounting to 2026. Table 1 shows an accounting statement for the effects of the rule. In the table and throughout this analysis, CBP abbreviates entry type 11 as ET11 and entry type 13 as ET13.

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Table 1: A-4 Accounting Statement for the Rule

Category	Annualized Estimate (in 2026 USD) over 2026 to 2035	
Benefits	**3% Discount Rate**	**7% Discount Rate**
Monetized benefits	None	None
Quantified, non-monetized benefits	None	None
Qualitative (unquantified) benefits	Improved security resulting from more information submitted at time of entry for postal shipments. Improvements in trade members' compliance with regulations for postal and ET11 shipments, resulting from stricter bond requirements and a new minimum liquidated damages floor. More consistent enforcement of duties across postal shipments.	
Costs	**3% Discount Rate**	**7% Discount Rate**
Monetized costs	$1,091,005,552	$1,099,489,073
Quantified, non-monetized costs	None	None
Qualitative (unquantified) costs	Costs resulting from the earlier filing deadline for entries, the required electronic submissions of ET11 and ET13 entries into ACE, the added data element of final deliver-to party for ET11 and ET13 shipments, deadweight loss, USPS warehouse capacity issues, the need for USPS to send back noncompliant ET13 entries, and the increase in abandoned postal shipments at USPS facilities.	
Cost Savings	**3% Discount Rate**	**7% Discount Rate**
Monetized cost savings	$994,268	$968,535
Quantified, non-monetized cost savings	None	None
Qualitative (unquantified) cost savings	None	None
Transfers	**3% Discount Rate**	**7% Discount Rate**
Monetized budgetary transfers	$30,144,823 in increased duty revenue	$30,380,942 in increased duty revenue
Other monetized transfers	None	None

Distributional Effects	3% Discount Rate	7% Discount Rate
Effects on State, local, and/or tribal governments	Not estimated	Not estimated
Effects on small businesses	Small businesses that file entry for informal shipments will incur greater costs from the added data requirements and earlier filing deadline, discussed in the Regulatory Flexibility Act section below.	
Effects on wages	Not estimated	Not estimated
Effects on growth	Not estimated	Not estimated

Source: Calculations using data sources described throughout the main text.

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Background

Before 2025, most low-value postal shipments were eligible for the administrative exemption from duty at 19 U.S.C. 1321(a)(2)(C) (*de minimis* exemption) and, consistent with the entry regulations for such low-value shipments, the submission of detailed entry information to CBP was not required. On July 4, 2025, the President signed into law the One Big Beautiful Bill Act, which, among other things, enacted the termination of the *de minimis* exemption effective July 1, 2027.[19] Even before that termination date, however, the President signed Executive Order 14324 (Suspending Duty-Free De Minimis Treatment For All Countries) on July 30, 2025, which announced that the President determined that it was necessary and appropriate to suspend duty-free *de minimis* treatment under 19 U.S.C. 1321(a)(2)(C) for most imports to deal with the identified continuing unusual and extraordinary threats, which have their source in whole or substantial part outside the United States, to the national security, foreign policy, and economy of the United States.[20] Besides suspending the *de minimis* exemption, the Executive Order also established an interim process and new duty rate for eligible products sent to the United States through the international postal network.

On February 20, 2026, the President signed Executive Order 14388 (Continuing the Suspension of Duty-Free De Minimis Treatment For All Countries), which, among other things, continued the suspension of duty-free *de minimis* treatment under 19 U.S.C. 1321(a)(2)(C), including for shipments sent through the international postal network, and confirmed that CBP should continue to collect applicable duties, taxes, fees, exactions, and charges on such shipments. That Executive Order imposed an ad valorem duty rate of 10% on postal shipments, as authorized by section 122 of the Trade Act of 1974 (19 U.S.C. 2132) (Section 122). Aside from that flat 10% duty, no other duties were collected from postal shipments entered through the interim postal process. Filers were not required to submit product classification data for postal shipments under that process, meaning that CBP did not have the necessary information to assess most other duties. Instead, filers submitted a monthly international mail duty worksheet, in which they reported the value of their postal shipments that month and the duties they owed based on the 10% rate. Informal non-postal shipments, on the other hand, were subject to both the 10% duty under Section 122 and any other applicable duties.

To eliminate the disparity in duties between postal and non-postal informal entries, CBP published the Indefinite Suspension of the De Minimis Exemption for Mail Shipments and New Postal Informal Entry Process IFR on June 24, 2026, which amended the process for entering informal mail shipments, improving upon the interim process established by Executive Order 14324, as amended.[21] Throughout this analysis, CBP refers to the informal entry process for mail shipments established by that IFR as the ''current informal postal entry process.'' With that rule, the monthly international mail duty worksheet was expanded to require product classification and other data elements, and CBP began applying all applicable duties to postal informal shipments. Hence, postal informal entries and ET11 entries are now subject to the same product classification reporting requirements. But while the current postal informal entry process enables CBP to impose the same duties on postal shipments as on ET11 entries, enforcement of duties and other regulations remains more difficult in the postal environment. Under the current informal postal entry process, the international mail duty (IMD) worksheet is not due until the 7th day of the following month, and most postal entries are automatically released before the IMD worksheet is submitted. The IMD worksheet also does not require as much information as CBP Forms 3461 and 7501, which are used for ET11 entries. Most international mail duty worksheets are submitted by a broker, and the broker does not have to identify the importer or the consignee. The limitations of the IMD worksheet hamper CBP's ability to enforce the same standard of compliance with regulations in the postal environment as in the non-postal environment. Therefore, CBP has continued to evaluate development of an entry process for informal mail shipments that enables filing through ACE with more aligned filing timeframes and data requirements to address challenges in the mail environment.

[19] One Big Beautiful Bill Act, Public Law 119–21, Section 70531(b), 139 Stat. 72, 283 (2025).

[20] For more information regarding the multiple national emergency declarations, please see 90 FR 42418 (September 2, 2025), which is CBP's notice effectuating Executive Order 14324, discussing, *inter alia,* Executive Order 14193 of February 1, 2025 (Imposing Duties To Address the Flow of Illicit Drugs Across Our Northern Border), Executive Order 14194 of February 1, 2025 (Imposing Duties To Address the Situation at Our Southern Border), and Executive Order 14195 of February 1, 2025 (Imposing Duties To Address the Synthetic Opioid Supply Chain in the People's Republic of China).

[21] *See* 91 FR 37801.

Moreover, many postal shipments are sent without an IMD worksheet or other entry form ever being submitted for them. Between September 2025 and May 2026, only 67% of postal shipments were sent through an informal or formal entry process.[22] The remaining 33% of postal shipments were likely shipped without the payment of duties. Moreover, merchandise subject to other requirements and regulations, such as partner government agencies' (PGA) data requirements or trade enforcement actions is disallowed, after a short-term delayed compliance window, from using the current informal postal entry process, but CBP is not well positioned to enforce these exceptions, as the data is sent well after arrival, including data that would reveal that the merchandise is subject to these requirements and regulations. Therefore, some goods could enter under the current informal postal entry process and thereby avoid trade enforcement actions or PGA data requirements if not affirmatively caught by CBP.

Before *de minimis* treatment was suspended, the postal environment differed from the non-postal environment in two significant ways. The first was that much less duty revenue was collected from postal shipments, and the second was that postal shipments had higher rates of seizures. As Table 2 shows, postal *de minimis* shipments had much higher seizure rates than non-postal entry types in FY 2024. CBP seized narcotics in postal *de minimis* shipments at a rate of 277.8 seizures per million shipments, compared to only 2.6 seizures per million shipments for formally entered shipments and 15.8 seizures per million shipments for informally entered type 11 shipments. Postal *de minimis* shipments had the highest seizure rates in all other seizure categories as well, including health and safety, counterfeit goods, and prohibited items. Some of the disparity between postal and non-postal seizure rates could be due to non-postal shipments sometimes lacking the final recipient name and address, as well as the lack of automation in the non-postal environment. Most importers of non-postal shipments lack the automation capacity to identify customs holds in a timely manner, which makes it difficult for both importers and CBP officers to separate such holds from the rest of cargo, thereby adding additional burden to CBP. Nevertheless, CBP believes that a fair share of the disparity between postal and non-postal seizure rates is due to postal shipments containing more violative merchandise. One likely reason that postal *de minimis* shipments contained more violative merchandise in relation to the non-postal *de minimis* environment is that the exporters of violative merchandise preferred the postal environment because they perceived it as one in which it was easier to avoid detection.

Table 2: Seizures per Million Entries, FY 2024

Seizure Type	Postal *de minimis*	Non-Postal *de minimis*	ET11	ET01
Health and safety	41.8	7.8	29.8	15.5
Counterfeit goods	91.8	19.3	18.3	23.2
Narcotics	277.8	14.5	15.8	2.6
Prohibited items	147.6	5.7	20.4	25.0
Total	**558.9**	**47.3**	**84.3**	**66.3**

Note: Seizure counts obtained from CBP Office of Trade (OT) on September 25, 2025, and October 19, 2025. *De minimis* entry counts obtained from OT on September 26, 2025. ET01 and ET11 entry counts obtained from ACE database on October 3 and October 6-8, 2025.

The current informal postal entry process does not fully address the data limitations that CBP faces in working to identify violations of U.S. customs and trade laws, health and safety requirements, intellectual property rights, and consumer protection rules. CBP still receives much less information to use in targeting postal informal shipments than ET11 shipments, and the information that is submitted to CBP for postal shipments tends to arrive later and be less trustworthy than the information submitted for ET11 shipments, weakening CBP's targeting abilities further.

CBP seeks to replace the current informal postal entry process with a process that subjects postal entries to requirements similar to those applicable to non-postal entries and that can also be used to enable CBP to better identify goods that are subject to trade enforcement actions or PGA data requirements. To that end, CBP has developed the ET13 process for postal informal shipments. Like the ET11 process, the proposed ET13 process requires that entry be filed electronically using CBP Forms 3461 and 7501, not the IMD worksheet. CBP created a simplified version of the proposed ET13 process, referred to as the ET13 test, which will commence on September 22, 2026.[23] A filer participating in the ET13 test must submit in ACE the following: (1) filer code; (2) Importer of Record (IOR) number; (3) description of merchandise; (4) country of origin; (5) all applicable 10-digit HTSUS classification(s), including both primary classifications in Chapters 1–97 as well as any applicable secondary classifications in Chapters 98 and/or 99 of the HTSUS; (6) quantity and weight, if using specific duty rates; (7) duty rate; (8) value; (9) total duty owed; (10) carrier name; (11) tracking number generated by the foreign post operator; and (12) arrival port. Other data fields appearing on CBP Forms 3461 and 7501 remain voluntary under the ET13 test. Under this proposed rule, however, those other data fields would be required, just as they are for ET11 entries. The purpose of the ET13 test is to give CBP and trade members the opportunity to test out the new process before this proposed rule

[22] Based on information obtained from the CBP Office of Trade on July 15, 2026.

[23] 91 FR 38007 (June 24, 2026).

makes ET13 required for postal informal shipments.

Purpose of Rule

The proposed rule aims to terminate the current informal postal entry process and replace it with entry type 13 so that postal informal shipments will be subject to similar requirements as non-postal informal shipments, thereby improving CBP's enforcement in the postal environment. Furthermore, the rule would make updates to the ET11 process, which would also apply to the ET13 process, to address enforcement issues in the informal environment, namely the higher rate of violative goods in the informal environment than in the formal environment.

Informal Entry Type 11 Requirements

To give CBP time to properly assess the admissibility of informal entries, this proposed rule would move the filing deadline for type 11 entries from within 15 days of arrival to upon, or prior to, arrival at a port of entry. This proposed rule would also adjust data element requirements for ET11 by adding the final deliver-to party as a required data element, if distinct from the ultimate consignee. Goods classified under Chapter 99, Subchapters III and IV, HTSUS, that are valued at or below $2,500 would no longer be limited to formal entry; they would be allowed to enter through the ET11 entry process.

New Informal Mail Entry Type 13 and Manifest Requirements

Considering the issues discussed in the Background section above, CBP is proposing to transition to the new, fully-electronic entry type 13 (ET13)—Informal Mail Entry, for all eligible shipments sent via the mail environment that are valued at $2,500 or less. The proposed changes being made to the ET11 process, such as the earlier filing deadline and bond requirement, would also apply to the ET13 process. The data requirements would be almost the same for the ET13 process as the updated ET11 process, but with a couple noteworthy differences to account for the mail environment. In addition to the data elements generally required for an ET11 entry, an ET13 entry must also include the shipper or sender and the package tracking number. The carrier would be also required to submit the package tracking number on the inward manifest to allow CBP to verify the date of importation for postal shipments. CBP would deem articles not properly entered through ET13 to be voluntarily abandoned at the expiration of a 15-day period.

Prior to Executive Order 14324, postal shipments claiming the administrative exemption under 19 U.S.C. 1321(a)(2)(C) were admitted duty-free. Executive Order 14324, which suspended *de minimis* treatment for most importations, established an interim postal process, and most informal postal entries, including those previously eligible for duty-free *de minimis* treatment, were subject to duty payments for the first time. The interim postal process was later amended by the Indefinite Suspension of the De Minimis Exemption for Mail Shipments and New Postal Informal Entry Process IFR to require the submission of HTSUS codes on the monthly international mail duty worksheet so that CBP could collect all applicable duties.[24] This rule would terminate the current informal postal entry process and require an ET13 entry for all informal postal shipments. Because filers would have to submit the entry data by the time the shipment arrives instead of potentially weeks later, the new ET13 entry process would enable CBP to more effectively enforce the regulations for postal shipments. Therefore, CBP would protect the revenue of the U.S. Government and more effectively target violative shipments by establishing ET13.

Informal Entry Bond Requirements

CBP relies on data provided by filers to make determinations on admissibility and entry requirements, but data has been notoriously unreliable for informal entries. To ensure data accuracy, CBP would require basic importation and entry bonds under the proposed rule for all type 11 and type 13 entries. This requirement would affect ET11 entries more than postal entries, as a bond is already required to import through the current informal postal entry process.

The rule also proposes to set a $1,000 floor for liquidated damages arising from a breach of the terms of a customs bond securing an informal entry. Hence, the liquidated damages based on value for all informal entries would be $1,000 or the value of the merchandise for each instance, whichever is greater.[25] Without the floor, breaches of the bond resulting from low-value shipments receive low-value liquidated damages. Therefore, this proposed floor would improve compliance and ensure that the cost to CBP to collect the liquidated damages does not outweigh the amount collected.

[24] *See* 91 FR 37801.

[25] Liquidated damages based on value for restricted or prohibited merchandise, or alcoholic beverages, will be $1,000 or three times the value of the merchandise, whichever is greater.

Baseline and Regulatory Alternative Scenarios

This regulatory impact analysis estimates the net effects of the rule by comparing the baseline scenario with the regulatory alternative scenario. In the baseline, the ET11 entry process has not been updated, and postal shipments continue to be entered through the informal postal entry process that was implemented in June 2026 by the Indefinite Suspension of the De Minimis Exemption for Mail Shipments and New Postal Informal Entry Process IFR. The ET13 test does not exist in the baseline, as the real-world ET13 test was developed by CBP in anticipation of implementing this proposed rule. In the regulatory alternative scenario, the ET11 entry process would include new requirements, as described above, and informal postal shipments would need to be entered through the new ET13 process. The current informal postal entry process would no longer be available under the rule if finalized. The benefits and costs of the rule are the benefits and costs of changing from the baseline to the regulatory alternative scenario. Because CBP and USPS began incurring programming costs for the rule in 2026, this analysis considers the effects of the rule over a 10-year regulatory period from 2026 to 2035. CBP uses calendar years, rather than fiscal years, in its projections for this analysis.

Projected Entry Counts

In this section, CBP presents its projections for ET11 and postal informal entry counts from 2026–2035. These projections are used in calculations throughout the analysis. Although the proposed rule could affect import volumes, CBP assumes for the purposes of this analysis that annual entry counts would be the same in the regulatory scenario as in the baseline scenario, except for the fact that postal shipments would change to ET13 in the regulatory scenario. This simplifying assumption allows CBP to calculate costs and government revenue using the same projected entry counts used in the baseline. However, the rule would result in stricter duty collection for postal entries and higher shipping costs for both ET11 and ET13 entries, and these changes would likely cause imports to fall (although the stronger duty collection and added requirements for postal shipments could lead to an increase in ET11 entries as importers shift from postal to ET11). As a result of this overall decrease in imports, the total increase in government revenue, broker fee payments, and other changes

would be lower than in the analysis, which assumes the rule would have no effect on the quantity of imports. The fall in imports would also lead to a deadweight loss, increasing the total cost of the rule to society beyond CBP's cost estimates in the analysis. CBP discusses these limitations of the analysis further below. Table 3 displays the annual entry counts for postal and ET11 entries from FY 2021 to FY 2024. Over that time period, the compound annual growth rate (CAGR) for postal *de minimis* entries was −11.63%, and the CAGR for ET11 entries was 3.14%.

Table 3: Annual Entry Counts

Fiscal Year	Postal *de minimis*	ET11
2021	108,400,000	4,682,794
2022	83,600,000	4,779,785
2023	81,200,000	4,748,180
2024	74,800,000	5,138,136

Source for postal *de minimis* shipments: CBP, *De Minimis Statistics*, last modified December 8, 2025. Available at https://www.cbp.gov/trade/basic-import-export/e-commerce. Accessed December 17, 2025. Source for ET11 shipments: obtained from OT on September 25, 2025.

In 2025, the imposition of new duties, the suspension of the *de minimis* exemption for most imports, and the creation of an interim postal process led to large changes in the import volumes for these two categories. The *de minimis* exemption was suspended for most imported products of all countries effective August 29, 2025. Therefore, CBP uses entry counts from the months following the suspension to estimate the inflow of entries under the current status quo. From September 1, 2025, to May 31, 2026, a total of 24,427,685 postal entries and 52,450,418 ET11 entries arrived in the United States. At that rate, 32,659,725 postal shipments and 70,126,017 ET11 shipments would arrive annually. These numbers are shown in Table 4.

Table 4: Entry Counts for September 1, 2025 - May 31, 2026

	Postal	ET11
Sept. 2025 - May 2026	24,427,685	52,450,418
Projected annual	32,659,725	70,126,017

Source: obtained from OT on July 10 and July 15, 2026. The projected annual counts equal the counts from September 1, 2025, to May 31, 2026, multiplied by 365/273.

Compared to the 2024 entry counts, the figures in Table 4 show that the suspension of *de minimis* led to a fall in postal shipments but an increase in ET11, as many would-be *de minimis* shipments shifted to ET11. As *de minimis* treatment will remain suspended, CBP does not expect postal or ET11 volumes to return to pre-2025 levels. Moreover, since the rule would replace the current informal postal entry process with the ET13 process, postal shipments would face even higher data requirements than they do under the current informal postal entry process, making it all the more unlikely that postal entry counts would rebound. To project postal and ET11 entry counts during the regulatory period of 2026–2035, CBP applies the CAGRs from 2021–2024 to the projected annual counts in Table 4. These projections are shown in Table 5.

Table 5: Projected Entry Counts in Regulatory Period

Year	Postal	ET11
2026	32,659,725	70,126,017
2027	28,860,463	72,329,037
2028	25,503,165	74,601,266
2029	22,536,416	76,944,878
2030	19,914,785	79,362,114
2031	17,598,125	81,855,288
2032	15,550,958	84,426,786
2033	13,741,936	87,079,067
2034	12,143,355	89,814,671
2035	10,730,735	92,636,214

Costs

The rule would result in costs due to programming changes, larger time burdens of submitting and processing entries for postal shipments, various updates to the entry process for ET11 informal entries and postal shipments, and a decrease to social welfare stemming from a reduction in imports, as discussed in the deadweight loss subsection below.

CBP

To create the new ET13 process for postal entries and update the entry process for ET11 entries, CBP needs to update its electronic systems, which entails programming costs. Much of the programming is already complete, which has allowed CBP to roll out ET13 as an option for informal postal shipments, but CBP still counts the programming costs for ET13 as an effect of the rule because the programming was done and the ET13 test was created in anticipation of this NPRM. CBP's programming costs are shown in Table 6. After the modernization is complete, only a few additional changes would be needed as a result of this rule.

Table 6: CBP Programming Costs

Year	Development	Maintenance
2026	$1,722,079	$128,560
2027	$0	$215,387
2028	$0	$222,064
2029	$0	$228,948
2030	$0	$236,045
2031	$0	$243,362
2032	$0	$250,907
2033	$0	$258,685
2034	$0	$266,704
2035	$0	$274,972

Source: Obtained from OT on December 16, 2025.

CBP would receive more submissions of CBP Forms 3461 and 7501 under the rule, as postal shipments would need to be entered with these forms instead of the IMD worksheet. The time burdens for CBP to process CBP Forms 3461 and 7501 are 5 minutes and 10 minutes, respectively.[26] [27] The average hourly wage of a CBP trade and revenue employee is $95.34.[28] The average costs of the time burdens for processing CBP Forms 3461 and 7501 are therefore $7.95 and $15.89 per form. CBP applies the time costs of processing these forms to the projected number of postal shipments during the regulatory period found in Table 5 to calculate the added annual costs to CBP of processing the new forms. Table 7 displays the annual costs starting in 2027 when the rule would take effect.

[26] Source for CBP Form 3461 burden: see estimated time burden to CBP for OMB Control Number 1651–0024, available at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202112-1651-003*.

[27] Source for CBP Form 7501 burden: see estimated time burden to CBP for OMB Control Number 1651–0022, available at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202311-1651-004*.

[28] CBP bases this wage on the FY 2025 salary and benefits of the national average of CBP Officer Positions. Source: email correspondence with CBP's Office of Finance on June 11, 2026.

Table 7: Cost to CBP of Processing Forms for ET13 Entries

Year	CBP Form 3461 burden	CBP Form 7501 burden
2027	$229,296,382	$458,592,764
2028	$202,622,642	$405,245,284
2029	$179,051,822	$358,103,645
2030	$158,222,965	$316,445,929
2031	$139,817,100	$279,634,200
2032	$123,552,365	$247,104,729
2033	$109,179,684	$218,359,368
2034	$96,478,958	$192,957,916
2035	$85,255,691	$170,511,381

CBP may also incur costs from inspecting more shipments. Under the rule, CBP would receive more information about shipments, especially postal shipments, and would receive this information sooner, which would improve CBP's targeting capabilities. At this time, it is uncertain how improvements in targeting would affect the number of inspections that CBP conducts. CBP may inspect more shipments, or it may inspect the same number of shipments as before but improve its selection of which shipments to inspect, thanks to the additional data available under the rule. If CBP inspects more shipments under the rule, then CBP would incur the labor cost of these additional inspections.

USPS

The rule would affect USPS in several ways. USPS would need to make updates to its electronic systems to handle ET13 entries, which USPS estimates would result in an initial programming cost of between $12 million and $20 million.[29] CBP uses the midpoint of this range, $16 million, for its calculations while noting the uncertainty around the estimate. USPS expects these programming changes to take 4 to 6 months on the low end and up to 8 months on the high end. After the initial development costs, USPS expects to incur operation and maintenance costs around $1 million per year.[30] Besides the programming costs, USPS would also incur labor costs to update its process for handling shipments under the rule.

USPS may also encounter storage capacity issues. While the baseline postal shipment process allows for postal shipments to be processed quickly, USPS expects that the average holding period would lengthen under the rule. As a result, a larger volume of postal entries would be held at USPS facilities at a given time, imposing larger labor and storage costs on USPS. USPS Office of Exchanges were designed for flow-through processing, without warehousing capacity, and USPS anticipates that it would need an initial warehouse capacity equivalent to 80% or more of the import volume under the rule. Besides the cost of sourcing warehouse space, there would be additional costs from designing and implementing the storage and retrieval processes. Lease rates range from $25/sq. ft to $50/sq. ft, though offsite storage would impose additional costs.[31]

Under the rule, USPS expects that more postal shipments would be abandoned after 15 days due to not being properly entered. The cost of returning undeliverable goods depends on many variables, but USPS roughly estimates that the average cost of returns is greater than $6.00 USD per kilogram. In this analysis, CBP includes the initial estimated programming cost to USPS, but CBP lacks quantified estimates of the costs of the warehousing requirements and the resources spent returning non-compliant postal shipments under the rule. CBP has undergone extensive outreach to the trade to prepare them for this rule and will continue to do so. CBP expects that by the time the final rule becomes effective, the trade will have adjusted its processes to minimize the cost to return undeliverable mail to the extent possible. CBP requests comment on the cost to return undeliverable mail.

As discussed in the CBP subsection above, the number of inspections might increase under the rule, though not necessarily. If inspections of postal shipments do increase, then CBP would ask USPS to hold more of these shipments so that CBP can inspect them. An increase in holds could result in further costs to USPS, due to the greater need for warehouse space and the change in USPS processes needed to hold more shipments.

Filers

This subsection describes the costs of the rule to individuals and businesses that file entries. CBP expects that in both the baseline and regulatory scenario most entries would be filed by a broker hired by the owner, purchaser, or consignee. However, an owner or purchaser of a shipment is allowed to file entry themselves if they so choose.

Earlier Filing Deadline

Under this rule, filers would have to comply with an earlier filing deadline for ET11 entries. In the baseline, entry must be made for ET11 within 15 days of the shipment's arrival. Under the rule, the entry data would need to be submitted upon or prior to the shipment's arrival. CBP took a random sample of 392,473 ET11 entries from September to November of 2025 and calculated the number of days between the entries' arrival in the United States and their entry filing dates.[32] Only 0.4%

[29] Obtained from USPS on April 22, 2026.

[30] Obtained from USPS on September 9, 2026.

[31] Obtained from USPS on April 22, 2026.

[32] The random sample was approximately 3% of the total population. Each entry has an 11-digit entry number. As the last few digits of the entry number are not correlated with any relevant variables, CBP selected a random 3% of ET11

Continued

of entries were filed before the day of arrival. However, 26.6% of entries were filed the day of arrival, and 25.0% were filed the day after. Therefore, just over half of ET11 entries need to be submitted only a day or two earlier to conform with the earlier deadline.

Table 8: Distribution of Days between Arrival and Entry

Days between arrival and entry	Share of sample
<0 (entry preceded day of arrival)	0.4%
0	26.65%
1	25.03%
2	7.41%
3	2.91%
4	1.83%
5	1.25%
6	1.05%
7	1.01%
8	0.57%
9	0.47%
10	0.36%
11	0.89%
12	0.98%
13	5.96%
14	6.47%
15	1.76%
>15	14.99%

Note: Distribution based on random sample of 392,473 ET11 entries between September and November of 2025. Data obtained from ACE database on December 12, 2025.

As for the entries that are filed later, CBP does not know what the costs of the new deadline would be. According to CBP subject matter experts, most of the time, the entry data is available to filers before arrival, so filers simply need to submit the data to CBP earlier. However, there could be cases in which obtaining the data earlier is difficult, and the filers and their clients may need to adjust their business processes in meaningful ways to comply with the earlier filing deadline. The earlier deadline could even result in filers needing to invest in more staffing overseas. If a filer's standard procedure in the baseline is to read the package labeling of a shipment that has arrived in the United States and then use that information to submit entry data, then that process would no longer work under the rule. Instead, the filer may need to employ more people abroad so that they can look at the shipment before it leaves for the United States to be able to make entry before the shipment's arrival. While CBP is unable to quantify these costs, it acknowledges that they could be significant, even for filers who typically make entry shortly after arrival in the baseline. CBP requests comment from the public on the magnitude of the costs of the proposed earlier filing deadline.

The rule would have an ambiguous effect on shipping times. If shippers do not believe that the transit time will be sufficient to gather and submit the necessary data, they could choose to delay shipment, perhaps by holding the goods in warehouses in the country of origin while the different parties prepare the entry data. This warehousing on the front end would increase the total shipping time and costs. On the other hand, the earlier filing deadline could have the advantage of causing the merchandise to be released sooner and therefore be delivered sooner. However, even if the latter effect prevails, any benefit from this change will be less than the cost of filing entry earlier. If the benefit to trade members exceeded the cost of filing entry upon or prior to arrival, then filers would have already chosen to do so in the baseline, as they have always had that option. Still, this effect may mitigate the costs of having to file data sooner. CBP requests comment on the impact of the earlier filing deadline on shipping times and whether it varies by mode of transport.

The change to the entry deadline could also affect how soon filers need to complete entry summary. The entry summary deadline would still be 10 days after release of the entry, just as before the rule, but since the release of merchandise is conditioned partly on the entry being filed and partly on the merchandise's arrival, the earlier deadline for filing entry would mean that some merchandise would be released sooner. As a result, entry summary would sometimes be due sooner than it is under the baseline. To the extent that having to submit entry summary sooner would be an inconvenience to filers and their clients, this effect would be another cost of the

entries by selecting all ET11 entries with an entry number ending in 11, 22, or 33, which are 3 of the 100 possible combinations of last 2 digits. The data was pulled from the ACE database on December 12, 2025.

rule, though one that CBP cannot quantify.

Electronic Submission

The rule would require ET11 and ET13 entries to be submitted electronically instead of on paper, which would let CBP avoid manually entering information into ACE. Most informal entries are already filed electronically, but some are not. From September 1, 2025, to May 31, 2026, 73,534 ET11 entries were submitted manually, out of 52,450,418 ET11 entries in total (or 0.14%).[33] As discussed in the Cost Savings section, there are some advantages to filers of submitting forms electronically. However, the fact that some filers choose to submit forms manually means that electronic submission is not their first choice and that CBP requiring electronic filing could result in a net cost to them. Otherwise, those filers would likely have already switched to electronic filing before the rule, though it is possible that inertia is the only reason they had not already converted to electronic filing. CBP requests comment on this matter.

Additional Data Requirements

Under the rule, ET11 entries would be required to include one additional data element, the final deliver-to party, which would include both the name and address of the final deliver-to party if distinct from the ultimate consignee. Filers would have to update their business practices to obtain this name and address from their clients or other entities, along with the usual entry information. CBP expects that there would be some costs of transitioning to this new method but that the time burden of gathering and submitting data for each ET11 entry would be unchanged once filers have transitioned to the new process. CBP expects that filers would request this new data element from their clients and receive it at the same time that they request and receive the rest of the entry data. Therefore, adding the final deliver-to party as a required data element would have a negligible effect on the time burden of making entry.

ET13 entries would require the same data as ET11, as well as two additional data elements: the tracking number and the shipper or sender. The ET13 process would therefore require more data than the informal postal process used in the baseline. For example, the international mail duty worksheet does not require brokers submitting the worksheet to identify the different parties involved in a shipment, such as the importer of record or consignee. The filers of ET13 entries would likely obtain the tracking numbers from the foreign postal operators (FPOs), which generally already submit the tracking numbers to USPS. Again, CBP expects that filers would incur costs in changing their operations to regularly obtain the tracking number and shipper or sender, but CBP assumes that the average time burden for ET13 entries would be the same as for ET11 entries.

Filers would also need to make changes to their electronic systems so that they can transmit data for the new ET13 process and the added data elements required for ET11 under the rule. CBP does not have data to estimate what the total costs of the programming changes would be for filers, but notes that filers and their software providers regularly make updates to comply with shifting requirements and this change could likely be done in conjunction with those changes at a relatively low additional cost. The new data requirements could also increase the time it takes to ship postal shipments, as the FPOs might require customers to provide the additional data to a filer before accepting the package, thereby delaying the shipping date.

Importers and Senders

Certain costs may fall directly on the importer or on the sender, depending on the circumstances. For example, either the importer or the sender could be the one to hire a broker to file entry, and the party that hires the broker would pay the broker fees, though the other party could ultimately bear some share of those costs. Therefore, CBP groups the costs to importers and the costs to senders into this single subsection.

Broker Fees and Data Requirements

As a result of the rule, the importer or sender of a postal shipment would have to submit more data and spend more on broker services. Under the rule, informal postal entries would need to be entered as ET13, which has similar data requirements as ET11. CBP assumes that all importers or senders of ET13 entries would resort to hiring a broker, since brokers have the expertise to determine product classification and handle various entry requirements. In the baseline, most IMD worksheets are submitted by brokers, and these IMD worksheets would be replaced by the ET13 process in the regulatory scenario. The ET13 process is more demanding for brokers than the current informal postal entry process because under the ET13 process the broker has to submit more data, the data must be submitted earlier, a form must be submitted for each individual entry, and CBP is able to more carefully monitor the data, holding the filers to a high standard of accuracy. As a result, CBP assumes that brokers would charge their customers a significantly higher fee per entry than what they charge for the monthly IMD worksheet as compensation for their higher effort. For the increase in the average broker fee per entry, CBP uses as its estimate the express commercial carriers' brokerage fee estimate found in Fajgelbaum and Khandelwal (2024),[34] which is $30 per shipment.[35] From September 2025 through May 2026, postal shipments with a value of less than or equal to $30 made up 79% of all postal shipments by volume but only 16% by value.[36] Brokerage fees can be much higher for large formal entries, but because this rule would only affect informal entries, which must be $2,500 or less, CBP uses a lower fee estimate. The ultimate cause of the increase in broker fees would be the increased labor necessary to make entry for postal shipments, and it is through the broker fees that this cost would be shifted from the brokers who are doing the work to the brokers' clients. Additionally, importers or senders of postal shipments would have to begin providing the additional data needed to fill out CBP Forms 3461 and 7501 for entry and entry summary, respectively. The time burden for CBP Form 3461 is 10 minutes,[37] and the burden for CBP Form 7501 is 5 minutes. CBP's estimate for the average hourly wage of importers and senders is $38.88.[38] The average

[33] Source: count of manual ET11 entries obtained from OT on June 10, 2026; total count of ET11 entries obtained from OT on July 10, 2026.

[34] Fajgelbaum, P.D. and A. Khandelwal. (2024). ''The Value of De Minimis Imports.'' National Bureau of Economic Research Working Paper No. 32607.

[35] In the paper cited, CBP takes ''shipment'' to mean merchandise belonging to a single entry.

[36] Based on statistics obtained from CBP Office of Trade on July 15 and September 8, 2026.

[37] CBP uses the time burden of the electronic equivalent of CBP Form 3461 for its estimates in this analysis.

[38] To calculate this loaded wage rate CBP multiplied the Bureau of Labor Statistics' (BLS) 2025 median hourly wage rate for Cargo and Freight Agents ($25.13), which CBP assumes best represents the wage for importers and exporters, by the ratio of BLS' Q4 2025 total compensation to wages and salaries for Office and Administrative Support occupations (1.497), the assumed occupational group for importers and exporters, to account for non-salary employee benefits, ($37.62 in 2025 dollars). To adjust to 2026 dollars, CBP assumes an annual increase of 3.36% based on the December 2025 12-month percent change in the Employment Cost Index. Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment and Wage Statistics, 2025 National Occupational Employment and Wage Estimates United States, OCC_code 43–5011. Updated May

Continued

costs of the time burdens for submitting CBP Forms 3461 and 7501 are therefore $6.48 and $3.24. Therefore, the combined cost of the broker fee and the time burdens of submitting CBP Forms 3461 and 7501 would total $39.72 for an ET13 entry. CBP applies the average broker fee and time burden costs of ET13 entries to the projected number of postal shipments during the regulatory period, found in Table 5, to calculate the total annual costs to importers associated with the new ET13 process. Table 9 displays the annual costs starting in 2027, when the rule would take effect.

Table 9: Costs of ET13 Entry Process to Importers and Senders

Year	Broker fees	CBP Form 3461 burden	CBP Form 7501 burden
2027	$865,813,903	$187,015,803	$93,507,901
2028	$765,094,935	$165,260,506	$82,630,253
2029	$676,092,470	$146,035,973	$73,017,987
2030	$597,443,542	$129,047,805	$64,523,902
2031	$527,943,737	$114,035,847	$57,017,924
2032	$466,528,752	$100,770,210	$50,385,105
2033	$412,258,090	$89,047,747	$44,523,874
2034	$364,300,660	$78,688,943	$39,344,471
2035	$321,922,054	$69,535,164	$34,767,582

While CBP assumes for this analysis that the costs in Table 9 would fall entirely on importers and senders, the incidence of the fees is determined by the relative price elasticities of supply and demand. The importers, the senders, the final deliver-to parties, and the brokers would share the incidence of these costs to varying extents. How much of the incidence each party would bear would depend on the relevant price elasticities of supply and demand, which CBP is unable to estimate for this analysis. The costs would result to some extent in reduced quantity demanded and ultimately deadweight loss, which is discussed in a later subsection.

Basic Importation and Entry Bond Required for Informal Entries

A basic importation and entry bond would be required under the rule for ET11 and ET13 entries. Because a bond is already required under the current informal postal entry process, CBP does not expect the bond requirement for ET13 entries to result in additional costs. The bond requirement for ET11 entries, on the other hand, would be new. This change would therefore result in costs for the importers of record of ET11 entries, as the importer of record is the party whose bond is obligated. Although a basic importation and entry bond is not currently required for all ET11s, most ET11 entries are secured by a bond. From August 1, 2025, to July 31, 2026, about 2.3 million ET11 entries were entered without a bond,[39] which is only 3.31% of CBP's projected annual ET11 entries for 2026. Bonds are already common because a continuous bond is required for IORs who want to pay duties, taxes, and fees on a periodic monthly statement.

An importer of record can choose to use either a continuous bond or a single transaction bond. A continuous bond secures all entries during a period of up to one year and renews automatically for successive one-year periods, while a single transaction bond can only be used for a single entry. For importers using a continuous bond, CBP requires a bond equal to at least 10% of last year's duties, taxes, and fees or, if the importer is new, 10% of the anticipated duties, taxes, and fees to be paid in the upcoming year. The continuous bond must also be at least $50,000. A single transaction bond is generally an amount not less than the total entered value of the merchandise, plus any duties, taxes, and fees. In the baseline, a single transaction bond must be at least $100. Under the proposed rule, CBP could raise the floor to $1,000, which would equal the minimum liquidated damages under the rule.

The cost of a bond to an importer is not the amount of the bond but rather the bond premium that the importer would pay to the surety. Based on information gathered from 12 broker websites, the average premium for a $50,000 bond is $441.52. The average premium is therefore 0.883% of the bond amount for minimum continuous bonds. CBP assumes that this rate holds for continuous bonds over $50,000 as well. Based on information gathered from six broker websites, the average broker charges a premium of $4.917 per $1,000 for single transaction bonds, with a minimum premium of $54.167. CBP assumes for its calculations that the rate of $4.917 per $1,000, or 0.4917%, is applied continuously rather than at intervals of $1,000. Due to the minimum premium of $54.167, a single transaction bond of $1,000 has the same premium as one of $100. Hence, whether the floor for a single transaction bond stays at $100 or is raised to $1,000 under the rule has no effect on the estimated cost of the bond requirement.

15, 2026. Available at *https://www.bls.gov/oes/special-requests/oesm25nat.zip.* Accessed May 21, 2026. The total compensation to wages and salaries ratio is equal to the total compensation cost per hour worked for Office and Administrative Support occupations ($37.47) divided by the wages and salaries cost per hour worked for the same occupation category ($25.03). See ''Table 2. Employer Costs for Employee Compensation for civilian workers by occupational and industry group.'' Bureau of Labor Statistics, ''Employer Costs for Employee Compensation—December 2025.'' Released March 20, 2026. Available at *https://www.bls.gov/news.release/archives/ecec_03202026.pdf.* Accessed May 21, 2026. Source of Employment Cost Index: Bureau of Labor Statistics ''Employment Cost Index, Continuous data.'' Data used was for civilian workers, total compensation for all industries all occupations current dollar index number. December 2025 Index (173.64), December 2024 Index (168.0). CBP estimates a 3.36% (173.64/168.0–1) increase in 2025. Updated April 30, 2026. Available at *https://www.bls.gov/eci/tables.htm.* Accessed May 21, 2026.

[39] Source: Based on data obtained from ACE database on August 3, 2026.

To estimate the annual cost of the bond requirement, CBP used data on bondless ET11 entries from August 1, 2025, to July 31, 2026, to estimate the cost to each importer of record of importing those same entries with a bond.[40] CBP estimated the cost to each importer of using a continuous bond or single transaction bonds and then determined which was the cheaper option for each importer. The continuous bond amount was based on the duties, taxes, and fees paid over that same time period, with a floor of $50,000. Of the 68,701 importers of record that imported an ET11 entry without a bond, a continuous bond would have been cheaper for 14% of those importers, while single transaction bonds would have been cheaper for the other 86%. Despite making up only 14% of the group, those importers for whom a continuous bond would have been cheaper made 96% of bondless ET11 entries. Table 10 shows the total bond amount and total bond premium of the ET11 entries for each bond type. Overall, the average bond premium for ET11 entries that would be entered without a bond in the baseline would be $3.99, but this average masks some significant variation. For importers of record who would have chosen single transaction bonds as the cheapest option, the average bond premium per ET11 entry would be $55.57, while the importers who would have chosen a continuous bond as the cheapest option would have incurred an average bond premium per ET11 entry of $1.95.

Table 10: Counterfactual Bond Amounts for Bondless ET11 Entries under Proposed Rule

Bond type	Total bond amount	Total bond premium	Entry count
Continuous	$493,351,996	$4,356,504	2,235,243
Single	$189,208,229	$4,919,980	88,533
All bonds	**$682,560,225**	**$9,276,484**	**2,323,776**

Note: the figures in this table assume that CBP would raise the floor for single transaction bonds from $100 to $1,000 under the rule. If the floor were to remain at $100, the bond premiums would be the same, but the total bond amount for single transaction bonds would be $160,184,598, not $189,208,229.

Based on the above calculations, CBP estimates that adding a bond requirement for ET11 entries would have resulted in an additional cost to importers of record of $9,276,484 at the present level of shipping activity. Because CBP projects that the annual ET11 entry count will continue to grow at 3.14%, CBP applies this growth rate to the total bond premium to project the cost of the rule's bond requirement over the period of analysis, starting in 2027 when the rule would take effect. These annual costs are shown in Table 11.

Table 11: Projected Costs Resulting from Bond Requirement under Proposed Rule

Year	ET11
2027	$9,567,906
2028	$9,868,484
2029	$10,178,504
2030	$10,498,263
2031	$10,828,068
2032	$11,168,233
2033	$11,519,085
2034	$11,880,959
2035	$12,254,202

Unentered Informal Postal Entries

The rule would set the voluntary abandonment deadline for ET13 entries at the expiration of a 15-day period, meaning that postal shipments that are unentered 15 days after arrival would be deemed to be voluntarily abandoned. This deadline is stricter than the abandonment deadline for ET11 entries, which is 6 months after arrival. Postal shipments under the baseline process have a 30-day window for which USPS holds items for pickup, and if not picked up, the items are abandoned or returned. Currently, only a very small volume of items are not picked up during this window. Under the rule, however, USPS anticipates a significant number of shipments would be deemed abandoned after 15 days because no entry would be filed for them under the new process. Hence, under the rule some importers may not receive their shipments due to the 15-day voluntary

[40] Source: Data obtained from ACE database on August 3, 2026.

abandonment deadline combined with the more demanding entry process.

Carriers

Carriers would need to provide tracking numbers for postal shipments on the manifest. Those tracking numbers would be the same as what the brokers provide for ET13 entries and what FPOs already provide to CBP for postal shipments. The carriers therefore would have to update their business practices so that they obtain the tracking number from the broker, the FPO, or some other source through the normal course of business. CBP requests comment on how costly the change in procedure would be for the carriers. Besides the costs that carriers would incur in updating their procedures, CBP also expects this new data element to add 1 minute to carriers' time burden of submitting manifests.[41] To calculate the value of this added time burden, CBP uses an hourly wage of $38.88.[42] The average cost of the time burden to carriers is therefore $0.65 per postal entry. Based on the forecasted postal entry counts in Table 5, CBP calculates the cost burden to carriers under the rule, shown in Table 12.

Table 12: Cost Burden to Carriers of Tracking Number Requirement

Year	Cost
2027	$18,701,580
2028	$16,526,051
2029	$14,603,597
2030	$12,904,780
2031	$11,403,585
2032	$10,077,021
2033	$8,904,775
2034	$7,868,894
2035	$6,953,516

Deadweight Loss

Although this analysis assumes in its calculations that the quantity of imports would be unaffected by the rule, it is likely that the improved duty collection rate for postal shipments (discussed further in the Transfers section) and the various costs for postal and ET11 entries resulting from the rule would cause importers to import less. This decrease in imports would correspond to a cost to society in the form of deadweight loss. While some of these goods would not be imported under the rule, the fact that they would be imported in the baseline means that the benefit of those imports to importers exceeds the cost of producing those goods, shipping them, and complying with the baseline entry process. Were importers to decide not to import some of those shipments as a result of the rule, society would be missing out on the net gains from trade that would have occurred with those shipments. The deadweight loss from the rule is the total value of this lost surplus. While CBP lacks the data to estimate deadweight loss in this analysis, this could be an important cost of the rule. Also, to the extent that there would be deadweight loss under the rule due to a decrease in imports, there would be a smaller increase in government revenue, bond premiums, broker fee payments, and any other per-unit or per-value costs that CBP estimates here, as there would be fewer shipments.

While CBP cannot estimate the deadweight loss from the rule or how the change in import quantity would affect the other cost estimates, the results from one research paper could be used to approximate the magnitude of the cost to consumers when factoring in deadweight loss. In Fajgelbaum and Khandelwal (2024) (denoted here by F&K) the authors estimate the loss to consumer welfare, including deadweight loss, that would have occurred in 2021 had the *de minimis* exemption been terminated that year.[43] In the paper's model, ending *de minimis* would have resulted in more goods being subject to duties and in consumers paying an ''administrative fee'' to a logistics company (similar to broker fees in this analysis), with the fee

[41] U.S. Customs and Border Protection. *Supporting Statement for Paperwork Reduction Act Submission OMB Number 1651–0001: Cargo Manifest/Declaration, Stow Plan, Container Status Messages, and Importer Security Filing.*

[42] To calculate this loaded wage rate CBP multiplied the Bureau of Labor Statistics' (BLS) 2025 median hourly wage rate for Cargo and Freight Agents ($25.13), which CBP assumes best represents the wage for carriers, by the ratio of BLS' Q4 2025 total compensation to wages and salaries for Office and Administrative Support occupations (1.497), the assumed occupational group for carriers, to account for non-salary employee benefits, ($37.62 in 2025 dollars). To adjust to 2026 dollars, CBP assumes an annual increase of 3.36% based on the December 2025 12-month percent change in the Employment Cost Index. Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment and Wage Statistics, 2025 National Occupational Employment and Wage Estimates United States, OCC_code 43–5011. Updated May 15, 2026. Available at *https://www.bls.gov/oes/special-requests/oesm25nat.zip.* Accessed May 21, 2026. The total compensation to wages and salaries ratio is equal to the total compensation cost per hour worked for Office and Administrative Support occupations ($37.47) divided by the wages and salaries cost per hour worked for the same occupation category ($25.03). See ''Table 2. Employer Costs for Employee Compensation for civilian workers by occupational and industry group.'' Bureau of Labor Statistics, ''Employer Costs for Employee Compensation—December 2025.'' Released March 20, 2026. Available at *https://www.bls.gov/news.release/archives/ecec_03202026.pdf.* Accessed May 21, 2026. Source of Employment Cost Index: Bureau of Labor Statistics ''Employment Cost Index, Continuous data.'' Data used was for civilian workers, total compensation for all industries all occupations current dollar index number. December 2025 Index (173.64), December 2024 Index (168.0). CBP estimates a 3.36% (173.64/168.0–1) increase in 2025. Updated April 30, 2026. Available at *https://www.bls.gov/eci/tables.htm.* Accessed May 21, 2026.

[43] Fajgelbaum, P.D. and A. Khandelwal. (2024). ''The Value of De Minimis Imports.'' National Bureau of Economic Research Working Paper No. 32607.

estimated at $30 for some of their calculations. Unlike in F&K, the regulatory action considered in this analysis is not the suspension of *de minimis,* which has already been suspended, but the replacement of the current informal postal process with the ET13 process, which would result in an estimated $30 broker fee and a time burden with a total value of $9.72 to submit entry form information for informal postal shipments, along with an increase in duty payments for the postal shipments that are noncompliant in the baseline but compliant under the rule. The regulatory action considered in F&K is therefore not the same as the regulatory changes proposed here. However, there are similarities. Both changes would involve a new per-shipment fee of $30, and both would apply to low-value shipments. The average value of a *de minimis* shipment in 2021 was $56.38, while the average value of postal shipments from September 2025 to May 2026 was $48.29. The value of the new time burden for informal postal entries, $9.72, is 20% of the average postal values, which is close to the average duty rate used by F&K based on CBP data, with Table 3 in F&K showing the average duty rate range from about 23% for the poorest zip codes to about 16% for the richest zip codes. Besides the precise cost increases being slightly different, the key differences between F&K and this analysis are that the regulatory changes in this rulemaking would only apply to postal shipments and that the duty revenue in F&K would be rebated back to consumers, whereas the cost of the time burden to submit CBP Forms 3461 and 7501 would be a pure loss. Still, the similarities between the two regulatory actions considered mean that F&K results about consumer welfare loss could be informative for assessing the scale of consumer welfare loss from this rulemaking.

Using CBP import data and an estimated administrative fee of $30, F&K estimate that the consumer welfare losses of ending *de minimis* in 2021 would have equaled $20.8 billion that year. The value of *de minimis* imports that year was $43.5 billion, meaning that the estimated consumer welfare losses were 47.8% of baseline consumer spending on the *de minimis* goods. CBP applies that 47.8% figure to informal postal imports here. From September 2025 to May 2026, the value of informal postal shipments was $1,179,693,422. At that rate, the total value imported in 2026 would be $1,577,245,784. Applying the CAGR of −11.63% discussed in the Projected Entry Counts section, CBP estimates that the value of informal postal imports in 2027 in the baseline would equal $1,392,823,929. If the relative consumer welfare losses were the same here as in F&K's estimate for ending *de minimis* in 2021, then, multiplying the value of postal informal imports by 47.8%, the losses would equal $666 million in 2027. To be clear, this consumer welfare loss of $666 million is not an additional cost that should be added to the estimated $1.2 billion cost to importers and senders in 2027. Rather, it is an alternative estimate of the total cost to that group. And while the $666 million is too inaccurate to use in this analysis due to the differences between this rulemaking and the regulatory action considered in F&K, it is true that a cost estimate that factors in deadweight loss from decreased imports should produce a total cost estimate less than the one estimated in this rulemaking. That is because CBP assumes in this analysis that the rule would not affect import quantity. To the extent that imports would fall as a result of the rule, the total cost of the rule would be lower than CBP's estimate because fewer imports would mean less money spent on broker fees and less time spent submitting CBP Forms 3461 and 7501. The resulting deadweight loss from decreased imports would not be large enough to outweigh those effects, or else importers would not choose to import less in the first place.

Total Costs

The quantified costs of the rule would include the cost to CBP of programming changes and reviewing more submissions of CBP Forms 3461 and 7501, the cost to USPS of updating its electronic systems, the cost to importers and senders resulting from new data requirements for postal shipments and the added bond requirements for informal entries, and the cost to carriers of supplying the tracking number on manifests for postal shipments. These costs and their totals are shown in Table 13 and Table 14 from 2026 to 2035. Due to data limitations, CBP is unable to quantify other costs that would result from the rule. These unquantified costs include the cost to USPS for storing, designing, and implementing storage and retrieval processes, and returning undeliverable goods, and the cost to brokers of earlier filing deadlines, updating electronic systems, switching to electronic submission of entry forms, and making changes to business practices to get extra data elements for ET11 and postal shipments. Our unquantified costs to importers are the deadweight loss from reduced imports. While CBP is unable to estimate these costs, it acknowledges that some of them, in particular the change in the filing deadlines, could be significant.

Table 13: Total Quantified Costs to Each Group

Year	CBP	USPS	Importers and Senders	Carriers
2026	$1,850,639	$16,000,000	$0	$0
2027	$688,104,532	$1,000,000	$1,155,905,513	$18,701,580
2028	$608,089,990	$1,000,000	$1,022,854,178	$16,526,051
2029	$537,384,415	$1,000,000	$905,324,934	$14,603,597
2030	$474,904,939	$1,000,000	$801,513,512	$12,904,780
2031	$419,694,662	$1,000,000	$709,825,576	$11,403,585
2032	$370,908,000	$1,000,000	$628,852,301	$10,077,021
2033	$327,797,737	$1,000,000	$557,348,796	$8,904,775
2034	$289,703,578	$1,000,000	$494,215,034	$7,868,894
2035	$256,042,044	$1,000,000	$438,479,001	$6,953,516

Table 14: Total Quantified Costs

Year	Total Costs
2026	$17,850,639
2027	$1,863,711,626
2028	$1,648,470,218
2029	$1,458,312,946
2030	$1,290,323,232
2031	$1,141,923,823
2032	$1,010,837,323
2033	$895,051,308
2034	$792,787,506
2035	$702,474,562

Benefits

This rule would help prevent unlawful importations, increase trade enforcement, and improve trade compliance. These benefits would result from the improvements in CBP's targeting of violative shipments and in trade members' increased compliance with regulations. CBP would be able to target violative shipments more accurately and efficiently because CBP would receive more data and because entry data would arrive sooner and be more reliable. Under the current informal postal entry process, importers do not have to provide as much information to CBP as they would have to if they had been filing ET11 entries. Under the new ET13 process for postal shipments, importers would have to provide the same information as for ET11 entries, as well as the postal tracking number and the shipper or sender. Among other data elements, CBP would receive information regarding the various parties involved with the postal shipment, which would be helpful in targeting higher risk shipments. Importers would also start providing the final deliver-to party for ET11 entries if distinct from the ultimate consignee. Because the new entry filing deadline would be the time of arrival rather than 15 days after arrival, CBP would receive the entry data sooner, which would also help with targeting.

CBP believes entry data would become more reliable under the rule due to the new bond requirement for informal entries and the new minimum liquidated damages amount of $1,000 for informal entries. In the past, for informal entries not secured by a bond, when CBP discovered a discrepancy between the data submitted by the filer and the actual contents of the shipment, such as misclassification or undervaluation, CBP was unable to assess liquidated damages for the breach of the bond. With the added bond requirement, liquidated damages would impose a financial consequence for breaching the bond, so CBP expects that the entry data would be more reliable. Liquidated damages are often calculated based on the value of the merchandise, which means that the damages are small when the merchandise has a low value. With the new minimum liquidated damages amount of $1,000 for informal entries, compliance with entry regulations could improve for low-value shipments.

Because of all the new data that would be submitted for ET13 entries that is not required in the current informal postal entry process, the largest security improvements under the rule are expected to occur in the postal environment. Carriers would provide the same tracking numbers for postal shipments that the brokers would be providing on the ET13 entry forms. By matching the tracking number provided by the carrier on the manifest to the tracking number provided by the filer for the entry, CBP would be able to connect the entry information to the manifest information and know when different postal shipments arrived in the United States.

The postal environment is a useful one to target, as postal shipments have a much higher seizure rate than other entry types. Based on data from FY 2024, Table 15 shows the number of seizures per million entries for postal *de minimis,* non-postal *de minimis,* ET11, and ET01 shipments. The total seizure rate is 6.6 times higher for postal *de minimis* than ET11 shipments, which has the next highest seizure rate. The narcotics seizure rate in particular is 17.6 times higher for postal *de minimis* entries than for ET11. Non-postal *de minimis* entries had a narcotics seizure rate similar to that of ET11, but many of the non-postal *de minimis* entries were ET86 entries, which had similar data requirements as ET11 entries. CBP believes the postal seizure rates are high because bad actors knew that mail had lower data requirements, which limited CBP's ability to identify which packages to search. Under the rule, CBP would receive much more data for postal shipments than it did in the baseline and would receive this data sooner. By requiring the same data elements as ET11 historically did and by adding new data elements, CBP would have the information needed to effectively target for narcotics and other prohibited items. Similarly, CBP believes that the bond requirements and the earlier filing deadlines would aid CBP in targeting narcotics and other illicit goods in both the postal and ET11 environments. By closing the data gap in postal

shipments, this rule would lead to a significant improvement in the interdiction of drugs and other violative merchandise.

Table 15: Seizures per Million Entries, FY 2024

Seizure Type	Postal *de minimis*	Non-Postal *de minimis*	ET11	ET01
Health and safety	41.8	7.8	29.8	15.5
Counterfeit goods	91.8	19.3	18.3	23.2
Narcotics	277.8	14.5	15.8	2.6
Prohibited items	147.6	5.7	20.4	25.0
Total	**558.9**	**47.3**	**84.3**	**66.3**

Note: Seizure counts obtained from OT on September 25, 2025, and October 19, 2025. *De minimis* entry counts obtained from OT on September 26, 2025. ET01 and ET11 entry counts obtained from ACE database on October 3 and October 6-8, 2025.

The rule would also force more senders and importers of postal shipments to comply with CBP's entry requirements. Currently, among the postal shipments that have forms submitted, almost all are entered through the informal postal process, using the IMD worksheet, while a negligible number of postal shipments are entered through formal entry. From September 2025 to May 2026, 24.4 million postal shipments were sent to the United States, but only 16.4 million postal shipments, or 67%, were entered through an informal or formal entry process. Postal shipments do not have to be entered through the current informal postal entry process or formal entry if they qualify as gifts and are eligible for the *de minimis* gift exemption under 19 U.S.C. 1321(a)(2)(A), which would exempt them from data entry requirements. However, CBP believes that the share of postal shipments that qualify as gifts is much lower than 33% and that most of the postal shipments sent without entry data were not complying with the existing regulations. CBP automatically releases most postal shipments with the expectation that the shipment will later be reported on an IMD worksheet, but the senders or importers do not always do so. Under the rule, however, entry data would have to be submitted prior to arrival, and carriers would have to submit the tracking number on the manifest, which is already required on the entry forms. Thus, CBP could use the tracking number on the manifest to check whether entry has been made for that postal shipment, and CBP could refuse to automatically release shipments that have not yet made entry. CBP could then also require that some postal shipments qualifying as gifts only be released manually after an officer reviews the shipment manifest. These changes would lead to a much higher share of postal shipments submitting entry data to CBP, which would further improve CBP's ability to screen for violative shipments.

The increase in entry filings would also allow CBP to collect duties on more postal shipments. After all, a postal shipment that arrives without entry forms ever being submitted is likely avoiding duty payments as well. CBP considers improvements in the enforcement of existing duties a benefit because consistent enforcement allows compliant members of the trade to follow the rules without being put at a disadvantage. On the other hand, the increase in government revenue that would result from a stricter enforcement of duties is counted as a transfer, not a benefit, as the loss to the duty-payers equals the gain to the U.S. government. CBP estimates the revenue increase in the Transfers section below.

Cost Savings

Electronic Submission

This rule would make the importation process more efficient for CBP. ET11 entries and the new ET13 entries would have to be submitted electronically. In the baseline, filers (except for express carriers) who submit entry forms manually are charged a higher fee because of the increased burden for CBP. The fact that some filers are willing to pay the fee and submit entry manually means that the burden reduction for CBP under the rule would be less than the cost to the filers. Hence, CBP does not count the cost savings from the shift to electronic submissions by non-express carrier filers, who CBP projects would submit 201 entries manually per year in the baseline.[44] As for express carriers, CBP charges them the same fee regardless of whether they submitted the forms manually or electronically, even though the added burden to CBP of handling manual entries is probably the same as with other filers. Hence, the express carriers do not internalize the added cost to CBP of processing manual entries, and therefore those carriers' decision to submit forms manually does not mean that the convenience of manual submission to them is greater than the cost to CBP. Therefore, CBP counts the burden reduction to CBP of express carriers switching to electronic submission as cost savings of the rule.

From September 1, 2025, to May 31, 2026, express carriers submitted 73,384 manual submissions for ET11 entries.[45] At that rate, 98,114 manual ET11 entries would be filed by express carriers in a year. CBP assumes that manual ET11 entries would grow at the same rate as all ET11 entries in the baseline, which is projected to be 3.14%, as discussed in the Projected Entry Counts section. CBP charges non-express carriers a fee of $8.06 for manual submissions and $2.69 for electronic submissions.[46] CBP uses the difference in the two fees, $5.37, as a proxy for the extra cost to CBP of handling manual submissions. Multiplying $5.37 by the projected annual ET11 entries submitted manually, CBP calculates the cost

[44] Non-express carriers submitted 150 manual ET11 entries from September 2025 to May 2026, and CBP assumes for the projections that this rate would hold constant in the baseline. Source for manual entry count: obtained from OT on June 10, 2026.

[45] Source: obtained from OT on June 10, 2026.

[46] Source: CBP, *User Fee Table,* last modified October 6, 2025. Available at *https://www.cbp.gov/trade/basic-import-export/user-fee-table.* Accessed December 12, 2025

savings to CBP of express carriers switching to electronic submissions, shown in Table 16. The cost savings would start in 2027, when the rule would take effect.

Table 16: Projected Cost Savings to CBP from Electronic Submission Requirement

Year	Manual express ET11 entries in baseline	Cost savings to CBP
2027	101,196	$543,425
2028	104,376	$560,497
2029	107,654	$578,105
2030	111,036	$596,266
2031	114,525	$614,998
2032	118,123	$634,318
2033	121,833	$654,245
2034	125,661	$674,798
2035	129,608	$695,997

The requirement to submit ET11 entries electronically instead of manually would also result in some time savings for filers who are not express carriers. CBP estimates that the time burden to submit forms electronically is 5 minutes lower for CBP Form 3461[47] and 10 minutes lower for CBP Form 7501[48] compared to manual submission. Moreover, electronic submissions require less time to handle on CBP's part, as indicated by the merchandise processing fee (MPF) being lower for electronic submissions than for manual submissions. However, such filers already have the option to file electronically. The fact that some choose to file manually despite the time savings of electronic submission means there are hidden costs to these filers of switching to electronic submission that are even higher than the cost savings. Hence, CBP does not count the cost savings that would result from requiring electronic submission as part of the cost savings of this rule. Gross savings would result from the fact that the time burden to submit forms electronically is 5 minutes lower for CBP Form 3461 and 10 minutes lower for CBP Form 7501 compared to manual submission, as well as the fact that electronic submissions require less time to handle on CBP's part, as indicated by the MPF being $5.37 lower for electronic submissions than for manual submissions. This difference between the MPF for electronic submissions and the MPF for manual submissions already exists, and the rule would not affect how CBP applies the MPF to submissions.

International Mail Duty Worksheet

Brokers, owners, and purchasers who are active in the postal environment would no longer have to submit a monthly IMD worksheet to CBP, as is required for the current informal postal entry process, and this change would yield some time savings.[49] Under the current informal postal entry process, each month, the owner, purchaser, or broker must report to CBP, among other data elements, the value, country of origin, and product classification of that month's imports and pay the corresponding duties owed. CBP estimates that, in the baseline, about 100 IMD worksheets will be submitted each month, with the worksheet taking 6 hours to complete.[50] The number of worksheet submissions is much lower than the number of postal entries because a broker can submit one IMD worksheet for multiple clients. Although CBP expects the number of postal shipments to fall throughout the regulatory period, it assumes that the annual number of IMD worksheet submissions would remain constant in the baseline scenario. Therefore, 7,200 hours would be spent each year submitting the worksheet in the baseline. Most filers of IMD worksheets are brokers, who have an average hourly wage of $38.88.[51] At that wage, the

[47] See CBP's time savings estimated for OMB Control Number 1651–0024, available at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202112-1651-003*.

[48] See CBP's time savings estimated for OMB Control Number 1651–0022, available at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202311-1651-004*.

[49] *See* E.O. 14324, § 4(c) (''Consistent with applicable law, the Secretary of Homeland Security is directed and authorized to take all necessary actions to implement and effectuate this order—including through temporary suspension or amendment of regulations or through notices in the **Federal Register** and by adopting rules, regulations, or guidance . . .''); 90 FR 42418, at 42419 (Sept. 2, 2025) (''CBP will provide separate guidance instructing carriers and other qualified parties on how to remit payments.''); CSMS Message No. 66311990 (Sept. 22, 2025).

[50] See Supporting Statement for Paperwork Reduction Act Submission OMB Number 1651–0147: International Mail Duty Worksheet. August 25, 2025. Available at *https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202508-1651-006*. Accessed December 12, 2025.

[51] To calculate this loaded wage rate CBP multiplied the Bureau of Labor Statistics' (BLS) 2025 median hourly wage rate for Cargo and Freight Agents ($25.13), which CBP assumes best represents the wage for importers, by the ratio of BLS' Q4 2025 total compensation to wages and salaries for Office and Administrative Support occupations (1.497), the assumed occupational group for importers, to account for non-salary employee benefits ($37.62 in 2025 dollars). To adjust to 2026 dollars, CBP assumes an annual increase of 3.36% based on the December 2025 12-month percent change in the Employment Cost Index. Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment and Wage Statistics, 2025 National Occupational Employment and Wage Estimates United States, OCC_code 43–5011. Updated May 15, 2026. Available at *https://www.bls.gov/oes/special-requests/oesm25nat.zip*. Accessed May 21, 2026. The total compensation to wages and salaries ratio is equal to the total compensation cost per hour worked for Office and Administrative Support occupations ($37.47) divided by the wages and salaries cost per hour worked for the same occupation category ($25.03). See ''Table 2. Employer Costs for Employee Compensation for civilian workers by occupational and industry group.'' Bureau of Labor Statistics, ''Employer Costs for Employee Compensation—December 2025.'' Released March 20, 2026. Available at *https://*

value of the time burden to the filers would be $279,936 per year. Because the rule would require informal postal shipments to be entered as ET13 entries, the IMD worksheet would no longer be necessary for the collection of postal duties, and filers would stop submitting it. Filers of IMD worksheets would therefore experience time savings of $279,936 per year under the rule. Just as brokers and other filers would no longer have to submit the IMD worksheet, CBP would no longer have to process the IMD worksheet. CBP estimates that processing an IMD worksheet takes 2 hours.[52] The average hourly wage of a CBP trade and revenue employee is $95.34.[53] As there would be 100 IMD worksheet submissions per month in the baseline, CBP estimates $228,816 to be the annual burden to CBP of processing IMD worksheets in the baseline or the annual cost savings to CBP under the rule.

Total Cost Savings

The total cost savings include the savings to CBP of no longer handling manual submissions of ET11 or processing IMD worksheets and the savings to filers of no longer submitting the IMD worksheet. The total cost savings are shown in Table 17, beginning in 2027 when the rule would take effect.

Table 17: Cost Savings

Year	CBP	Brokers	Total
2027	$772,241	$279,936	$1,052,177
2028	$789,313	$279,936	$1,069,249
2029	$806,921	$279,936	$1,086,857
2030	$825,082	$279,936	$1,105,018
2031	$843,814	$279,936	$1,123,750
2032	$863,134	$279,936	$1,143,070
2033	$883,061	$279,936	$1,162,997
2034	$903,614	$279,936	$1,183,550
2035	$924,813	$279,936	$1,204,749

Transfers

As discussed in the Benefits section above, CBP expects that the rule would lead to greater compliance with entry requirements in the postal environment. From September 2025 to May 2026, only 67.02% of postal shipments were entered through an informal or formal entry process, and the value of those postal shipments that had entry forms submitted was 74.96% of the total value of all postal shipments.[54] The postal shipments that did not have entry data submitted through CBP also most likely did not have duties paid to CBP. Therefore, if more postal shipments were entered properly, more duty payments would be made, and CBP would see an increase in duty revenue. To estimate the increase in duty revenue, CBP assumes that the share of postal shipments for which an entry is filed would rise from 67.02% to 100% under the rule and that the average duty rate is the same for postal shipments that would not file entry in the baseline as it is for postal shipments that would. To the extent that the first assumption is inaccurate, these calculations will overestimate the increase in duty revenue. To the extent that the second assumption is inaccurate, CBP's calculations could overestimate or underestimate the revenue increase.

Because postal informal shipments were not subject to all non-Section 122 duties until recently, CBP does not yet know the average duty rate paid for postal shipments that are reported on an IMD worksheet. Therefore, CBP assumes that the effective average duty rate is the same for postal entries as for ET11 entries. CBP took a sample of 392,312 ET11 entries from September to November of 2025 and calculated the total duties paid.[55] Dividing those duties ($23,846,464) by the total value of the goods in the sample ($160,675,653) yields 14.84%, the effective average rate of those duties. From September 2025 to May 2026, $1,179,693,422 worth of postal shipments arrived in the United States. At that rate, CBP calculates that $1,577,245,784 worth of postal shipments would arrive in the United States over one year.[56] Applying the duty rate of 14.84% to this total, CBP estimates that annual duties on postal shipments would be $234,084,842 under full compliance. If only 74.96% of postal entries by value comply with duty requirements, then the total annual duties collected on postal shipments would be $175,465,755. The increase in duty revenue that would result from the compliance rate rising to full compliance under the rule would therefore be $58,619,087. CBP assumes that −11.63%, the CAGR of postal entries over 2021–2024, is the rate at which annual duties on postal shipments would change over the regulatory period. Applying −11.63% growth to the additional annual duties of $58,619,087, CBP projects the additional duties on postal shipments under the rule during the regulatory

www.bls.gov/news.release/archives/ecec_03202026.pdf. Accessed May 21, 2026. Source of Employment Cost Index: Bureau of Labor Statistics ''Employment Cost Index, Continuous data.'' Data used was for civilian workers, total compensation for all industries all occupations current dollar index number. December 2025 index (173.64), December 2024 Index (168.0). CBP estimates a 3.36% (173.64/168.0–1) increase in 2025. Updated April 30, 2026. Available at *https://www.bls.gov/eci/tables.htm.* Accessed May 21, 2026.

[52] See Supporting Statement for Paperwork Reduction Act Submission OMB Number 1651–0147: International Mail Duty Worksheet. August 25, 2025. Available at *https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202508-1651-006.* Accessed December 12, 2025.

[53] CBP bases this wage on the FY 2025 salary and benefits of the national average of CBP Trade and Revenue Positions. Source: email correspondence with CBP's Office of Finance on June 11, 2026.

[54] Based on information obtained from OT on 7/15/2026.

[55] Source: data obtained from CBP's ACE database on December 15, 2025.

[56] $1,577,245,784 = $1,179,693,422 × (365/273 days).

period, shown in Table 18, starting in 2027 when the rule would take effect. To the extent that postal shipment volumes would be affected by the higher duty collection rate or that the composition of postal shipments differs from that of ET11 entries, the true increase in revenue would differ from our estimate. CBP also notes that in this analysis it did not quantify any additional tariffs that might be imposed in the future, because CBP did not have enough specific information about the rates and applicability of future tariffs.

Table 18: Projected Additional Annual Duty Revenue under Rule

Year	Revenue
2027	$51,800,007
2028	$45,774,182
2029	$40,449,333
2030	$35,743,916
2031	$31,585,875
2032	$27,911,532
2033	$24,664,621
2034	$21,795,419
2035	$19,259,987

Besides the transfers to the U.S. government through increased duties, the rule could also result in transfers to brokers that were not discussed in the above sections. The increased demand in broker services under the rule could lead to an increase in broker fees, which would represent partly an increase in the marginal cost of broker services and partly a pure transfer from the brokers' customers to the brokers. Moreover, if FPOs or online platforms establish contracts with brokers to handle ET13 entries for postal shipments, these contracts could entail payments to brokers beyond the fees discussed earlier that brokers would charge per shipment.

Net Impact

The rule would increase the security of the entry process and increase duty revenue while also imposing costs on brokers, importers, senders, and the U.S. government. Security would improve for ET11 entries because CBP would receive the final deliver-to party's name and address, entry data would arrive sooner, and the data would be more reliable as a result of the bond requirement for ET11 and the $1,000 liquidated damages floor. Requiring postal informal entries to use the ET13 process would give CBP significantly more information for postal shipments and would impose the same requirements on postal shipments that are being added to ET11, such as the earlier filing deadline. Carriers would also supply CBP with the tracking number for postal shipments, which would help CBP determine when a postal shipment arrived in the United States. With these improvements, CBP could more effectively target high-risk ET11 and postal shipments and thereby detect more prohibited items, including illicit fentanyl and other narcotics. The rule would result in some cost savings to CBP and to filers who previously submitted IMD worksheets. The rule would also increase government revenue from postal shipments, as CBP could more strictly enforce entry requirements so that more postal shipments are entered properly and subject to applicable duties. The projected increase in duty revenue is shown in Table 19, starting in 2027 when the rule would go into effect.

Table 19: Projected Increase in Duty Revenue from Postal Shipments under Rule

Year	Revenue
2027	$51,800,007
2028	$45,774,182
2029	$40,449,333
2030	$35,743,916
2031	$31,585,875
2032	$27,911,532
2033	$24,664,621
2034	$21,795,419
2035	$19,259,987

While these changes to the entry process would improve security and raise revenue, they would also result in costs. Filers would have to change their business practices to obtain additional data and to submit entry data sooner, and importers of record who do not already have a bond would have to obtain one. Importers would likely have to pay a broker to handle the entry of postal shipments under the new ET13 process. CBP would incur a time burden from processing more submissions of CBP Forms 3461 and 7501. Both CBP and USPS would incur programming costs for the new ET11 and ET13 entry processes, and brokers likewise would need to update their systems. CBP was able to quantify a portion of the costs and cost savings, but not the benefits. Table 20 shows the quantified estimates of the costs, cost savings, and net impact under the rule, and Table 21 shows the discounted net impact during the regulatory period of 2026 to 2035. The increase in duty revenue under the rule is not included in these calculations because the revenue is a transfer of value from one party (duty payers) to another (the U.S. government) that would not have a direct net effect on society as a whole. The annualized net impact of the rule is estimated to be −$1,090,011,284 per year under a discount rate of 3% or −$1,098,520,538 under a discount rate of 7%.

Table 20: Quantified Net Impact of Rule (2026 USD)

Year	Costs	Cost Savings	Net Impact
2026	$17,850,639	$0	-$17,850,639
2027	$1,863,711,626	$1,052,177	-$1,862,659,449
2028	$1,648,470,218	$1,069,249	-$1,647,400,969
2029	$1,458,312,946	$1,086,857	-$1,457,226,089
2030	$1,290,323,232	$1,105,018	-$1,289,218,214
2031	$1,141,923,823	$1,123,750	-$1,140,800,073
2032	$1,010,837,323	$1,143,070	-$1,009,694,253
2033	$895,051,308	$1,162,997	-$893,888,311
2034	$792,787,506	$1,183,550	-$791,603,956
2035	$702,474,562	$1,204,749	-$701,269,812

Table 21: Discounted Net Impact of Rule (2026 USD)

	3% Discount Rate	7% Discount Rate
Present Value	-$9,298,017,345	-$7,715,548,573
Annualized Value	-$1,090,011,284	-$1,098,520,538

Alternative Regulatory Options

Instead of the proposed regulatory changes discussed in this NPRM, CBP could implement a stricter or a less strict regulatory alternative, especially with regard to the entry filing deadline. In the baseline, the filing deadline is 15 days after arrival, while the proposed rule would change the deadline to the time of arrival. As discussed above, this change could cause disruptions, especially for filers who typically use the package itself that has arrived in the United States to collect the necessary entry data. A less strict alternative would be to leave the filing deadline as is, while moving forward with the other changes proposed in this rulemaking. This version of the rule would be less costly, as filers could continue collecting data using their normal procedures. On the other hand, having the deadline be 15 days after arrival would mean that CBP would not have the entry data at the time of the merchandise's arrival, which would hamper the data's usefulness for screening purposes. There are likely other ways that CBP could make the rule less strict besides leaving the filing deadline unchanged. CBP invites the public to submit comments if they believe there are regulatory alternatives that would reduce the net cost of the rule.

In the other direction, CBP could make the filing deadline stricter, such as by requiring that the entry be filed 24 hours before arrival or before the shipment leaves the country of origin. This extra time before arrival would mean that CBP could analyze the data before shipments arrive, making CBP all the more prepared to process merchandise as soon as it arrives and facilitating refusal of non-compliant items upon arrival. However, this stricter alternative would exacerbate the costs of the proposed rule's earlier filing deadline. If the deadline is the time that the package is sent, the filer would not be able to use the transit time to gather data and file entry. If the deadline were 24 hours before arrival, the filer could at least file entry while the merchandise is in transit if the voyage is longer than 24 hours, but this alternative could create uncertainty for the filer. The filer may not know when exactly the shipment will arrive in the United States 24 hours in advance, making the deadline itself uncertain.

B. Regulatory Flexibility Act

This section examines the impact of the proposed rule on small entities, per the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business

per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people).

Under the RFA and SBREFA, if an agency can certify (typically through a screening analysis) that a rule will not have a ''significant economic impact on a substantial number of small entities,'' a detailed assessment of the rule's impact on small entities is not required. Otherwise, an agency must complete an initial regulatory flexibility analysis (IRFA) exploring the impact of the proposed rulemaking on small entities.

Screening Analysis

The changes that the rule would make to the postal and non-postal informal entry processes would directly affect entry filers, senders, importers, and carriers. Filers of non-postal informal entries would need to submit an extra data element, the final deliver-to party if distinct from the ultimate consignee, and would be subject to an earlier filing deadline, the time of the shipment's arrival. Filers of postal informal entries would have to start submitting CBP Forms 3461 and 7501, and they would also have to submit this entry data before the shipment's arrival. Most filers of postal entries would be brokers, and a broker would likely obtain the postal data from the sender, who would therefore face a higher time burden under the rule. Filers of non-postal informal entries might ask the importer for the final deliver-to party, and some importers would have to obtain bonds for ET11 entries. Carriers would have to submit the tracking numbers for postal shipments on the manifests.

These groups differ in how likely they are to have a substantial number of small U.S. businesses that would be significantly affected in a direct way by the proposed rule. Few of the senders would be American, as this group comprises individuals and entities in foreign countries sending postal shipments to the United States. Carriers would be subject to the requirement to submit the postal tracking number on the manifest, and CBP estimates that 22.11% of carriers are small U.S. businesses. To calculate this share, CBP took a sample of 190 air carriers out of a population of 374 and found that 42 out of the 190 qualified as small U.S. businesses, based on D&B Hoovers data [57] and Small Business Administration size standards. Based on the sample results, CBP estimates that 83 out of the 374 air carriers would be small U.S. businesses affected by the rule, which is a substantial number. However, the effect of the rule on carriers would not be significant. As shown in Table 12, CBP estimates that the total burden to carriers would be $18,701,580 in 2027, which equates to $50,004 per carrier on average. According to D&B Hoovers data, the average revenue of the 42 small U.S. air carriers in the sample was $11,768,452. Hence, the average cost to all carriers would be only 0.425% of the average small U.S. carrier's revenue. Moreover, the average cost to small U.S. carriers would likely be even smaller than the average cost to all carriers, as the former handle fewer entries on average. Therefore, there would not be a substantial number of small U.S. carriers significantly affected by the rule.

The direct effect on importers would be the burden of providing the filer with the final deliver-to party if distinct from the consignee for ET11 entries and the added bond cost for ET11 entries that would be bondless in the baseline. CBP expects that filers would request the new data element from the importer at the same time that the filers request and receive the rest of the entry data. Therefore, adding the final deliver-to party as a required data element would have a negligible effect on the time burden of making entry. Both the final deliver-to party and other data elements would become required for postal shipments under the rule, due to the ET13 entry process replacing the current informal postal entry process, but according to a CBP subject matter expert, it is the sender, not the importer, that generally provides the shipping data to the filer in the postal environment. The added bond requirement under the rule would have resulted in importers of record paying an extra $9,276,484 in bond premiums between August 1, 2025, and July 31, 2026.[58] This total is only 3.15% of the total duties, taxes, and fees paid for bondless ET11 entries over that period. However, not all importers of bondless ET11 entries in the baseline would be affected equally. Some importers of record import low-value shipments and only do so infrequently. These importers would find it cheaper to use single transaction bonds rather than continuous bonds, under the rule. Among the 59,148 importers of record who imported an ET11 entry without a bond and would have preferred to use a single transaction bond rather than a continuous bond under the proposed rule, the total cost of the bond requirement would have been 72.66% of the total duties, taxes, and fees on their ET11 entries. For these importers of record, the bond requirement could result in a significant increase in costs. Moreover, these importers would prefer single transaction bonds over continuous bonds because they import a smaller amount of goods, which means that this category of importer is likely to include many small businesses. Therefore, CBP is unable to certify that the rule would not have a significant impact on a substantial number of small U.S. businesses that are importers of record.

Filers of non-postal informal entries would be subject to new requirements, including electronic submission of entry forms and an earlier filing deadline. Specifically, entry data would need to be submitted before arrival of the merchandise, as opposed to the current deadline of 15 days after arrival. While the other new requirements for filers may be insignificant, CBP believes that this new filing deadline could be disruptive. If a filer's standard procedure in the baseline is to read the package labeling of a shipment that has arrived in the United States and then use that information to submit entry data, then that process would no longer work under the rule. Instead, the filer may need to employ more people abroad so that they can look at the shipment before it leaves for the United States in order to make entry before the shipment's arrival. The costs of this new procedure could be significant. Therefore, CBP is unable to certify that the rule would not have a significant impact on a substantial number of small U.S. businesses in the non-postal environment.

Under the rule, filers for postal informal entries would have to submit more data to CBP and would do so under stricter conditions, such as the earlier filing deadline. For this screening analysis, CBP focuses on the filers of postal informal entries who have already filed IMD worksheets. The economic analysis above assumes that in the long run 100 filers would submit the monthly IMD worksheet in the baseline, but so far only 10 filers have done so. These filers submitted an IMD worksheet during the interim postal

[57] D&B Hoovers is a database maintained by Dun & Bradstreet, a for-profit firm that provides financial and other business information for use in analysis and decision-making (*https://www.dnb.com/products/marketing-sales/dnb-hoovers/free-trial.html?utm_source=google&utm_medium=cpc&utm_campaign=BL+%7C+G+%7C+NAMER+%7C+SMS+%7C+Brand-Product&utm_content=&utm_term=d%26b%20hoovers&campaignid=18334555603&adgroupid=159738947917&creativeid=693112542863&gad_source=1&gclid=EAIaIQobChMIyJXwnePriQMVEqEgBR0taySvEAAYASAAEgLDdvD_BwE&gclsrc=aw.ds*).

[58] Source: based on data obtained from ACE on August 3, 2026.

process that preceded the current informal postal entry process that was established in June 2026, and CBP expects these filers to continue submitting IMD worksheets under the current informal postal entry process. These 10 filers would all be affected because they would no longer be able to submit IMD worksheets and would instead have to switch to submitting entry data through the ET13 process. ET13 entries must be filed using CBP Forms 3461 and 7501, which entail higher data requirements than the IMD worksheet.

CBP used the D&B Hoovers database to gather information on the 10 IMD worksheet filers.[59] Of those 10 filers, 9 appeared in the database, and 6 of those 9 qualify as small U.S. businesses. If a company was owned by a parent company, CBP looked at the location of the ultimate parent company to determine whether the company is American. To assess whether a company is small, CBP compared the company's sales or number of employees (whichever was called for) to the Small Business Administration size standard corresponding to the company's North American Industry Classification System (NAICS) code. As there are only 10 active filers of IMD worksheets, CBP considers 6 to be a substantial number of small U.S. businesses.

CBP expects that the small U.S. businesses that have filed IMD worksheets would face a significant economic impact under the rule. One cost of the rule would be the burden of submitting additional data for informal postal entries. In the economic impact analysis, CBP estimates that brokers would begin charging an additional $30 fee to file a postal entry under the rule. This $30 fee can also be seen as an estimate of the cost increase that filers would face as a result of the additional data requirements. Multiplying that $30 fee by the total number of postal entries that CBP projects for 2027, which is 28,860,463, yields a total cost of $865.8 million.[60] This amount is significant relative to the total revenue of the nine filers appearing in the D&B Hoovers database, with only one filer missing. Therefore, the rule would have a significant impact on current IMD worksheet filers as a whole. As small U.S. businesses make up a majority of these filers, CBP believes that a substantial number of filers considered ''small'' could be significantly affected by this proposed rule. For this reason, CBP cannot certify that the rule would not have a significant economic impact on a substantial number of small entities in the postal environment. CBP has prepared the following initial regulatory flexibility analysis (IRFA) assessing the rule's potential effect on small entities. CBP welcomes public comments on the data and findings included in this IRFA. Comments that will provide the most assistance to CBP will reference a specific portion of the IRFA, explain the reason for any recommended change, and include data, information, or authority that supports a recommended change.

Initial Regulatory Flexibility Analysis

This IRFA includes the following:

1. A description of the reasons why the action by the agency is being considered;
2. A succinct statement of the objectives of, and legal basis for, the proposed rule;
3. A description—and, where feasible, an estimate of the number—of small entities to which the proposed rule would apply;
4. A description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that would be subject to the requirement and the types of professional skills necessary for preparation of the report or record;
5. An identification, to the extent practicable, of all relevant federal rules that may duplicate, overlap, or conflict with the proposed rule; and
6. A description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities.

1. A description of the reasons why the action by the agency is being considered.

To eliminate the disparity in duties between postal and non-postal informal entries, CBP published the Indefinite Suspension of the De Minimis Exemption for Mail Shipments and New Postal Informal Entry Process IFR on June 24, 2026, which established a new postal informal entry process for certain merchandise entering the United States, improving upon the interim postal process established pursuant to Executive Order 14324, as amended.[61] With that rule, the monthly international mail duty worksheet was expanded to require product classification and other data elements, and CBP began applying all relevant duties to postal informal entries. Postal informal entries and ET11 entries are now subject to the same product classification reporting requirements, but while the new postal process enables CBP to impose the same duties on postal entries as on ET11 entries, enforcement of duties and regulations is more difficult in the postal environment. CBP needs entry data to make sure that filers are paying what they should, but filers of the international mail duty (IMD) worksheet do not have to submit as much data as ET11 filers, nor do they have to submit the IMD worksheet within the same timeframe.

The limited data required on the IMD worksheet also limits CBP's ability to screen postal shipments for violative goods, yet postal shipments need strong screening the most. In FY 2024, CBP seized narcotics in postal *de minimis* shipments at a rate of 277.8 seizures per million shipments, compared to only 2.6 seizures per million shipments for formally entered shipments and 15.8 seizures per million shipments for informally entered type 11 shipments.[62] Postal *de minimis* shipments had the highest seizure rates in all other seizure categories as well, including health and safety, counterfeit goods, and prohibited items.

2. A succinct statement of the objectives of, and legal basis for, the proposed rule.

The rule aims to replace the current informal postal process with entry type 13 so that postal informal entries are subject to similar requirements as non-postal informal entries, thereby improving CBP's enforcement in the postal environment. Like the ET11 process, the ET13 process would require that entry be filed using CBP Forms 3461 and 7501, not the IMD worksheet. The rule would also make updates to the ET11 process, which would apply to the ET13 process as well. These updates, such as the new bonding requirements and earlier filing deadlines, would aim to address the enforcement issues in the informal environment, as evidenced by the

[59] D&B Hoovers is a database maintained by Dun & Bradstreet, a for-profit firm that provides financial and other business information for use in analysis and decision-making (*https://www.dnb.com/products/marketing-sales/dnb-hoovers/free-trial.html?utm_source=google&utm_medium=cpc&utm_campaign=BL+%7C+G+%7C+NAMER+%7C+SMS+%7C+Brand-Product&utm_content=&utm_term=d%26b%20hoovers&campaignid=18334555603&adgroupid=159738947917&creativeid=693112542863&gad_source=1&gclid=EAIaIQobChMIyJXwnePriQMVEqEgBR0taySvEAAYASAAEgLDdvD_BwE&gclsrc=aw.ds*).

[60] See Table 9 above.

[61] *See* 91 FR 37801.

[62] Based on seizure counts obtained from OT on September 25, 2025, and October 19, 2025, *de minimis* entry counts obtained from OT on September 26, 2025, and ET01 and ET11 entry counts obtained from ACE database on October 3 and October 6–8, 2025.

higher rate of seizures of violative goods in the informal environment than the formal environment.

3. A description—and, where feasible, an estimate of the number—of small entities to which the proposed rule would apply.

The rule would affect small U.S. businesses that have been filing informal entries, both in the postal and non-postal environment. Currently in the postal environment, these businesses submit a monthly IMD worksheet, but this worksheet would no longer be accepted under the rule. Instead, informal postal entries would need to be entered through the ET13 process. So far, 10 entities have filed an IMD worksheet. Of these 10 entities that have filed an IMD worksheet, 6 of them are small U.S. businesses. The average annual sales for these six companies is $11 million, but three of them have sales under $300,000. The sales estimates are taken from the D&B Hoovers database, which uses a model to estimate some companies' sales figures. The rule would also affect filers of ET11 entries. In the non-postal environment, there were 2,428 brokers that filed an entry summary between October 1, 2020, and February 6, 2026.[63] All of these brokers were U.S. businesses, and some fraction were small businesses that filed ET11 entries.

There could also be a substantial number of importers of record that are U.S. small businesses that would be significantly affected by the rule as a result of the bonding requirement for informal entries. Bonds would be required for both ET13 and ET11 entries. As bonds are already required for the current informal postal entry process, CBP does not expect that the bond requirement for ET13 entries would result in an increase in costs for postal shipments. For ET11 entries, however, there are importers of record that import without a bond and would need to obtain a bond under the rule. Some importers of record import enough merchandise that a continuous bond would be the cheaper option, and these importers would probably not be significantly affected. Among importers that import small amounts of goods, the cheaper bond option would be to rely on single transaction bonds. This group comprises 59,148 importers of record, and some of these importers could see a significant increase in their importing costs, as they would incur an increase in bond costs equal to 73% of duties, taxes, and fees. Moreover, a substantial number of these importers could be small businesses.

Other classes of small entities would be affected by the rule, but not in a significant way. Carriers would have to submit the postal tracking number on the manifest, and an estimated 83 of these carriers are small U.S. businesses. Importers of ET11 entries who already have bonds would only be affected by the requirement to provide the final deliver-to party. Between October 1, 2020 and February 6, 2026, there were 999,938 U.S. importers of record who made entry of some kind, 26% of which were ET11 entries, and some of those U.S. IORs are small businesses.[64]

4. A description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that would be subject to the requirement and the types of professional skills necessary for preparation of the report or record.

The proposed rule would increase reporting requirements because more entry data would need to be submitted for postal informal entries and ET11 entries. Because filers of postal informal entries would have to submit CBP Forms 3461 and 7501 instead of an IMD worksheet to CBP, these filers would have to provide more data. For example, CBP Forms 3461 and 7501 require the filer to identify the consignee, the importer of record, and the manufacturer of the merchandise. The rule would require an additional data element for ET11 entries, the final deliver-to party if distinct from the consignee, which would be required of ET13 entries as well. In addition to requiring more data to be submitted, the rule would also require that this data be submitted sooner. Instead of the entry filing deadline being 15 days after the date of arrival for ET11 entries and the 7th day of the following month for postal informal entries, both ET11 entries and ET13 entries would need to be filed by arrival.

The small entities that would be subject to these new requirements would mostly be brokers who file IMD worksheets or ET11 entries. To obtain the additional data that CBP would be requiring, these brokers would need to communicate with the parties that have the data, such as the sender or importer, and the brokers would need to obtain this data earlier in the shipping process so that the entry data can be submitted by arrival.

5. An identification, to the extent practicable, of all relevant federal rules that may duplicate, overlap, or conflict with the proposed rule.

CBP does not believe that any federal rule duplicates, overlaps, or conflicts with the proposed rule.

6. A description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities.

As discussed in the Alternative Regulatory Options section above, CBP has considered preserving the old entry filing deadline for ET11 and ET13 entries, which is 15 days after arrival, rather than making the entry filing deadline the time of arrival. This alternative would reduce costs for all entities, including small entities. However, the entry data that CBP receives is not as useful for screening purposes if it is sent weeks after the shipment arrives.

C. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, 109 Stat. 163 (44 U.S.C. 3501 *et seq.*) (PRA), CBP may not conduct, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by the Office of Management and Budget (OMB). The collections of information contained in this proposed rulemaking will be submitted to OMB for review and authorization in accordance with 5 CFR 1320.10 of the PRA.

CBP is simultaneously inviting the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to 44 U.S.C. 3506(c)(2)(A). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic,

[63] Obtained from CBP's Advanced Trade Analytics Platform, received from OT on February 19, 2026.

[64] Obtained from CBP's Advanced Trade Analytics Platform, received from OT on February 19, 2026.

mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record. Such comments can be submitted in the regulatory docket for this NPRM or by email to *CBP_PRA@cbp.dhs.gov.*

Among other things, this proposed rule would require that informal entries be filed electronically, that postal shipments be entered by filing Entry and Entry Summary documentation, and that new data elements be submitted on the existing Entry and Entry Summary information collections. The proposed rule would also eliminate the use of the International Mail Duty Worksheet. This rule would result in changes to three OMB-approved information collections: Entry (OMB Control Number 1651–0024), Entry Summary (OMB Control Number 1651–0022), and the Cargo Manifest Declaration (OMB Control Number 1651–0001).

Entry (1651–0024)

ACE Cargo Release/ABI

Estimated Number of Respondents: 9,810.
Estimated Number of Total Annual Responses: 106,015,998.
Estimated Time per Response: 10 minutes (0.166 hours).
Estimated Total Annual Burden Hours: 17,669,333.

ACE Cargo Release/ABI—Postal

Estimated Number of Respondents: 28,860,463.
Estimated Number of Total Annual Responses: 28,860,463.
Estimated Time per Response: 10 minutes (0.166 hours).
Estimated Total Annual Burden Hours: 4,810,077.

Entry/Immediate Delivery Form 3461

Estimated Number of Respondents: 12,307.
Estimated Number of Total Annual Responses: 12,307.
Estimated Time per Response: 15 minutes (0.25 hours).
Estimated Total Annual Burden Hours: 3,077.

Entry Summary (1651–0022)

Informal Entry (Electronic Submission)

Estimated Number of Respondents: 1,902.
Estimated Number of Total Annual Responses: 72,329,037.
Estimated Time per Response: 5 minutes (0.083 hours).
Estimated Total Annual Burden Hours: 6,027,420.

Informal Entry (Electronic Submission)—Postal

Estimated Number of Respondents: 28,860,463.
Estimated Number of Total Annual Responses: 28,860,463.
Estimated Time per Response: 5 minutes (0.083 hours).
Estimated Total Annual Burden Hours: 2,405,039.

Cargo Manifest Declaration (1651–0001)

ET–13

Estimated Number of Respondents: 84.
Estimated Number of Total Annual Responses: 28,860,463.
Estimated Time per Response: 1 minute (0.0167 hours).
Estimated Total Annual Burden Hours: 481,008.

D. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–38, UMRA) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed rule or final rule for which the agency published a proposed rule, which includes any Federal mandate that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector.

The proposed rule does not include any unfunded mandates to State, local, or tribal governments. However, the rule would result in annual costs to the private sector of more than $100 million. Most notably, importers and senders would incur costs from increased time burdens and broker fees for informal postal entries and from the new bond requirement for ET11 entries. These costs would total more than $1 billion in the first year of the rule. CBP discusses the costs of the rule in more detail in the E.O. 12866 analysis above.

V. Signing Authority

In accordance with Treasury Order 100–20, the Secretary of the Treasury has delegated to the Secretary of Homeland Security the authority related to the customs revenue functions vested in the Secretary of the Treasury as set forth in 6 U.S.C. 212 and 215, subject to certain exceptions. This regulation is being issued in accordance with Department of Homeland Security Delegation 07010.3, Revision 03.2, which delegates to the Commissioner of CBP the authority to prescribe and approve regulations related to customs revenue functions.

Rodney S. Scott, Commissioner, having reviewed and approved this document, has delegated the authority to electronically sign this document to Susan S. Thomas, the Executive Assistant Commissioner, Office of Trade, for purposes of publication in the **Federal Register**.

List of Subjects

19 CFR Part 113

Common carriers, Exports, Freight, Laboratories, Reporting and recordkeeping requirements, Surety bonds.

19 CFR Part 128

Administrative practice and procedure, Freight, Reporting and recordkeeping requirements.

19 CFR Part 141

Reporting and recordkeeping requirements.

19 CFR Part 143

Reporting and recordkeeping requirements.

19 CFR Part 145

Exports, Lotteries, Postal Service, Reporting and recordkeeping requirements.

VI. Proposed Amendments to the CBP Regulations

For the reasons stated above in the preamble, CBP is proposing to amend 19 CFR parts 113, 128, 141, 143, and 145 as set forth below:

PART 113—CBP BONDS

■ 1. The general authority citation for part 113 continues to read as follows:

Authority: 19 U.S.C. 66, 1623, 1624.

* * * * *

■ 2. In § 113.62, revise paragraph (n)(1) and add new paragraph (n)(6) to read as follows:

§ 113.62 Basic importation and entry bond conditions.

* * * * *

(n) Consequence of default.

(1) Except as provided for in paragraph (6) below, if the principal defaults on agreements in this condition other than conditions in paragraphs (a), (g), (i), (j), (k)(2), (k)(3), (l), or (m) of this section the obligors agree to pay liquidated damages equal to the value of the merchandise involved in the default, or three times the value of the merchandise involved in the default if the merchandise is restricted or prohibited merchandise or alcoholic

beverages, or such other amount as may be authorized by law or regulation.

* * * * *

(6) If the principal defaults on agreements in this condition other than conditions in paragraphs (a), (g), (i), (j), (k)(2), (k)(3), (l), or (m) of this section, for shipments valued at $2,500 or less and required to be filed on CBP Forms 3461 and 7501, or CBP Form 7501, pursuant to part 143 Subpart C or part 145, the obligors agree to pay liquidated damages equal to the value of the merchandise involved in the default or $1,000, whichever is greater, or three times the value of the merchandise involved in the default or $1,000, whichever is greater, if the merchandise is restricted or prohibited or alcoholic beverages, or such other amount as may be authorized by law or regulation.

PART 128—EXPRESS CONSIGNMENTS

■ 3. The general authority citation for part 128 continues to read as follows:

Authority: 19 U.S.C. 58c, 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1321, 1484, 1498, 1551, 1555, 1556, 1565, 1624.

■ 4. Revise § 128.24 by adding a new paragraph (f) to read as follows:

§ 128.24 Informal entry procedures.

* * * * *

(f) *Bona-fide gifts.* Shipments valued at $100 or less ($200, in the case of articles sent from persons in the Virgin Islands, Guam, and American Samoa) meeting the requirements of § 10.152 of this chapter may be passed free of duty and tax if entered under the procedures set forth in § 143.23(j)(1)–(2) of this chapter.

PART 141—ENTRY OF MERCHANDISE

■ 5. The general and specific authority citations for part 141 continue to read as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1498, 1624.

* * * * *

Section 141.68 also issued under 19 U.S.C. 1315;

* * * * *

■ 6. Revise § 141.5 to read as follows:

§ 141.5 Time limit for entry.

(a) *General.* Subject to paragraph (b), merchandise for which entry is required will be entered within 15 calendar days after landing from a vessel, aircraft, or vehicle, or after arrival at the port of destination in the case of merchandise transported in bond. Merchandise for which timely entry is not made will be treated in accordance with § 4.37 or § 122.50 or § 123.10 of this chapter.

(b) *Informal Entry.* Merchandise valued at $2,500 or less for which informal entry is filed, and for which entry is required on the electronic equivalent of CBP Forms 3461 and 7501, or CBP Form 7501, must be entered upon or prior to the date of importation (as defined in § 101.1 of this chapter). Merchandise for which timely entry is not made will be treated in accordance with § 4.37 or § 122.50 or § 123.10 or § 145.6 of this chapter.

■ 7. Revise § 141.68(f) to read as follows:

§ 141.68 Time of entry.

* * * * *

(f) *Informal mail entry.* The time of entry of merchandise under an informal mail entry (§ 145.12(b)) will be the time the preparation of the entry is completed as specified in paragraph (h) below. For informal mail entries where CBP prepares the entry documentation, CBP Form 3419 or 3419A or CBP Form 368 or 368A, the time of entry of merchandise will be the time the preparation of the entry documentation by a CBP employee is completed.

* * * * *

■ 8. Revise § 141.82(d) to read as follows:

§ 141.82 Invoice for installment shipments arriving within a period of 10 days.

* * * * *

(d) *Informal entry.* Any bona fide installment valued at not over $2,500 may be entered on an informal entry in accordance with subpart C of part 143 of this chapter, in which case such installment need not be considered in connection with invoice requirements for the balance of the series.

PART 143—SPECIAL ENTRY PROCEDURES

■ 9. The general authority citation for part 143 is revised to read as follows:

Authority: 19 U.S.C. 66, 1321, 1414, 1481, 1484, 1498, 1623, 1624, 1641.

■ 10. Revise the introductory text and paragraphs (a) and (c) of § 143.21 to read as follows:

§ 143.21 Merchandise eligible for informal entry.

The following types of merchandise are among those which may be entered under informal entry (see §§ 141.52 and 143.22 of this chapter):

(a) Shipments of merchandise not exceeding $2,500 in value;

* * * * *

(c) A portion of one consignment, when such portion does not exceed $2,500 in value and may be entered separately pursuant to § 141.52 of this chapter;

* * * * *

■ 11. Revise § 143.22 to read as follows:

§ 143.22 Formal entry may be required.

CBP may require a formal consumption or appraisement entry for any merchandise or category of merchandise, or for any importer, or for merchandise produced by any manufacturer or producer, if deemed necessary for: import admissibility enforcement purposes; revenue protection; the efficient conduct of customs business; or for any other purpose, and for any period of time, deemed necessary by CBP. Individual shipments for the same consignee, when such shipments are valued at $2,500 or less, may be consolidated on one such entry.

■ 12. Revise the introductory text of § 143.23 and paragraph (d) to read as follows:

§ 143.23 Form of entry.

Except for the types of merchandise listed below which may be entered on the forms indicated, merchandise to be entered informally must be entered on a CBP Form 368 or 368A (serially numbered), or the electronic equivalents of CBP Forms 3461 and 7501, or of CBP Form 7501, transmitted to CBP through a CBP-authorized EDI system. If authorized by the Center director, such forms may be submitted by an alternate method, or the merchandise may be entered upon the presentation of a commercial invoice which contains the following declaration, signed by the importer or its agent:

I declare that the information on this invoice is accurate to the best of my knowledge and belief; that the invoice quantities are true and correct manifest quantities; and that I have not received and do not know of any invoice other than this one.

* * * * *

(d) Shipments not exceeding $2,500 in value which are either

(1) unconditionally free of duty and not subject to any quota or internal revenue tax, or

(2) conditionally free (other than shipments of merchandise provided for in paragraph (g) of this section) and all conditions for free entry are met at the time of entry, which may be released upon the filing by the importer on CBP Form 7523, in duplicate, supported by evidence of the right to make entry.

* * * * *

■ 13. Revise § 143.26 to read as follows:

§ 143.26 Party who may make informal entry of merchandise.

(a) Shipments valued at $2,500 or less. A shipment of merchandise valued at $2,500 or less, which qualifies for informal entry under 19 U.S.C. 1498 may be entered, using reasonable care, by the owner or purchaser of the shipment or, when appropriately designated by the owner, purchaser, or consignee of the shipment, a customs broker licensed under 19 U.S.C. 1641. A consignee that is not the owner or purchaser must appoint a customs broker to act as the importer of record for the entry.

(b) Shipments valued at $800 or less. A shipment of merchandise valued at $800 or less which qualifies for informal entry under 19 U.S.C. 1498 and meets the requirements in 19 U.S.C. 1321(a)(2) and in §§ 10.151, 10.152, 10.153, 145.31, 145.32, 148.51, or 148.64, of this chapter, may be entered, using reasonable care, by the owner, purchaser, or consignee of the shipment or, when appropriately designated by one of these persons, a customs broker licensed under 19 U.S.C. 1641.

■ 14. Add new § 143.29 to read as follows:

§ 143.29 Bonding requirements for informal entries.

Shipments valued at $2,500 or less that must be entered on CBP Forms 3461 and 7501, or CBP Form 7501, will not be released from CBP custody unless a single transaction or continuous bond containing the bond conditions set forth in § 113.62 of this chapter has been transmitted to CBP pursuant to part 113 of this chapter, and has been secured by an approved corporate surety, or cash deposits as provided for in § 113.40 of this chapter.

PART 145—MAIL IMPORTATIONS

■ 15. The general authority citation for part 145 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 3(i)), Harmonized Tariff Schedule of the United States, 1415, 1431, 1433, 1434, 1436, 1623, 1624.

* * * * *

■ 16. Add new § 145.6 to read as follows:

§ 145.6 Unentered packages.

Any mail shipment valued at $2,500 or less for which an entry has not been timely and properly filed, as provided for in § 145.12(b), and which remains in CBP custody 15 days after the date of importation will be deemed voluntarily abandoned and will not be released from CBP custody. Disposition of such unentered mail shipments is governed by the requirements and procedures established by the United States Postal Service.

■ 17. Add new § 145.7 to read as follows:

§ 145.7 Carrier Manifest Filing Requirements for Mail Shipments.

For mail shipments valued at $2,500 or less, a tracking number that matches the tracking number provided electronically by the party with the right to make entry in compliance with 19 CFR 145.12(b)(1) must be provided for each mail shipment laden aboard an arriving conveyance for delivery by the United States Postal Service as part of the inward manifest required in §§ 4.7a (vessel), 122.48a (air), 123.91 (rail), 123.92 (truck), or 128.21 (express consignments) of this chapter.

■ 18. Revise § 145.12(b) to read as follows:

§ 145.12 Entry of merchandise.

* * * * *

(b) *Mail and informal entries*—(1) *Preparation of entry form.* Except as provided in paragraphs (a), (c), (d), and (e) of this section, for each eligible shipment not exceeding $2,500 in value which is to be delivered by the United States Postal Service, a party with the right to make entry according to § 143.26(a) of this chapter must file the electronic equivalents of CBP Forms 3461 and 7501, or CBP Form 7501, via a CBP-authorized EDI system upon or prior to the date of importation (as defined in § 101.1 of this chapter) for the shipment.

(2) *Rates of duty and payment.* Merchandise released under a mail informal entry will be dutiable at the rates of duty in effect when the preparation of the entry is completed (as specified in 19 CFR 141.68(f)).

* * * * *

■ 19. Revise § 145.15 to read as follows:

§ 145.15 Bonding requirements for mail entries.

Each shipment valued at $2,500 or less which is to be delivered by the United States Postal Service, and for which entry is required to be filed on the electronic equivalents of CBP Forms 3461 and 7501, or CBP Form 7501, via a CBP-authorized EDI system, upon or prior to its date of importation, will not be released from CBP custody unless a single transaction or continuous bond containing the bond conditions set forth in § 113.62 of this chapter has been transmitted to CBP pursuant to part 113 of this chapter, and has been secured by an approved corporate surety, or cash deposits as provided for in § 113.40 of this chapter.

Susan S. Thomas,

Executive Assistant Commissioner, Office of Trade, U.S. Customs and Border Protection.

[FR Doc. 2026–20650 Filed 10–7–26; 8:45 am]

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Part IV

Department of Homeland Security

8 CFR Part 214
Optional Practical Training Fees; Proposed Rule

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 214

[DHS Docket No. ICEB–2026–0100]

RIN 1653–AB01

Optional Practical Training Fees

AGENCY: U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This rule proposes new fees for Optional Practical Training (OPT) to combat fraud, strengthen the integrity of the immigration system, and protect U.S. workers. The following fees would apply for each F–1 nonimmigrant student to engage in OPT through a Student and Exchange Visitor Program-certified institution: $70,000 for initial OPT; and $30,000 for any subsequent OPT.

DATES: Comments must be received on or before November 9, 2026. *Information collection comment period:* Comments on the information collection described in the *Paperwork Reduction Act* section below must be received by December 7, 2026.

ADDRESSES: You may submit comments on the entirety of this rule, which must be identified by Docket No. ICEB–2026–0100, through the following method:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the website instructions to submit comments.

Comments on the information collection may be submitted to the same docket as the NPRM or as described in the ''submitting comments'' section below. In addition, all comments on the information collection must include the OMB Control Number in the body of the comments.

Comments submitted in a manner other than the Federal eRulemaking Portal, including emails or letters sent to the Department of Homeland Security (the Department or DHS), will not be considered comments, and will not receive a response from DHS. Please note that DHS cannot accept any hand delivered or couriered comments, nor any comments contained on any form of digital media storage devices, such as CDs, DVDs, and USB drives. If you cannot submit your material using *https://www.regulations.gov,* contact the office in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

FOR FURTHER INFORMATION CONTACT: Office of the Principal Legal Advisor, Regulatory Affairs Unit, U.S. Immigration and Customs Enforcement, Department of Homeland Security, 500 12th Street SW, Washington, DC 20536–5901. Telephone 202–732–6960 (not a toll-free number) (for questions only—no comments will be accepted at this phone number).

SUPPLEMENTARY INFORMATION:

I. Public Participation

DHS encourages all interested parties to participate in this rulemaking by submitting data, views, comments, and arguments on all aspects of this notice of proposed rulemaking. Comments providing the most assistance to DHS will reference a specific portion of this rule, explain the reason for any recommended change, and include the data, information, or authority that supports the recommended change. See the **ADDRESSES** section above for information on where to submit comments.

A. Submitting Comments

All comments must be submitted in English, or an English translation must be provided. If you submit comments, you must include the DHS docket number for this rulemaking (ICEB–2026–0100), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. Include data, information, or authority that supports the comment. Your comments must be submitted online by 11:59 p.m. ET of the last day of the comment period.

Instructions: To submit your comments online, go to *https://www.regulations.gov* and insert ''ICEB–2026–0100'' in the ''Search'' box. Click on the rule that appears in the ''Search Results.'' Click on the ''Comment'' box under the name of the rule and input your comments in the text box provided. When you are satisfied with your comments, follow the prompts, and then click ''Submit Comment.''

Collection of information. You must submit comments on the collection of information discussed in this notice of proposed rulemaking to either DHS's docket or the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA). OIRA will have access to and view the comments submitted in the docket. OIRA submissions can also be sent using any of the following alternative methods:

- *Email (alternative): dhsdeskofficer@omb.eop.gov* (include the docket number and ''Attention: Desk Officer for U.S. Immigration and Customs Enforcement, DHS'' in the subject line of the email).
- *Fax:* 202–395–6566.
- *Mail:* Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503; Attention: Desk Officer, U.S. Immigration and Customs Enforcement, DHS.

DHS will post your comments to the federal e-Rulemaking Portal at *https://www.regulations.gov and will include* any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary public comment submission. DHS may withhold from public viewing information provided in comments that it determines is offensive or is otherwise deemed inappropriate for posting. For more information, please read the ''Privacy & Security Notice'' via the link in the footer of *https://www.regulations.gov.* DHS will consider all comments and materials received during the comment period and may change this rule based on your comments.

B. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov* and insert ''ICEB–2026–0100'' in the ''Search'' box. Click on the ''Open Docket Folder,'' then click on ''View Comment'' or ''View All'' under the ''Comments'' section of the page. Individuals without internet access can make alternate arrangements for viewing comments and documents related to this rulemaking by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section above. You may also sign up for email alerts on the online docket to be notified when comments are posted, or a final rule is published.

C. Privacy Act

You may consider limiting the amount of personal information that you provide in your voluntary public comment submission because anyone can electronically search comments received in any of DHS's 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.). For additional information, please read the Privacy and Security Notice posted on *https://www.regulations.gov.*

II. Table of Abbreviations

CBP U.S. Customs and Border Protection

CPT Curricular Practical Training
COS Change of Status
DHS U.S. Department of Homeland Security
DSO Designated School Official
EAD Employment Authorization Document
EOS Extension of Stay
FICA Federal Insurance Contributions Act
HSPD–2 Homeland Security Presidential Directive-2
ICE U.S. Immigration and Customs Enforcement
INA Immigration and Nationality Act
INS Immigration and Naturalization Service
IIRIRA Illegal Immigration Reform and Immigrant Responsibility Act of 1996
OMB Office of Management and Budget
OPT Optional Practical Training
PRC People's Republic of China
SEVIS Student and Exchange Visitor Information System
SEVP Student and Exchange Visitor Program
STEM Science, Technology, Engineering, and Mathematics
USCIS U.S. Citizenship and Immigration Services

III. Background

A. Legal Authority

The authority to promulgate this rule rests on multiple, independent, and mutually reinforcing statutory sources. The Secretary of Homeland Security (Secretary) has broad authority under Section 102 of the Homeland Security Act of 2002 (HSA) (Pub. L. 107–296, 116 Stat. 2135), 6 U.S.C. 112, and section 103(a)(1) and (3) of the Immigration and Nationality Act (INA), 8 U.S.C. 1103(a)(1), (3), to administer and enforce the immigration and naturalization laws of the United States, to include the issuance of regulations that he deems necessary.[1] Section 214(a) of the INA, 8 U.S.C. 1184(a), authorizes the Secretary [2] to prescribe the time and conditions of admission of any alien as a nonimmigrant.

In the INA, Congress established who may be admitted as F nonimmigrants. Specifically, section 101(a)(15)(F) of the INA, 8 U.S.C. 1101(a)(15)(F), established the F visa classification for bona fide students who have a residence in a foreign country and wish to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an academic or accredited language training school. Participating schools must be certified by U.S. Immigration and Customs Enforcement's (ICE) Student and Exchange Visitor Program (SEVP).[3] The authority to admit foreign students on a temporary basis dates back to the Immigration Act of 1924, in which Congress first established a student visa category similar to the modern F visa classification, referring to ''[a]n immigrant who is a bona fide student . . . who seeks to enter the United States solely for the purpose of study at an accredited school . . . which shall have agreed to report to the Secretary of Labor the termination of attendance of each immigrant student. . . .'' [4] In the decades that followed, regulations codified a hands-on educational program for F–1 nonimmigrants related to their field of study, known as practical training.

The Secretary of DHS has the authority to regulate the time and conditions of nonimmigrants' admission to the United States under INA 214(a), 8 U.S.C. 1184(a).[5] In the context of F–1 nonimmigrants, setting the parameters of practical training has historically been acknowledged as a valid exercise of DHS's statutory authority stemming under the ''time-and-conditions'' provision in the INA.[6] The period of practical training prescribed by DHS through its regulations is considered part of the ''time'' of an F–1 nonimmigrant's admission to the United States, and the requirements for the training are part of the ''conditions'' of such a status.[7] Accordingly, DHS is authorized to regulate under INA 214(a)(1), 8 U.S.C. 1184(a)(1), the ability for F–1 nonimmigrant students to ''engage in limited periods of employment for practical training . . . according to the terms set out in the [OPT] [r]ule.'' [8] The regulations governing F–1 nonimmigrants under INA 214(a)(1), 8 U.S.C. 1184(a), are reasonably related to the purpose of the visas issued under INA 101(a)(15)(F)(i), 8 U.S.C. 1101(a)(15)(F)(i).[9] Furthermore, the INA ''need not specifically authorize each and every action taken by [DHS], so long as [such] action is reasonably related to the duties imposed upon [the Secretary].'' [10] As part of the conditions of admission, DHS is now setting a fee to ensure employers, students, and institutions are engaging in appropriate activities consistent with admission as an F–1 nonimmigrant.[11]

Within DHS, ICE administers SEVP and the Student and Exchange Visitor Information System (SEVIS), which collects information related to nonimmigrant students and exchange visitors and shares data with other federal agencies with national security, immigration enforcement, and immigration benefit adjudication responsibilities.[12] This allows government agencies to access essential information to preserve national security and monitor immigration compliance.[13] The Secretary has authority to determine which aliens, including F–1 nonimmigrant students, are ''authorized'' to obtain employment in the United States.[14]

As stated, DHS derives its authority to administer the programs in which F nonimmigrant students engage, and the institutions that run these programs, from several sources.[15] Additionally, Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) [16] authorized the creation of a program for ongoing collection of current information provided by schools and exchange visitor programs regarding F and other nonimmigrants during the course of their stays in the United States, using electronic reporting technology where practicable. Consistent with this statutory authority, DHS manages these programs pursuant to Homeland Security Presidential Directive-2 (HSPD–2), Combating Terrorism Through Immigration Policies, as amended,[17] and Section 502 of the

[1] Although provisions of the INA discussed in this NPRM refer to the ''Attorney General,'' such provisions are now to be read as referring to the Secretary of Homeland Security by operation of the HSA. *See* 6 U.S.C. 202(3), 251.

[2] Although provisions of the INA discussed in this NPRM refer to the ''Attorney General,'' such provisions are now to be read as referring to the Secretary of Homeland Security by operation of the HSA. *See* 6 U.S.C. 202(3), 251.

[3] *See* 8 CFR 214.3.

[4] Immig. Act of 1924, Public Law 68–139, 4(e), 43 Stat. 153, 155 (May 26, 1924); *accord* INA 101(a)(15)(F)(i), 8 U.S.C. 1101(a)(15)(F)(i).

[5] INA 103(a)(1), (3), 8 U.S.C. 1103(a)(1).

[6] *See Wash. All. of Tech. Workers* v. *U.S. Dep't of Homeland Sec.,* 50 F.4th 164, 180–82 (D.C. Cir. 2022). *See also* Section 102 of the Homeland Security Act of 2002 (HSA) (Pub. L. 107–296, 116 Stat. 2135), 6 U.S.C. 112, and section 103(a)(1) and (3) of the INA, 8 U.S.C. 1103(a)(1), (3).

[7] *Wash. All. of Tech. Workers,* 50 F.4th at 180–82.

[8] *Id.* at 169.

[9] *Id.* at 179.

[10] *Narenji* v. *Civiletti,* 617 F.2d 745, 747 (D.C. Cir. 1979).

[11] *Id.* at 168 (noting that while INA 101(a)(15)(F)(i), 8 U.S.C. 1101(a)(15)(F)(i), sets the terms of entry for F–1 nonimmigrant students, INA 214(a)(1), 8 U.S.C. 1184(a)(1), provides DHS additional authority to regulate the ''time'' and ''conditions'' of the students' stay where the regulation is reasonably related to the terms of the F–1 visa).

[12] *See* U.S. Immigration & Customs Enf't, *Student and Exchange Visitor Program, https://www.ice.gov/sevis* (last updated Aug. 11, 2026).

[13] *Id.*

[14] *See generally* INA 274A(h)(3), 8 U.S.C. 1324a(h)(3).

[15] *See* Section 102 of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2135), 6 U.S.C. 112; INA 103(a)(1), (3), 8 U.S.C. 1103(a)(1), (3).

[16] Illegal Immig. Reform and Immigrant Responsibility Act of 1996, Public Law 104–208, 110 Stat. 3009–546, 3009–704 (Sept. 30, 1996) (codified as amended at 8 U.S.C. 1372).

[17] Homeland Sec. Presidential Directive-2, *Combating Terrorism Through Immig. Policies* (Oct.

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Enhanced Border Security and Visa Entry Reform Act of 2002.[18] HSPD–2 requires the Secretary to conduct periodic, ongoing reviews of schools certified to accept F nonimmigrant students, and to include checks for compliance with recordkeeping and reporting requirements.[19] This includes the ability for DHS to verify through records that an SEVP-certified institution has filed all appropriate paperwork and fees to continue to participate in the SEVP program.[20]

As part of DHS's authority to administer the programs F nonimmigrant students engage in and regulate the institutions in which they enroll, Section 502 of the Enhanced Border Security and Visa Entry Reform Act of 2002 directs the Secretary to review the compliance with recordkeeping and reporting requirements under INA 101(a)(15), 8 U.S.C. 1101(a)(15)(F), and Section 641 of IIRIRA, 8 U.S.C. 1372, for all schools approved for attendance by F–1 nonimmigrant students within two years of enactment, and every two years thereafter. Moreover, as is the case with all DHS programs, the programs discussed in this proposed rule are carried out in keeping with DHS's primary mission, which encompasses the responsibility to ''ensure that the overall economic security of the United States is not diminished by the efforts, activities, and programs aimed at securing the homeland.'' [21] DHS's authority to regulate SEVP-certified institutions has historically authorized regulations applying to educational institutions throughout 8 CFR 214, including requiring schools to file a petition for certification and recertification, as the Secretary has deemed them necessary to administer the program.[22]

B. Regulatory History

Historically, the statutes have largely remained silent on the definition of practical training, even after the passage of the INA in 1952,[23] leaving executive agencies with regulatory authority to define and shape the scope of the practical training programs over the years.[24] In 1991, the Immigration and Naturalization Service (INS) articulated that practical training had to be ''directly related to [the student's] major area of study,'' [25] a requirement that had been stated more generally in the prior regulations under 8 CFR 214.2(f)(10) (Jan. 1, 1991) (requiring the training to be ''related''). The requirement that practical training be ''directly related'' to the F–1 nonimmigrant student's ''major area of study'' remains in the current regulations.[26] Thereafter, in 1992, the former INS reorganized the F–1 nonimmigrant student regulations and further clarified the scope of practical training by establishing Optional Practical Training (OPT). Among other things, this rule prescribed that OPT could take place while school was in session—provided the OPT did not exceed twenty hours a week—and after the program of study was completed.[27] In 2008, DHS officially coined two types of OPT as pre-completion and post-completion OPT.[28]

In addition, the regulations governing the duration of practical training have changed throughout the years. However, it was not until 2008 that DHS significantly increased the duration by allowing an additional 17-month extension to the initial 12 months of OPT for F–1 nonimmigrants who had completed an eligible degree in a science, technology, engineering, and mathematics (STEM) [29] field from an SEVP-certified institution.[30] Again, in 2016, DHS promulgated a new STEM OPT rule, substantially increasing the duration of the post-completion STEM OPT extension to 24 months while further adding requirements for educational institutions, F–1 nonimmigrant students, and employers.[31] The 2016 rule on STEM OPT largely remains unchanged,[32] with the exception of the cap-gap rule in 2024.[33]

29, 2001), available at *https://georgewbush-whitehouse.archives.gov/news/releases/2001/10/20011030-2.html* [hereinafter Homeland Security Presidential Directive-2].

[18] Enhanced Border Security and Visa Entry Reform Act of 2002, Public Law 107–173, 116 Stat. 543, 563 (May 14, 2002) (codified at 8 U.S.C. 1762).

[19] *See* Homeland Security Presidential Directive-2, *supra note* 17.

[20] *Id.*

[21] *See* 6 U.S.C. 111(b)(1)(F).

[22] *E.g.* 8 CFR 214.2(f)(6)(iii)(A–C) (authorizing the DSO to reduce a student's course load); 214.2(f)(6)(iii)(E) (requiring DSOs to update SEVIS); 214.2(f)(7) (establishing the conditions under which a DSO is permitted to grant and prohibited from granting an extension of stay and requiring DSOs to update SEVIS); 214.2(f)(9)(ii)(D) (requiring DSO to complete employment authorization certification in SEVIS); 214.2(f)(9)(iii) (requiring educational institutions to provide SEVP access to certain information); 214.2(f)(10)(ii)(C) (requiring DSOs to recommend OPT extension as a prerequisite for nonimmigrant students participation); 214.2(f)(11)(ii) (requiring additional DSO responsibilities, such as recommending a nonimmigrant for OPT as a condition of nonimmigrant students' participation and maintaining an OPT student's SEVIS record); and 214.3 (requiring schools to file a petition for certification or recertification with SEVP).

[23] *See, e.g.,* Immig. and Nationality Act of 1952, Public Law 82–414, 101(a)(15)(F), 402(f), 66 Stat. 163, 168, 276 (June 27, 1952) (addresses student visa and amends the United States Information and Educational Exchange Act of 1948, 22 U.S.C. 1446, but it is silent on any practical training experiences for students); Immig. Act of 1924, Public Law 68–139, 4(e), 43 Stat. 153, 155 (May 26, 1924) (establishes student visa category but does not address practical training).

[24] Since 1947, federal regulations have provided that alien students may work in cases where employment for practical training is required or recommended by their educational institution and approved by immigration officials. *See, e.g.,* 12 FR 5355, 5357 (Aug. 7, 1947) (''In cases where employment for practical training is required or recommended by the school, the district director may permit the student to engage in such employment for a six-month period subject to extension for not over two additional six-month periods . . .''); 18 FR 3526, 3529 (June 19, 1953) (''Whenever employment for practical training is required or recommended by the institution or place of study attended by the applicant, the district director or officer in charge having administrative jurisdiction over the place in which the institution is located may permit such employment of the alien for a six-month period subject to extension for not over two additional six-month periods . . .''); 38 FR 35425, 35426 (Dec. 28, 1973) (''If a student requests permission to accept or continue employment in order to obtain practical training, an authorized school official must certify that the employment is recommended for that purpose and will provide the student with practical training in his field of study . . .''). *See also* Congressional Research Service (CRS), Optional Practical Training (OPT) for Foreign Students in the United States (Apr. 9, 2024), available at *https://www.congress.gov/crs-product/IF12631.*

[25] *Nonimmigrant Classes, Students, F and M Classifications,* 56 FR 55608 (Oct. 29, 1991).

[26] *See* 8 CFR 214.2(f)(10) (current).

[27] *See Pre-Completion Interval Training: F–1 Student Work Authorization,* 57 FR 31954 (July 20, 1992).

[28] *See Extending Period of Optional Practical Training by 17 Months for F–1 Nonimmigrant Students With STEM Degrees and Expanding Cap-Gap Relief for All F–1 Students With Pending H–1B Petitions,* 73 FR 18944 (Apr. 8, 2008).

[29] The educational degrees eligible for the STEM OPT extension must be in a field determined by DHS on the STEM Designated Degree Program List to qualify within a STEM field. Since the 2016 rule, DHS has periodically updated and published the STEM Designated Degree Program List and requested input from the public on fields of study that should be considered. *See, e.g., Update to the Department of Homeland Security STEM Designated Degree Program List,* 87 FR 3317 (Jan. 21, 2022); *Update to the Department of Homeland Security STEM Designated Degree Program List,* 88 FR 44381 (July 12, 2023); *Update to the Department of Homeland Security STEM Designated Degree Program List,* 89 FR 59748 (July 23, 2024).

[30] *See Extending Period of Optional Practical Training by 17 Months for F–1 Nonimmigrant Students With STEM Degrees and Expanding Cap-Gap Relief for All F–1 Students With Pending H–1B Petitions,* 73 FR 18944 (Apr. 8, 2008).

[31] *See Improving and Expanding Training Opportunities for F–1 Nonimmigrant Students with STEM Degrees and Cap-Gap Relief for All Eligible F–1 Students,* 81 FR 13040 (Mar. 11, 2016). The 2016 rulemaking followed litigation challenging the 2008 rule, during which the U.S. District Court for the District of Columbia vacated the rule as unlawfully issued in violation of the Administrative Procedure Act but stayed the vacatur to allow DHS to issue a new rule. *See Wash. All. of Tech. Workers* v. *U.S. Dep't of Homeland Sec.,* 156 F. Supp. 3d 123 (D.D.C. 2015), *vacated on other grounds,* 650 Fed. App'x. 13 (D.C. Cir. 2016).

[32] *See* 8 CFR 214.2(f)(10)(ii)–(f)(12).

[33] *See Modernizing H–1B Requirements, Providing Flexibility in the F–1 Program, and Program Improvements Affecting Other Nonimmigrant Workers,* 89 FR 103054 (Dec. 18,

The ''cap-gap'' regulations, which were amended in 2024,[34] specifically intended for F–1 nonimmigrant students to automatically extend status and/or employment authorization if they are selected beneficiaries of an H–1B cap petition that has been timely filed and is pending USCIS adjudication.[35] The cap-gap occurs because an employer may not file, and USCIS may not accept, a cap-subject H–1B petition submitted more than 6 months in advance of the date of actual need for the beneficiary's services or training.[36] As a result, the earliest date that an employer can file an H–1B cap-subject petition is April 1 for the following fiscal year, which starts October 1.[37] When the F–1 nonimmigrant student's OPT employment authorization is set to expire before the H–1B start date of October 1, the ''cap-gap'' period starts when the F–1 nonimmigrant student's status and OPT employment authorization expire and, unless terminated, ends on April 1 of the fiscal year for which the H–1B status is being requested or on the validity start date of the approved petition, whichever is earlier.[38]

C. Student and Exchange Visitor Program

SEVP, under Homeland Security Investigations within ICE, manages and oversees the F and M nonimmigrant student process, including the certification and oversight of schools in the United States to enroll F academic and M vocational nonimmigrant students. Nonimmigrants in F and M status can attend and study only at an SEVP-certified school in the United States. Additionally, SEVP manages SEVIS, which is a web-based system used to facilitate the certification of schools, maintain information on certified schools, track and manage F and M nonimmigrant students in the United States, and track J nonimmigrants and their participation in authorized Exchange Visitor programs. SEVP also works closely with and ensures other government components and agencies, including U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP), and the U.S. Department of State, have access to essential data on nonimmigrant students and exchange visitors for use in their respective functions involving preservation of national security and immigration compliance oversight.

D. Practical Training for F–1 Nonimmigrants

Students in F–1 status are nonimmigrants who enter the United States with the primary purpose of pursuing an academic or language training course of study at an SEVP-certified school or program.[39] With limited exceptions, an F–1 nonimmigrant student may not be employed in the United States.[40] The regulation on practical training under 8 CFR 214.2(f)(10) provides that an F–1 nonimmigrant student who has been enrolled in post-secondary study on a full-time basis for at least one full academic year at a college, university, conservatory, or seminary certified by SEVP, and who has otherwise maintained nonimmigrant status, may be authorized practical training.[41] The current regulations provide two types of practical training: Curricular Practical Training (CPT) and OPT. The scope of this proposed rule is specific to OPT and does not address CPT.[42]

1. Optional Practical Training

OPT is practical training that is directly related to the F–1 nonimmigrant student's major area of study but not necessarily an integral part of the established curriculum.[43] OPT is not mandatory to fulfill the requirements of an F–1 nonimmigrant student's program of study, and F–1 nonimmigrant students can engage in OPT before (pre-completion OPT) or after program completion (post-completion OPT). F–1 nonimmigrant students who have participated in one year or more of full-time CPT are ineligible for post-completion OPT, but part-time CPT does not trigger this limitation on OPT.[44]

To engage in OPT, an F–1 nonimmigrant student must first obtain a recommendation from a Designated School Official (DSO) at the relevant educational institution, who must ensure that the F–1 nonimmigrant student is eligible for the type and period of OPT and aware of the responsibilities for maintaining status while engaged in OPT.[45] For the initial 12-month OPT period, an F–1 nonimmigrant student does not have to secure a training opportunity before the DSO can recommend OPT.[46] Upon issuing the OPT recommendation, the DSO provides the F–1 nonimmigrant student with a signed Form I–20, and the educational institution must assume the added responsibility of maintaining the student's SEVIS record for the entire period of authorized OPT.[47] The F–1 nonimmigrant student will then file a Form I–765, Application for Employment Authorization, with USCIS, which will adjudicate the application on the basis of the DSO's recommendation and other eligibility considerations.[48] Additionally, if an F–1 nonimmigrant student is requesting OPT after the F–1 nonimmigrant student's initial 4-years of admission, the F–1 nonimmigrant student would also need to apply for an extension of stay (EOS) with USCIS in addition to the Form I–765. *See* 8 CFR 214.1(c); 214.2(f)(7)(v). Alternatively, if the F–1 nonimmigrant student does not wish to apply for an EOS, that F–1 nonimmigrant student would need to depart the United States, and upon return, seek admission to the United States through CBP for a new admission period. *See* 8 CFR 214.2(f)(10)(ii)(D).

2. STEM OPT Extension

F–1 nonimmigrant students with certain qualifying STEM degrees[49] who

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2024). *See also* 8 CFR 214.2(f)(5)(vi). Under the 2008 and 2016 rule, the cap-gap extension coverage extended until October 1. But in 2024, DHS amended the ''cap-gap'' period to further extend coverage until April 1 of the fiscal year for which the H–1B status is being requested or until the validity start date of the approved petition, whichever is earlier.

[34] *See Modernizing H–1B Requirements, Providing Flexibility in the F–1 Program, and Program Improvements Affecting Other Nonimmigrant Workers,* 89 FR 103054 (Dec. 18, 2024).

[35] *See* 8 CFR 214.2(f)(5)(vi). *See also* U.S. Citizenship and Immig. *Services, Extension of Post Completion Optional Practical Training (OPT) and F–1 Status for Eligible Students under the H–1B Cap-Gap Regulations,* available at *https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-1b-specialty-occupations/extension-of-post-completion-optional-practical-training-opt-and-f-1-status-for-eligible-students* (last visited Sept. 9, 2025).

[36] *Id.*

[37] *Id.*

[38] *Id.*

[39] *See* INA 101(a)(15)(F), 8 U.S.C. 1101(a)(15)(F)(i) ''an alien having a residence in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study . . . '' *See also* 8 CFR 214.2(f).

[40] *See* 8 CFR 214.2(f)(9)–(10); 8 CFR 274a.12(b)(6).

[41] *See* 8 CFR 214.2(f)(10).

[42] *See* 8 CFR 214.2(f)(10)(i).

[43] *See* 8 CFR 214.2(f)(10)(ii).

[44] See 8 CFR 214.2(f)(10)(i).

[45] *See* 8 CFR 214.2(f)(11)(i)–(ii).

[46] *See* 8 CFR 214.2(f)(11).

[47] 8 CFR 214.2(f)(11)(ii).

[48] 8 CFR 214.2(f)(10)(ii), (f)(11)(iii).

[49] For purposes of STEM OPT, a STEM field is one included in the Department of Education's Classification of Instructional Programs taxonomy within the two-digit series containing engineering, biological sciences, mathematics, and physical sciences, or a related field. 8 CFR 214.2(f)(10)(ii)(C)(2). DHS periodically publishes the DHS STEM Designated Degree Program List which includes a complete list of fields of study that DHS considers to be STEM fields of study for purposes of the 24-month STEM OPT extension. *See* U.S. Immig. and Customs Enf't, *DHS STEM*

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finish their program of study and participate in an initial period of post-completion OPT have the option to apply for a STEM OPT extension of 24 months, if the STEM degree is in a field of study included on the DHS STEM Designated Degree Program List and from an accredited U.S. educational institution.[50] The F–1 nonimmigrant student must apply for employment authorization through a Form I–765, Application for Employment Authorization, with USCIS to obtain employment authorization for STEM OPT.[51] Additionally, if an F–1 nonimmigrant student is requesting a STEM OPT extension after the F–1 nonimmigrant student's initial 4-years of admission, the F–1 nonimmigrant student would also need to apply for an extension of stay (EOS) with USCIS in addition to the Form I–765. *See* 8 CFR 214.1(c); 214.2(f)(7)(v). Alternatively, if the F–1 nonimmigrant student does not wish to apply for an EOS, that F–1 nonimmigrant student would need to depart the United States, and upon return, seek admission to the United States through CBP for a new admission period. *See* 8 CFR 214.2(f)(10)(ii)(D). The STEM OPT regulations provide additional requirements for the educational institutions, F–1 nonimmigrant students, and their employers, for participating in STEM OPT.[52] A student must submit the Form I–983, *Training Plan for STEM OPT Students* or successor form, which includes the employer's attestation of adherence to the training plan, to the student's DSO at his or her most recent educational institution, prior to the new DSO recommendation for STEM OPT.[53] For STEM OPT, DHS may conduct site visits at the employer locations where the F–1 nonimmigrant students are employed.[54]

IV. Need for Rulemaking

A. Combating Fraud and Abuse of OPT

With the increased number of F–1 nonimmigrant students being recommended by DSOs for OPT, SEVP has encountered more institutions, DSOs, employers, and F–1 nonimmigrant students engaged in schemes to exploit the current OPT regulations for fraudulent purposes. Reports indicate that there has been widespread use of OPT as an informal and unlimited employment benefit that has little to or no relationship to an F–1 nonimmigrant student's program of study.[55] This has resulted in DHS devoting significant resources to identifying and investigating cases in which improper OPT authorization has been used to facilitate F–1 nonimmigrant student visa fraud.[56] The egregious cases of fraud and abuse of OPT[57] demonstrate that additional action is needed to combat such problems. While the SEVP-certified educational institutions are entrusted with being the initial gatekeepers in determining whether to recommend an F–1 student for OPT, the sheer numbers of F–1 students[58] and fraudulent cases[59] in OPT in recent years indicate that the gates have opened too widely, permitting the program to be flooded with participants seeking to exploit the program for improper purposes.

Over the years, the practical training program has confronted egregious cases of abuse, particularly with OPT. For example, in 2020, a Chinese businesswoman was convicted for conspiracy to commit visa fraud for providing false employment documents to at least 2,693 aliens, primarily Chinese F–1 nonimmigrant students seeking OPT, in exchange for a fee.[60]

Designated Degree Program List, available at *https://www.ice.gov/doclib/sevis/pdf/stemList2024.pdf* (last updated July 22, 2024).

[50] *See* 8 CFR 214.2(f)(10)(ii)(C). A list of institutional accrediting agencies recognized by the Secretary is available at the U.S. Department of Education's website. *See* U.S. Dep't of Educ., *Off. of Postsecondary Educ., Institutional Accrediting Agencies,* available at *https://www.ed.gov/laws-and-policy/higher-education-laws-and-policy/college-accreditation/institutional-accrediting-agencies* (last visited Apr. 21, 2025).

[51] 8 CFR 214.2(f)(11)(i)(C). If the F–1 nonimmigrant ''timely and properly'' files Form I–765, the student's Employment Authorization Document (EAD) is automatically extended until USCIS adjudicates the pending Form I–765 or for up to 180 days from the date that the prior EAD expired, whichever comes earlier. *Id. See also* 8 CFR 274a.12(b)(6)(iv).

[52] Such requirements include the employer's participation in E-Verify; reporting requirements by the institutions, students, and employers, such as material changes or early termination/departure; and the student's self-evaluation reports on progress toward the training goals. 8 CFR 214.2(f)(10)(ii)(C)(*5*)–(C)(*10*); 214.2(f)(11), (f)(12).

[53] 8 CFR 214.2(f)(10)(ii)(C)(*7*). On Form I–983, the student and employer must identify the STEM OPT learning objectives and a training plan, and the employer must attest the following: that it has sufficient resources to provide such training; that the student will not replace U.S. workers; that the terms and conditions of the training are commensurate with similarly situated U.S. workers; and that the STEM OPT will assist the student in reaching the training goals. *See* 8 CFR 214.2(f)(10)(ii)(C)(*6*)–(*10*).

[54] *See* 8 CFR 214.2(f)(10)(ii)(C)(*11*). During the site visit, DHS verifies that the information reported on the F–1 nonimmigrant student's Form I–983 about the training opportunity is accurate. Site visits are limited to checking information related to the F–1 nonimmigrant student's STEM OPT employment and ensuring that F–1 nonimmigrant students and employers are engaged in work-based learning experiences that are consistent with the information supplied on the F–1 nonimmigrant student's Form I–983. As part of a site visit, DHS may confirm that the employer has sufficient resources and supervisory personnel to effectively maintain the program and ask employers to provide the evidence they used to assess wages of similarly situated U.S. workers.

[55] *See, e.g.,*U.S. Immigr. & Customs Enf't, *HSI data shows rampant foreign student fraud—ICE director says this is only the beginning,* YouTube (May 12, 2026), available at *https://www.youtube.com/watch?v=fdnwUGmXkT0;* NBC Bay Area, *Shell Companies Sell Job Letters to Foreign Students, ICE Keeping New Data Private* (Nov. 19, 2021), available at *https://www.nbcbayarea.com/investigations/shell-companies-sell-job-letters-to-foreign-students-ice-keeping-new-data-private/2737070/;* Bloomberg, *The STEM Graduate System Is Broken. Here's How to Fix It* (Mar. 10, 2021), available at *https://www.bloomberg.com/graphics/2021-opinion-optional-practical-training-problems-stem-graduates-deserve-better-jobs-opportunities/* (''OPT has also opened a side door into the U.S. job market with minimal labor protections and oversight. It is increasingly funneling cheaper and more pliable, visa-dependent foreign candidates . . . ''); U.S. Immig. and Customs Enf't, *ICE arrests 15 nonimmigrant students for OPT-related fraud* (Oct. 21, 2020), available at *https://www.ice.gov/news/releases/ice-arrests-15-nonimmigrant-students-opt-related-fraud.*

[56] *See, e.g.,* U.S. Immigr. & Customs Enf't, *HSI data shows rampant foreign student fraud—ICE director says this is only the beginning,* YouTube (May 12, 2026), available at *https://www.youtube.com/watch?v=fdnwUGmXkT0* (HSI investigation revealed 10,000 highly suspected employers and agency indicated this was only the beginning); U.S. Immigr. & Customs Enf't, *ICE conducts visits to employers in Northern Virginia to ensure legal compliance when hiring foreign student workers* (Oct. 15, 2025), available at *https://www.ice.gov/news/releases/ice-conducts-visits-employers-northern-virginia-ensure-legal-compliance-when-hiring* (''ICE will take decisive action to hold bad actors accountable and will intensify investigations to mitigate fraud and address security risks associated with the Optional Practical Training programs''); U.S. Immig. and Customs Enf't, ICE arrests 15 nonimmigrant students for OPT-related fraud (Oct. 21, 2020), available at *https://www.ice.gov/news/releases/ice-arrests-15-nonimmigrant-students-opt-related-fraud* (ICE announced findings from ''Operation OPTical Illusion, a law enforcement operation targeting nonimmigrant students who fraudulently used the [OPT] program to remain in the United States''); U.S. Gov't Accountability Off., GAO 19–297, Student and Exch. Visitor Program: DHS Can Take Additional Steps to Manage Fraud Risks Related to School Recertification and Program Oversight (Mar. 18, 2019), available at *https://www.gao.gov/products/gao-19-297* (GAO noted that while the OPT program oversight has improved, it recommended that the agency further enhance controls over schools and school employees).

[57] *Id.*

[58] *See* Table 2 in section VII.A.3.

[59] *See, e.g.,* U.S. Immig. and Customs Enf't, *ICE arrests 15 nonimmigrant students for OPT-related fraud* (Oct. 21, 2020), available at *https://www.ice.gov/news/releases/ice-arrests-15-nonimmigrant-students-opt-related-fraud;* U.S. Immigr. & Customs Enf't, *HSI data shows rampant foreign student fraud—ICE director says this is only the beginning,* YouTube (May 12, 2026), available at *https://www.youtube.com/watch?v=fdnwUGmXkT0.*

[60] U.S. Attorney's Office, *Chinese Businesswoman Sentenced to 37 Months in Federal Prison for Conspiracy to Commit Visa Fraud* (June 26, 2020), available at *https://www.justice.gov/usao-ndil/pr/chinese-businesswoman-sentenced-37-months-federal-prison-conspiracy-commit-visa-fraud; See also* NBC Bay Area, *Kelly Huang Criminal Compliant* (Mar. 28, 2019), available at *https://media.nbcbayarea.com/2019/09/KellyHuangCriminalComplaint.pdf.*

She founded two shell companies through which she advertised fraudulent visa-related employment and provided false offer letters and employment verification letters.[61] Her company provided assistance to an F–1 nonimmigrant student who was convicted of conspiracy to act as an agent of a foreign government, acting as an agent of the People's Republic of China (PRC), and making a materially false statement to the United States Army.[62] Separately, in 2020, ICE arrested 15 F–1 nonimmigrant students who were charged with fraudulently using OPT to remain in the United States.[63] Strikingly, there have been alarming reports of shell companies selling jobs to foreign students, bypassing H–1B visa caps and fees.[64] In 2021, a news article reported that it had identified more than a dozen potential shell companies, which in the aggregate, employed nearly 4,000 F–1 nonimmigrant students through OPT.[65] Furthermore, in 2025, during employer site visits in Northern Virginia, ICE personnel discovered evidence of fraud and non-compliance associated with OPT, ''including evidence of nonfunctional or staged worksites and supervisors who lacked knowledge of laws and regulations related to employing foreign students while visiting local IT services companies.''[66]

Most recently, DHS announced an investigation that identified more than 10,000 F–1 nonimmigrant students who were engaged in OPT and were working for highly suspect employers.[67] Key findings included the following: nationwide fraud, with problematic worksites across multiple states; empty buildings and false claims of employment, including ''pay-to-stay'' visa fraud with nonexistent worksites; residential addresses listed as worksites with no employees present; financial red flags, including tax liens and suspicious transactions; missing employment records and offshore operations; and ''phantom employees'' who never reported for work.[68] The probe found multiple employers claiming the same address as the location of their business, but further investigation found that none of the employers was actually listed on the lease of the building.[69] Furthermore, the investigation revealed that many employers listed residential addresses as work sites for hundreds of foreign students, yet no employees were present.[70]

Specifically, HSI site visits at STEM OPT worksites found coordinated employer clusters, with identical websites and shared personnel, falsely denying business relationships.[71] There were also findings of shell companies with multiple employers established by the same owner/operator.[72] Additionally, HSI found multi-state networks farming out students to unreported third-party employers and evidence of international financial fraud involving complex transactions.[73] Criminal activities were detected among employers located throughout the country, including Texas, Georgia, New Jersey, and New York.[74]

In the last few years, the growth rate of OPT has exponentially outpaced the number of companies that DHS is able to effectively review and investigate. In 2024, 194,554 F–1 nonimmigrant students were granted Employment Authorization Documents (EADs) for pre-completion or post-completion OPT and reported working for an employer in the 2024 calendar year, compared to 160,627 F–1 nonimmigrant students who reported such OPT employment in the 2023 calendar year.[75] As indicated in the Office of the Citizenship and Immigration Services Ombudsman's Annual Report 2020, ''[t]here are significant indications that the OPT program is vulnerable to fraud because agency compliance resources are not scaled to (or keeping pace with) the size of the program.''[76]

As of June 2026, there were approximately 6,186 SEVP-certified schools (ranging from the K–12 level to universities), divided into approximately 60 territories, each of which typically has one SEVP field representative.[77] The SEVP field representative is responsible for making site visits to each school in their territory (potentially hundreds, depending on the territory) at least once a year where the representative will typically review school and nonimmigrant student records in SEVIS, provide training, and answer questions about SEVP requirements and regulations.[78] School visits made by a SEVP field representative and other DHS site visits to schools, employers, and F–1 nonimmigrant student employment sites are complex, multilayered, and require considerable time, resources, and coordination with other HSI components and occasionally other federal agencies depending on the scope of the investigation.[79]

Notably, there have also been a number of congressional inquiries highlighting concerns of fraud and abuse of OPT, as well as legislative efforts to limit or eliminate the practical training programs.[80] Furthermore, in

[61] *Id.*

[62] U.S. Dep't. of Justice, *Chinese National Sentenced to Eight Years for Acting within the United States as an Unregistered Agent of the People's Republic of China* (Jan. 25, 2023), available at *https://www.justice.gov/archives/opa/pr/chinese-national-sentenced-eight-years-acting-within-united-states-unregistered-agent-people.*

[63] U.S. Immig. and Customs Enf't, *ICE arrests 15 nonimmigrant students for OPT-related fraud* (Oct. 21, 2020), available at *https://www.ice.gov/news/releases/ice-arrests-15-nonimmigrant-students-opt-related-fraud.*

[64] NBC Bay Area, *Shell Companies Sell Job Letters to Foreign Students, ICE Keeping New Data Private* (Nov. 19, 2021), available at *https://www.nbcbayarea.com/investigations/shell-companies-sell-job-letters-to-foreign-students-ice-keeping-new-data-private/2737070/.*

[65] *Id.*

[66] U.S. Immigr. & Customs Enf't, *ICE conducts visits to employers in Northern Virginia to ensure legal compliance when hiring foreign student workers* (Oct. 15, 2025), available at *https://www.ice.gov/news/releases/ice-conducts-visits-employers-northern-virginia-ensure-legal-compliance-when-hiring.*

[67] U.S. Immigr. & Customs Enf't, *HSI data shows rampant foreign student fraud—ICE director says this is only the beginning,* YouTube (May 12, 2026), available at *https://www.youtube.com/watch?v=fdnwUGmXkT0.*

[68] *Id.* at 1:40–2:59. One employer even claimed over 150 student employees but only one student was present and was trained remotely by a foreign company. *Id.* at 5:45–6:00.

[69] *Id.* at 2:04–2:13.

[70] *Id.* at 2:13–2:20.

[71] *Id.* at 3:33–3:41.

[72] *Id.* at 3:49.

[73] *Id.* at 4:26–4:43.

[74] *Id.* at 1:57, 6:44.

[75] U.S. Immig. and Customs Enf't, *SEVIS By the Numbers 2024* (June 5, 2025), available at *https://www.ice.gov/doclib/sevis/btn/25_0605_2024-sevis-btn.pdf.*

[76] Office of the Citizenship and Immigration Services Ombudsman, *Annual Report 2020* (June 30, 2020), available at *https://www.dhs.gov/sites/default/files/publications/20_0630_cisomb-2020-annual-report-to-congress.pdf* [hereinafter *Annual Report 2020*].

[77] U.S. Immigration and Customs Enforcement, Certified School List, (June 16, 2026), available at *https://studyinthestates.dhs.gov/school-search.*

[78] *See* U.S. Dep't of Homeland Sec., *Study in the States, SEVP Field Representatives,* available at *https://studyinthestates.dhs.gov/schools/apply/sevp-field-representatives* (last updated Nov. 14, 2025).

[79] *See* U.S. Dep't of Homeland Sec., *Study in the States, Read this Overview of STEM OPT Employer Site Visits* (Feb. 13, 2020), available at *https://studyinthestates.dhs.gov/2020/02/read-overview-stem-opt-employer-site-visits; see also* U.S. Dep't of Homeland Sec., *Study in the States, Employer Site Visits* (May 25, 2023), available *https://studyinthestates.dhs.gov/stem-opt-hub/for-employers/employer-site-visits; see also* U.S. Dep't of Homeland Sec., *Study in the States, SEVP Site Visits and School Visits* (Apr. 3, 2017), available at *https://studyinthestates.dhs.gov/2017/04/sevp-site-visits-and-school-visits.*

[80] *See, e.g.,* H.R. 3983, 117th Cong. (2022), available at *https://www.congress.gov/bill/117th-congress/house-bill/3983* (bill to limit OPT to 6 months, exclude certain foreign nationals with degree/work in sensitive field, and require the U.S. Dep't of Labor to conduct a wage analysis of OPT and CPT); H.R. 4644, 117th Cong. (2022), available at *https://www.congress.gov/bill/117th-congress/house-bill/4644* (bill to eliminate OPT or any successor program unless Congress expressly

Continued

2019, the U.S. Government Accountability Office (GAO) issued a report highlighting the prevalence of fraud associated generally with SEVP-certified schools enrolling F–1 nonimmigrant students.[81] The F–1 visa itself has historically faced vulnerabilities involving visa fraud,[82] and DHS is working to address those issues as well, consistent with its statutory authority.[83]

DHS notes that without the fees proposed in this rule, it cannot operate OPT consistent with its focus on preventing fraud and may shut down the program entirely.

B. Protecting American Workers

The recent Executive Orders and other presidential documents direct agencies to protect the interests of U.S. workers [84] and identify any regulations that may be harmful to the interests of the United States.[85] As such, DHS has reviewed its regulations and identified the need to amend the OPT regulations by proposing to establish fees which would ensure that only highly qualified eligible F–1 students participate in OPT and the labor market is not oversaturated with low-paid foreign workers. DHS believes that this fee is necessary to place the United States' interests first and protect American workers. The fee is necessary to ensure that schools, students, and employers participate in OPT for its intended purpose instead of a means to circumvent the H–1B visa program.

Since the 2016 STEM OPT regulatory amendments extended post-completion OPT by an additional 24 months for F–1 nonimmigrant students with qualifying STEM degrees,[86] the use of OPT and related fraudulent activities in OPT have expanded significantly.[87] It is indisputable that STEM OPT has increased the amount of foreign labor in the STEM labor market.[88] As described in *Washington All. of Tech. Workers* (''*WashTech*''), there are U.S. workers directly competing with F–1 nonimmigrant students working through OPT and F–1 nonimmigrant students who are using OPT to remain in the United States longer.[89] Against this backdrop, American workers are not only competing against the surge of F–1 students participating in practical training programs but are also facing challenges in finding employment resulting from the H–1B visa program abuses, exacerbating imbalance in the labor market.[90]

According to the Presidential Proclamation, *Restriction on Entry of Certain Nonimmigrant Workers,* ''among college graduates ages 22 to 27, computer science and computer engineering majors face some of the highest unemployment rates in the country at 6.1 percent and 7.5 percent, respectively—more than double the unemployment rates of recent biology and art history graduates.'' [91] The presidential proclamation also indicates that unemployment rates among

authorizes such program); H.R. 4843, 118th Cong. (2023), available at *https://www.congress.gov/bill/118th-congress/house-bill/4843* (bill to limit OPT to 4 months and bar OPT for foreign nationals with degrees/work in sensitive fields, or who are employed by or affiliated with an entity owned or controlled by the Communist Party of China); H.R. 2315, 119th Cong. (2025), available at *https://www.congress.gov/bill/119th-congress/house-bill/2315* (bill to eliminate OPT or any successor program unless Congress expressly authorizes such program). *See also* U.S. Senate Committee on the Judiciary, *Grassley Examines Lax Oversight of 'Visa Mills' Offering Visas to Foreign Students* (Mar. 26, 2018), available at *https://www.judiciary.senate.gov/press/rep/releases/grassley-examines-lax-oversight-of-visa-mills-offering-visas-to-foreign-students#_ftn38;* House Select Committee on the CCP, Press Release, *Chairman Moolenaar Demands Transparency from Universities on National Security Risks Posed by Chinese Nationals in STEM Programs* (Mar. 19, 2025), available at *https://selectcommitteeontheccp.house.gov/media/press-releases/chairman-moolenaar-demands-transparency-universities-national-security-risks.*

[81] ICE has implemented five of the recommendations and has partially implemented the remaining two. *See* U.S. Gov't Accountability Off., GAO 19–297, *Student and Exch. Visitor Program: DHS Can Take Additional Steps to Manage Fraud Risks Related to School Recertification and Program Oversight* (Mar. 18, 2019), available at *https://www.gao.gov/products/gao-19-297* (last visited July 21, 2026) [hereinafter GAO 19–297] (The report includes implementation status updates through June 2025). *See also* U.S. Immig. and Customs Enf't, *New Initiative: Fraud Training and Resources for DSOs* (Nov. 3, 2025), available at *https://studyinthestates.dhs.gov/2025/11/new-initiative-fraud-training-and-resources-for-dsos.*

[82] *See, e.g.,* U.S. Attorney's Office, *Monrovia Man Sentenced to 4 Years in Prison for Scheming to Fraudulently Obtain Student Visas for Wealthy Foreign Nationals* (Oct. 3, 2022), available at *https://www.justice.gov/usao-cdca/pr/monrovia-man-sentenced-4-years-prison-scheming-fraudulently-obtain-student-visas;* U.S. Attorney's Office, *San Fernando Valley Man Admits Guilt in English Proficiency Exam Scheme for Chinese Nationals Seeking Student Visas* (Oct. 3, 2019), available at *https://www.justice.gov/usao-cdca/pr/san-fernando-valley-man-admits-guilt-english-proficiency-exam-scheme-chinese-nationals;* U.S. Immig. and Customs Enf't, *President of Bay Area university convicted in student visa fraud scheme* (Mar. 24, 2014), available at *https://www.ice.gov/news/releases/president-bay-area-university-convicted-student-visa-fraud-scheme;* U.S. Attorney's Office, *Former CEO Of Local University Pleads Guilty to Submitting False Documents to Department of Homeland Security* (Apr. 9, 2015), available at *https://www.justice.gov/usao-ndca/pr/former-ceo-local-university-pleads-guilty-submitting-false-documents-department;* U.S. Immig. and Customs Enf't, *Owner of Los Angeles-area schools that illegally allowed foreign nationals to remain in US as foreign 'students' pleads guilty to federal fraud charges* (Feb. 19, 2017), available at: *https://www.ice.gov/news/releases/owner-los-angeles-area-schools-illegally-allowed-foreign-nationals-remain-us-foreign;* Federal Bureau of Investigation, *Head of English Language School Sentenced to Federal Prison for Immigration Fraud Conspiracy* (Aug. 31, 2009), available at *https://archives.fbi.gov/archives/atlanta/press-releases/2009/atl083109.htm;* U.S. Attorney's Office, *Operator of English Language Schools Charged in Massive Student Visa Fraud Scheme* (Apr. 9, 2008), available at: *https://www.justice.gov/archive/usao/cac/Pressroom/pr2008/038.html;* U.S. Department of Justice, *School Official Admits Visa Fraud* (Mar. 12, 2012), available at *https://www.justice.gov/archive/usao/pae/News/2012/Mar/tkhir_release.htm;* U.S. Attorney's Office, *Three Senior Executives Sentenced In Manhattan Federal Court For Their Roles In Student Visa And Financial Aid Frauds At For-Profit Schools* (Jan. 27, 2016), available at *https://www.justice.gov/usao-sdny/pr/three-senior-executives-sentenced-manhattan-federal-court-their-roles-student-visa-and.*

[83] *See Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media,* 90 FR 42070 (Aug. 28, 2025).

[84] *See generally,* Proclamation No. 10973, 90 FR 46027, *Restriction on Entry of Certain Nonimmigrant Workers* (Sep. 24, 2025) (''The H–1B nonimmigrant visa program was created to bring temporary workers into the United States to perform additive, high-skilled functions, but it has been deliberately exploited to replace, rather than supplement, American workers with lower-paid, lower-skilled labor. The large-scale replacement of American workers through systemic abuse of the program has undermined both our economic and national security. Some employers, using practices now widely adopted by entire sectors, have abused the H–1B statute and its regulations to artificially suppress wages, resulting in a disadvantageous labor market for American citizens, while at the same time making it more difficult to attract and retain the highest skilled subset of temporary workers, with the largest impact seen in critical science, technology, engineering, and math (STEM) fields.''); Exec. Order No. 14150, 90 FR 8337 (Jan. 20, 2025), *America First Policy Directive to the Secretary of State* (''the foreign policy of the United States shall champion core American interests and always put America and American citizens first''); Presidential Memoranda, *Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis,* 90 FR 8245 (Jan. 20, 2025) (directing departments and agencies to ''create employment opportunities for American workers, including drawing discouraged workers into the labor force'').

[85] Exec. Order No. 14219, 90 FR 10583 (Feb. 19, 2025), Ensuring Lawful Governance and Implementing the President's ''Department of Government Efficiency'' Deregulatory Initiative; Presidential Memoranda, *Directing the Repeal of Unlawful Regulations* (Apr. 9, 2025), available at *https://www.whitehouse.gov/presidential-actions/2025/04/directing-the-repeal-of-unlawful-regulations/.*

[86] *See Improving and Expanding Training Opportunities for F–1 Nonimmigrant Students with STEM Degrees and Cap-Gap Relief for All Eligible F–1 Students,* 81 FR 13040 (Mar. 11, 2016).

[87] *See* section IV.A Combating Fraud and Abuse of OPT.

[88] *See generally, Wash. All. of Tech. Workers* v. *U.S. Dep't of Homeland Sec.,* 50 F.4th 164, 176 (D.C. Cir. 2022) (finding that ''there is little dispute that the 2016 OPT Rule has increased the labor supply in the STEM field,'' in reference to 34,000 individuals participating in the STEM OPT extensions in 2016).

[89] *Id. See also* section IV.A Combating Fraud and Abuse of OPT.

[90] *Supra note* 84.

[91] *Id.*

workers in computer occupations jumped from an average of 1.98 percent in 2019 to 3.02 percent in 2025. On the other hand, the number of foreign STEM workers in the United States has more than doubled between 2000 and 2019, increasing from 1.2 million to almost 2.5 million, while overall STEM employment has only increased 44.5 percent during that time.[92] Among computer and math occupations, the foreign share of the workforce grew from 17.7 percent in 2000 to 26.1 percent in 2019.[93]

Following the 2016 STEM OPT rule, the anticipated number of participants in the extension program far surpassed DHS's estimated calculations, and the numbers have continued to grow each year.[94] In 2016, DHS estimated that the number of potentially eligible F–1 nonimmigrant students for STEM OPT could ''be almost 50,000 in year one and grow to approximately 92,000 in year 10 [in 2026].'' [95] However, DHS records indicate that by 2024, there were already 165,524 F–1 nonimmigrant students participating in STEM OPT, in addition to 194,554 F–1 nonimmigrant students participating in pre- and post-completion OPT.[96]

In 2016, when the STEM OPT rule was first implemented, the impact of the program on the U.S. labor market was not fully ascertainable. At that time, DHS acknowledged that the 2016 rule ''include[d] neither a quantified estimate of potential negative impacts to individual U.S. workers nor a quantified estimate of specific benefits to U.S. educational institutions or the overall economy.'' [97] In 2016, DHS based the STEM OPT rule on ''the widely accepted proposition that educational and cultural exchange, a strong post-secondary education system, and a focus on STEM innovation are, on the whole, positive contributors to the U.S. economy and U.S. workers and in the overall national interest.'' [98] However, nearly a decade after the 2016 rule, DHS believes that the practical training programs have widely drifted from their intended purpose, in part due to the unforeseen substantial rise in participation of the practical training programs.

Currently, the practical training programs have become a channel for F–1 nonimmigrant students to circumvent employment visa caps and obtain extended employment in the United States.[99] The H–1B visas have an annual statutory numerical limit of 65,000 each fiscal year,[100] and 20,000 for aliens who have earned a master's degree or higher from a U.S. institution.[101] However, there are no statutory limits on the number of F–1 nonimmigrant students who can participate in the optional practical training programs. The 2016 STEM OPT rule was not created to undermine the statutory requirements of the H–1B visas, but the rule has resulted in an unprecedented increase of F–1 nonimmigrant students working through STEM OPT such that, based on 2024 information, the 165,524 F–1 nonimmigrant students participating in STEM OPT is nearly double the number of H–1B visas allowed each fiscal year.[102]

While the 2016 STEM OPT rule included some provisions that were intended to protect U.S. workers, such provisions have not sufficiently addressed the shortfalls of STEM OPT, such as the significant rise in participants.[103] Additionally, STEM OPT employers are subject to self-reporting requirements on the Form I–983, including certifying that the F–1 nonimmigrant student will not replace a U.S. worker and that the terms and conditions of the employment will be commensurate with those of a similarly situated U.S. worker hired by the employer.[104] However, the employers for STEM OPT are not required to submit any business documents or supporting documents to DHS, such as tax records or proof of business. Furthermore, DHS does not generally verify the employer attestations unless and until there is a site visit.[105]

With the rapid growth of participation in OPT and STEM OPT, several concerns have been raised relating to these programs and their impact on the U.S. workforce.[106] For example, some critics of the practical training programs have indicated that the Federal Insurance Contributions Act (FICA) tax exemption creates a substantial incentive for employers to hire F–1 nonimmigrant students instead of U.S. workers, which could negatively impact the U.S. labor market.[107] F–1 nonimmigrant students employed in practical training programs generally are not subject to FICA taxes or Social Security and Medicare contributions until after their first five calendar years

[92] *Id.*

[93] *Id.*

[94] *Id.*

[95] 81 FR 13040, *supra* note 31.

[96] U.S. Immig. and Customs Enf't, 2024 SEVIS by the Numbers Report (June 5, 2025), available at *https://www.ice.gov/doclib/sevis/btn/25_0605_2024-sevis-btn.pdf.*

[97] 81 FR 13040, *supra* note 31.

[98] *Id.*

[99] *See* INA 101(a)(15)(H)(i)(B), 8 U.S.C. 1101(a)(15)(H)(i)(b).

[100] 8 U.S.C. 1184(g)(1).

[101] 8 U.S.C. 1184(g)(5)(C).

[102] *See* U.S. Immig. and Customs Enf't, 2024 SEVIS by the Numbers Report (June 5, 2025), available at *https://www.ice.gov/doclib/sevis/btn/25_0605_2024-sevis-btn.pdf.* Indeed, in 2008, DHS published the STEM OPT interim final rule, explaining the limitations on the number of H–1B visas available and stating that the STEM OPT extension was instituted to address the immediate competitive disadvantage faced by U.S. high-tech industries and the ability of schools to attract foreign talent. *See* 73 FR 18944, *supra* note 30. However, in the 2016 STEM OPT final rule, DHS reiterated that the STEM OPT program was not designed to circumvent the statutory requirements of the H–1B visa program, including the congressionally established cap on H–1B visas. *See* 81 FR 13040, *supra* note 31.

[103] *Supra note* 76 (''OPT fails to include many of the customary protections that would have been legislated in (or negotiated out) had it been developed by Congress, rather than created by regulation that did not include analysis of necessary resources to securely administer a program that would eventually dwarf the H–1B program, and tangentially impact U.S. workers working in STEM or other disciplines.'').

[104] *See* 8 CFR 214.2(f)(10)(ii)(C)(*5*)–(*6*), (*8*).

[105] *See* 8 CFR 214.2(f)(10)(ii)(C)(*11*).

[106] *See, e.g.,* Ctr. for Immig. Stud., *ICE's Controversial Foreign Student Employment Programs Not Protecting U.S. Workers* (Sept. 15, 2024), available at *https://cis.org/Report/ICEs-Controversial-Foreign-Student-Employment-Programs-Not-Protecting-US-Workers* (''[T]here is no penalty process built into the STEM OPT program as there is for employers who violate prevailing wage and related requirements of the H–1B program. . .''); Bloomberg, *The STEM Graduate System Is Broken. Here's How to Fix It* (Mar. 10, 2021), available at *https://www.bloomberg.com/graphics/2021-opinion-optional-practical-training-problems-stem-graduates-deserve-better-jobs-opportunities/* (''OPT has also opened a side door into the U.S. job market with minimal labor protections and oversight. It is increasingly funneling cheaper and more pliable, visa-dependent foreign candidates into fields such as software engineering and development, depressing wages and making a once-attractive career path less desirable. . . it can undercut American students looking for work.''); Economic Policy Institute, *Congressional Testimony: The Impact of High-Skilled Immigration on U.S. Workers* (Mar. 1, 2016), available at *https://www.epi.org/publication/congressional-testimony-the-impact-of-high-skilled-immigration-on-u-s-workers-4/* (''The L–1 visa and F–1 visa Optional Practical Training (OPT) programs . . . have no protections for American workers or foreign workers. There are no recruitment or non-displacement requirements for either program. American workers can and are replaced by these workers.'').

[107] Economic Policy Institute, *Congressional Testimony: The Impact of High-Skilled Immigration on U.S. Workers* (Mar. 1, 2016), available at *https://www.epi.org/publication/congressional-testimony-the-impact-of-high-skilled-immigration-on-u-s-workers-4/* (''The L–1 visa and F–1 visa Optional Practical Training (OPT) programs . . . have no protections for American workers or foreign workers. There are no recruitment or non-displacement requirements for either program. American workers can and are replaced by these workers.'') (''The STEM OPT program makes de facto guestworkers significantly cheaper than U.S. workers by waiving the employer's obligation to pay federal payroll taxes. This creates a financial incentive for employers to hire OPT employees instead of U.S. workers in STEM jobs, which is an obvious disadvantage for U.S. workers, most of whom are likely to be recent STEM graduates seeking entry-level jobs.'').

in F–1 nonimmigrant student status.[108] As such, an employer saves an amount equal to 6.2 percent of the F–1 nonimmigrant student's salary up to the taxable wage base and an additional 1.45 percent of the total salary that would have been the employer's contribution to the Social Security and Medicare trust funds.[109] There have been concerns that these tax exemptions have incentivized employers to hire F–1 nonimmigrant students over U.S. workers.[110] According to this Administration, ''[a] 2017 study showed that wages for American computer scientists would have been 2.6 percent to 5.1 percent higher and employment in computer science for American workers would have been 6.1 percent to 10.8 percent higher in 2001 absent the importation of foreign workers into the computer science field.'' [111] Employing foreign workers in entry-level positions at discounted rates, such as through practical training programs, undercuts American worker wages and opportunities.[112] The large-scale replacement of American workers through systemic abuse of the OPT program undermines the U.S. economy. For the initial 12-month OPT period, F–1 nonimmigrant students are not required to find an employer before seeking approval for OPT. The OPT program instead relies heavily on DSOs, who are often overwhelmed by the program responsibilities and not fully trained, to be the initial gatekeepers for OPT authorization.[113] Form I–765 applications are submitted by F–1 nonimmigrant students, and USCIS has no interaction with the DSOs or potential employers. This substantial rise in the number of OPT participants has created increased operational burdens.

Accordingly, DHS notes that without the fees proposed in this rulemaking, it cannot administer OPT consistent with its focus on protecting American workers and may shut down the program entirely.

C. Establishing the Optional Practical Training Fees

After considering the problematic issues plaguing the practical training programs in recent years and substantial rise in participants, as discussed above in section IV.A–C, DHS believes that program fees are necessary for all types of OPT. DHS believes that its mission in combating fraud, as well as protecting U.S. workers and upholding the integrity of the immigration system, would be furthered through a fee, which would deter the participation by adverse actors and increase the level of oversight and scrutiny by schools when endorsing OPT for its students.

As noted above, DHS believes that absent these fees, it will not be able to operate OPT consistent with its focus on preventing fraud and protecting American workers and may shut down the program entirely.

Specifically, DHS believes this proposed fee would incentivize educational institutions to exercise greater oversight and selectivity when recommending students for OPT, thereby reducing fraudulent authorizations and curbing ''visa mill'' activities. By establishing a financial obligation through a fee, this proposed rule would encourage schools to ensure that OPT opportunities provide genuine educational value that aligns with the original intent of the practical training program, thereby promoting shared responsibility and accountability. Schools would have a direct stake in the integrity of the OPT program, incentivizing them to strengthen their internal compliance and selection processes and only issue OPT recommendations to those students for whom the school will pay the required fee. The financial costs would deter schools from recommending students with questionable qualifications for OPT, leading to higher program integrity. DHS anticipates that schools will consider adopting internal policies and procedures that prioritize quality and compliance over quantity of participants, stabilizing the number of OPT participants. This fee would result in a smaller pool of participants, as schools would be more selective in determining which students are qualified to participate in OPT. In turn, the rule, as proposed, would effectively eliminate students who engage in OPT as a pathway for low-paid employment or those who are trying to circumvent the H–1B visa cap and fee requirements, as they would no longer be able to obtain ''automatic'' recommendations for OPT from their schools. DHS believes that this proposed fee would incentivize schools to only recommend the most promising students to engage in OPT after a thorough review and payment of the required fee. Limiting the pool of OPT participants to talented students who are in genuine educational programs and placed in training programs that directly relate to their major area of study would protect the interests and jobs of American workers in the long run. The proposed rule would alleviate the job market from depressed wages and low-paid jobs otherwise held by F–1 nonimmigrant students. Additionally, the proposed rule would curb the number of students and employers attempting to circumvent the H–1B visa cap and fee, and thus, result in less replacement of U.S. workers, as schools would have greater equity and stake than employers in determining who participates in OPT due to their financial responsibilities.

A reduction in the pool of OPT applicants, along with the stabilization of participant numbers, would alleviate DHS's resource burden tied to enforcement activities related to OPT and enable the agency to conduct more focused and efficient oversight of SEVP programs. Enhanced school compliance would reduce the investigative and enforcement burden on DHS, allowing limited resources to be focused on higher-priority cases. Specifically, it would allow SEVP to strategically allocate resources to other programs that it administers and regulates. With fewer applicants to monitor, SEVP would be able to focus its investigative efforts on high-risk industries and sectors where OPT abuse is more likely to occur, such as technology and critical infrastructure. This targeted approach would enable

[108] Under 26 U.S.C. 3121(b)(19), FICA taxation is exempted for certain services when they are performed by F–1 nonimmigrants (among other nonimmigrant classifications) who are nonresidents for Federal tax purposes for a period of time. 26 U.S.C. 3121(b)(19). See generally 26 CFR 3121(b)(19)–1. It is possible that STEM OPT participants will already have accrued five calendar years at the start of their STEM OPT extension and thus, be subject to FICA taxes thereafter. *See* U.S. Dep't of Homeland Sec., *Study in the States, STEM OPT Frequently Asked Questions,* available at *https://studyinthestates.dhs.gov/stem-opt-hub/additional-resources/stem-opt-frequently-asked-questions* (last visited Sept. 9, 2025). Nonetheless, the F–1 nonimmigrants and their employers potentially enjoy the FICA tax exemption through CPT and OPT employment during the first five calendar years in F–1 nonimmigrant status. As such, this could still be an incentive for employers to hire F–1 nonimmigrants over U.S. workers, which is a real and ongoing concern.

[109] *See* U.S. Dep't of Homeland Sec., *Study in the States, STEM OPT Frequently Asked Questions,* available at *https://studyinthestates.dhs.gov/stem-opt-hub/additional-resources/stem-opt-frequently-asked-questions* (last visited Sept. 9, 2025).

[110] Economic Policy Institute, *Congressional Testimony: The Impact of High-Skilled Immigration on U.S. Workers* (Mar. 1, 2016), available at *https://www.epi.org/publication/congressional-testimony-the-impact-of-high-skilled-immigration-on-u-s-workers-4/* (''The L–1 visa and F–1 visa Optional Practical Training (OPT) programs . . . have no protections for American workers or foreign workers. There are no recruitment or non-displacement requirements for either program. American workers can and are replaced by these workers.'').

[111] *Cf.* Proclamation No. 10973, 90 FR 46027 (Sep. 24, 2025), *Restriction on Entry of Certain Nonimmigrant Workers.*

[112] *Cf.* Proclamation No. 10973, 90 FR 46027 (Sep. 24, 2025), *Restriction on Entry of Certain Nonimmigrant Workers.*

[113] *See* Annual Report 2020 and GAO 19–297, *supra* notes 76 and 81.

more thorough reviews of participating students and schools, while freeing up personnel to support other programs managed by SEVP, including OPT and CPT, and provide heightened customer service and technical support to educational institutions and other stakeholders. In turn, by streamlining operational planning and focusing resources where vulnerabilities are greatest, DHS would improve the quality and effectiveness of compliance checks, fraud detection, and enforcement actions, ultimately strengthening the integrity of the OPT program and related SEVP initiatives.

This streamlining and strategic allocation of DHS resources, combined with the reporting requirements under 20 U.S.C. 1011f of the Higher Education Act that are already in place will enable law enforcement to detect, analyze, and investigate suspicious financial transactions tied to foreign governments or threat actors that may seek to use OPT to steal US technology or advance other national security threats. Generally, schools would need to track how they are funding the OPT fees in their financial reports and disclosures for accounting purposes. These reporting and accounting mechanisms could aid law enforcement in tracking the origin and purpose of the funds. Since the funding of OPT participation is costly and requires transparency, the OPT fee could expose attempts by foreign adversaries to subsidize these costs through targeted investments or donations to schools offering OPT to F–1 nonimmigrant students. For example, large or unusual financial contributions from foreign sources, especially those tied to programs that rely heavily on OPT, could serve as red flags for further investigation into fraud and national security concerns.

Furthermore, INA 274A(h)(1), 8 U.S.C. 1324a(h)(1), notes that, ''[i]n providing documentation or endorsement of authorization of aliens . . . authorized to be employed in the United States, the Attorney General shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.'' As such, DHS believes the financial obligation of the proposed fee, in tandem with the requirement that SEVP-certified institutions provide proof of payment of this fee when submitting a recommendation for OPT, also serves as a deterrent to schools, foreign students, and employers seeking to abuse OPT.

DHS believes that this proposed rule does not need to define which OPT experiences provide genuine educational value that is directly related to the F–1 nonimmigrant student's major area of study, given that the current regulations provide the eligibility framework for OPT and schools are in a better position to assess the weight and value of hands-on educational programs offered through OPT. Moreover, this proposed fee rule does not propose the imposition of specific limitations or restrictions on how the schools should collect or source the requisite funds to make the fee payments for each student engaged in OPT, to the extent that the school complies with all other applicable laws, including reporting foreign gifts and contracts under 20 U.S.C. 1011f. DHS acknowledges that the schools may pass the financial obligation of this proposed fee onto F–1 nonimmigrant students, all students, or employers. If the proposed fee is passed on to F–1 nonimmigrant students or employers, it would further discourage misuse of OPT by increasing the cost of participation for those whose intent is primarily to work or reside in the U.S. without legitimate academic purpose and for employers displacing U.S. workers.

While DHS understands that the proposed fees are not nominal amounts, such costs are reasonably related to the purposes of INA 101(a)(15)(F)(i), 8 U.S.C. 1101(a)(15)(F)(i),[114] and this proposed rule which addresses the vulnerabilities of OPT. Furthermore, these fees are intended to discourage aliens from using the OPT program to market themselves to employers seeking to bypass H–1B caps, fees, and prevailing wage requirements. In weighing the educational costs and the value of hands-on training experience in the United States, DHS believes that the OPT fees are on par with the educational costs that foreign students incur for one or two years of education in a program of study in the United States. However, DHS acknowledges that there may be instances in which a refund of the payment is necessary when OPT does not proceed as initially intended. The proposed rule includes refund provisions so that educational institutions may seek a refund if the student does not receive an OPT employment authorization document.

The proposed rule intends for schools to pay the applicable fees for eligible students who will engage in a form of OPT, regardless of the manner in which the foreign student obtained F–1 status—whether admitted in F–1 status or through a change of status (COS) within the United States—and irrespective of how the F–1 student obtained an extension of stay when seeking to engage in a form of OPT. In other words, the proposed fee would apply equally for all schools and students seeking to engage in OPT, regardless of whether the F–1 student received an Extension of Stay (EOS) authorization through USCIS or through CBP after traveling abroad to obtain a new I–94 to engage in OPT.

DHS proposes to establish two different OPT fee amounts. DHS believes that the initial OPT fee amount should be higher than the subsequent fee amounts because, when nonimmigrant students initially apply for employment authorization, they may not have been vetted by the U.S. Government since their initial application for an F–1 visa and subsequent admission into the country.[115] The importance of ensuring integrity in the OPT program is most prevalent at this stage. For the initial fee, DHS also considered the possibility that nonimmigrants could undermine the H–1B visa payment by abusing OPT.[116] As such, DHS selected a fee amount for OPT comparable to the fee for H–1B visas [117] that would deter visa fraud. The fee amount is designed to closely align with the H–1B fees to reduce students and employers from using OPT to circumvent the H–1B visa program fees. Schools would have to pay the OPT fee prior to the DSO entering the recommendation for OPT in SEVIS. To be clear, no DSO would be able to enter an OPT recommendation without the school having paid the applicable fee. Through this rule, DHS intends to verify whether the schools have made OPT fee payments for each student that they recommend for OPT,

[114] *See Narenji,* 617 F.2d at 745.

[115] DHS recognizes that the application requirements for EOS under 8 CFR 214.1(c) and 214.2(f)(7)(v) may provide DHS with additional opportunities to vet F–1 nonimmigrant students. *See* ''Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media,'' 91 FR 44976 (July 17, 2026). This final rule (hereinafter ''Duration of Status Final Rule'') amended the admission period for F nonimmigrant classification from duration of status to a fixed time period and implemented additional changes to admission and extension requirements. However, not all F–1 nonimmigrant students are required to apply for an EOS to engage OPT, such as those participating in pre-completion OPT or those grandfathered under the Duration of Status Final Rule and subject to the regulations at 8 CFR 214.2(m). DHS believes that the regulations currently in effect, together with the proposed OPT fee rule, will provide a comprehensive and holistic approach for DHS to effectively regulate the OPT program.

[116] *See* Proclamation No. 10973, 90 FR (Sept. 19, 2025), *Restriction on Entry of Certain Nonimmigrant Workers.*

[117] *Id.*

thereby strengthening the integrity of the program.

Notably, the proposed OPT fees collected under this rule would be deposited in the Treasury of the United States as a miscellaneous receipt pursuant to 31 U.S.C. 3302. ICE would not maintain or use the funding collected under these OPT fee provisions promulgated pursuant to INA 214(a), 8 U.S.C. 1184, because the statute does not provide legal authority for ICE to retain the funds collected. While the OPT fees would be deposited into the Treasury of the United States and not specifically earmarked for ICE SEVP or immigration enforcement activities, the collection of these fees remain essential in addressing the vulnerabilities of the OPT program for the reasons explained in this section. It is also conceivable that funds collected could later be effectively appropriated by Congress to various government agencies to further enhance the integrity of the immigration system. However, the deterrent nature of the OPT fee remains regardless of whether these funds are appropriated by Congress to government agencies for this purpose.

DHS considered some alternative regulatory approaches to address the issues in OPT that were discussed in sections IV.A. and IV.B. of the rule, such as applying STEM OPT requirements like site visits, training plans, and additional reporting to OPT more generally. However, DHS ultimately determined that proposing a fee for participation in the OPT program would offer an immediate and effective means to strengthen the integrity of OPT with minimal administrative burdens on the government. Unlike more complex regulatory alternatives, such as expanded site visits, increased reporting requirements, additional processes, and stricter procedural mandates, a fee can be implemented quickly and uniformly across all participants. This approach does not require DHS to deploy significant additional resources for enforcement or oversight. Moreover, the effect of a financial commitment is nearly immediate—those seeking to abuse the program are less likely to invest in participation when faced with a tangible cost, making engagement in OPT for nefarious purposes less attractive to bad actors. Furthermore, the financial commitment of this fee may encourage schools to apply a heightened level of scrutiny when reviewing an F–1 nonimmigrant student's request for OPT to ensure that the student is engaging in a legitimate OPT opportunity.

Although STEM OPT has regulatory safeguards, including reporting obligations, employer site visits, and the Form I–983 training plan requirement, DHS does not believe that simply extending those requirements to the initial period of post-completion OPT would be sufficient as an initial response to the overarching OPT program integrity concerns. Experience with STEM OPT indicates that additional procedural and documentation requirements, while useful, do not eliminate the risk of fraud, abuse, or noncompliance and may require substantial time and resources to implement, monitor, and enforce effectively. Solutions requiring self-attestations, reporting, or reliance on an honor system, without more, are insufficient to ensure the integrity of the OPT program. These mechanisms would need to be paired with enforcement activity, such as conducting more site visits across a broader range of employers, which may function less as a proactive fraud-prevention measure and more as reactive response to violations after they occur. In contrast, by requiring a financial commitment through an OPT fee, DHS would encourage participant to demonstrate a seriousness and genuine intent to comply with program requirements. The fee establishes a tangible stake in the process, helping to distinguish those who are committed to lawful participation from those who may seek to exploit the program. In addition to the current regulatory mechanisms in place, this additional layer of accountability supports the Department's broader efforts to uphold the integrity and effectiveness of the OPT program.

The Department recognizes the importance of restoring and maintaining public confidence in the OPT program through an immediate, effective regulatory solution, rather than a complex bureaucratic framework that may take years to yield results. By proposing a fee, rather than alternative administrative procedures, the Department seeks to minimize overregulation and complexities while responding to serious program integrity concerns that cannot be addressed quickly through such procedures alone. Recent concerns regarding misuse and fraud and the displacement of American workers have underscored the need for visible, effective action to reinforce the integrity of the program. The fee serves as a clear signal to the public and stakeholders that the Department is taking meaningful steps to safeguard the OPT program, while ensuring that legitimate participants continue to benefit from its opportunities.

DHS believes the OPT fee is a crucial first step to urgently address fraud, abuse, and noncompliance, in a targeted and immediately implementable manner. This measured approach allows for ongoing evaluation of the fee's impact and effectiveness, providing the agency with valuable data to inform future policy decisions. Importantly, the implementation of a fee should not be interpreted as precluding future changes to the OPT program through additional regulatory requirements; rather, it represents an immediate first step in a graduated strategy to address the urgent program integrity concerns. The Department seeks to retain flexibility to pursue additional regulatory measures in the future should further action be warranted.

In considering fees, DHS carefully evaluated various fee options, including exemptions to the fee for small educational institutions. *See* sec. VII.B.6. However, DHS estimates that 56 percent of regulated SEVP-certified institutions are small entities. *Id.* This approach could leave significant fraud vulnerabilities unaddressed, given that many SEVP-certified institutions are small entities. Various factors and data were considered in this proposed rule, as explained in section VII.B.6.

Separately, DHS acknowledges that OPT is not the only practical training program with the potential for significant fraud and national security issues. Fraud and national security threats in CPT have also been historically prevalent and have increased along with the number of students engaging in CPT. DHS will continue to monitor these concerning trends within the CPT program and will take additional actions as necessary.

D. Technical Edits

The addition of an OPT fee under 8 CFR 214.13 would require clarifying that the other fees listed under the current regulations are solely in reference to SEVP fees, as evidenced by the section heading titled ''*SEVIS fee* for certain F, J, and M nonimmigrants.'' [118] The proposed rule would add provisions regarding OPT fees under this section, such that it would be necessary to clarify which fees are specific SEVP fees and which are OPT fees.

V. Discussion of Changes

A. Establishing a Fee for Initial and Any Subsequent OPT

The proposed rule would establish a fee of $70,000 per F–1 nonimmigrant

[118] *See 8* CFR 214.13 (current) (emphasis added).

student applicable to SEVP-certified schools that recommend an F–1 nonimmigrant student to engage in OPT for the first time. *See* proposed 8 CFR 214.2(f)(11)(ii) and 214.13(i)(1). This fee amount would apply to any type of OPT that the student participates in for the first time (irrespective of whether it is pre-completion OPT or post-completion OPT). *Id.* The initial $70,000 is a one-time fee that an SEVP-certified educational institution must pay for each F–1 nonimmigrant student prior to a DSO's initial recommendation of an F–1 nonimmigrant student to participate in any type of OPT under 8 CFR 214.2(f)(10)(ii) for the first time. To be clear, this OPT fee would not be tied to a specific employer; rather the OPT fee would be applicable when a school decides to recommend an F–1 nonimmigrant student for any type of OPT.

The proposed rule would also establish a fee of $30,000 per F–1 nonimmigrant student applicable to SEVP-certified schools that make any subsequent OPT recommendation for an F–1 nonimmigrant student who has previously participated in OPT and has previously paid the initial OPT fee of $70,000. *See* proposed 8 CFR 214.13(i)(2). As such, this subsequent $30,000 fee would apply to any type of OPT that an F–1 nonimmigrant student participates in after having completed their initial OPT (regardless of whether it is another pre-completion OPT, post-completion OPT, or STEM OPT extension). *Id.* The OPT fee is not triggered by a change in employer but rather a school's decision to recommend a student for any type of OPT. For example, if an F–1 nonimmigrant student obtains a DSO recommendation for pre-completion OPT and completes the training, they would need to obtain a subsequent DSO recommendation for post-completion OPT, regardless of whether the employer is the same for post-completion OPT and pre-completion OPT. In this instance, the school would need to pay $70,000 for the student's pre-completion OPT and $30,000 for the student's post-completion OPT. As with the initial OPT fee, the subsequent OPT fee would need to be paid for the F–1 nonimmigrant student prior to the DSO entering the OPT recommendation in SEVIS. *See* proposed 8 CFR 214.2(f)(11)(ii). Additionally, USCIS would not grant employment authorization to any student prior to payment of the applicable OPT fee for the student. *See* proposed 8 CFR 214.2(f)(11)(iii).

The proposed rule reiterates that the schools must pay the applicable OPT fees prior to the DSO entering the OPT recommendation for an F–1 nonimmigrant student in SEVIS. *See* proposed 8 CFR 214.2(f)(11)(i)–(ii), 214.13(i). A DSO may not enter the OPT recommendation in SEVIS if the OPT fee has not yet been paid. The proposed rule requires the DSO to confirm that the school has paid the applicable OPT fee prior to updating SEVIS with the DSO's recommendation and before the student can apply to USCIS for employment authorization. *See* proposed 8 CFR 214.2(f)(11)(ii)(B). The DSO would need to provide the F–1 nonimmigrant student with a new I–20 with the DSO's recommendation and OPT fee payment information so that the student may file the Form I–765 with USCIS. *See* proposed 8 CFR 214.2(f)(11)(i), (ii)(C). The proposed rule provides that USCIS would not grant employment authorization to any student where the school has failed to pay the applicable OPT fee prior to issuing an OPT recommendation or in instances where the school has completely failed to pay the applicable OPT fees. *See* proposed 8 CFR 214.2(f)(11)(iii).

For the initial OPT fees, the proposed rule provides that a school may request a refund if the F–1 nonimmigrant student has not received an employment authorization document for OPT for which the payment has been made. *See* proposed 8 CFR 214.13(i)(1). The proposed rule makes clear that this fee would not be refunded under any circumstances once the F–1 nonimmigrant student has received an employment authorization document for OPT. *Id.* Similarly, for subsequent OPT fees, the proposed rule provides that a school may request refund if the student has not received an employment authorization document for OPT or an OPT extension. *See* proposed 8 CFR 214.13(i)(2). The DSO would need to remove the F–1 nonimmigrant student's OPT recommendation in SEVIS before requesting a refund. For all refund requests, SEVP would review each request on a case-by-case basis and exercise discretion in adjudicating the request. *See* proposed 8 CFR 214.13(i)(1)–(2). The proposed rule also provides that SEVP may consider providing further guidance on its website regarding the refund request adjudication. *Id.* SEVP's determination on the refund request would be final and not appealable. *Id.*

DHS has also considered, as an alternative to the approach described above, having the one-time initial fee of $70,000 apply again to any initial period of OPT following the F–1 student's change to a higher educational level (*e.g.,* to a post-bachelor's degree OPT and again to the student's master's degree OPT). DHS welcomes public comments on the rule in its entirety but especially encourages input from the public on this potential alternative.

B. Technical Amendments

Since an additional fee is being proposed within 8 CFR 214.13, DHS has also proposed some clarifying amendments to the current regulatory text to refer to a ''SEVIS fee'' rather than a ''fee.'' *See* proposed 8 CFR 214.13(b), (e), (e)(1), (e)(3), (g)(3), and (h).

C. Transition Period and Effective Date of the Final Rule

To facilitate the transition, DHS is proposing that the final rule take effect 60 days after the date of publication of the final rule in the **Federal Register** (''effective date''), which would allow school officials, F–1 nonimmigrant students, and employers to prepare for changes in this fee rule. *See* proposed 8 CFR 214.13(i)(3).

The OPT fee of $70,000 would start to apply for F–1 nonimmigrant students who will receive a DSO recommendation for any type of OPT that is dated on or after the effective date of the final rule. *See* proposed 8 CFR 214.13(i)(3). Thereafter, any subsequent DSO recommendations for OPT issued for any F–1 student who has previously participated in OPT, and for which the $70,000 OPT fee has been paid, will be subject to the subsequent OPT fee of $30,000 per alien. *Id.*

VI. Reliance interests

Throughout this rulemaking process, DHS has considered whether there are any serious reliance interests that would be affected by the implementation of this rule. Based on its review and analysis, DHS is proposing to apply this rule prospectively to those F–1 nonimmigrant students who apply for OPT after the effective date. DHS has considered the reliance interests of all parties and entities affected by the proposed rule and believes the agency has good reason for the rulemaking along with the statutory authority to take such action.[119] In proposing this rule, DHS considered the following: fraud concerns; the need to ensure that institutions are remaining diligent in their oversight of F–1 nonimmigrant students such that F–1 nonimmigrant students are engaging in legitimate OPT directly related to the F–1 nonimmigrant student's major area of study; protecting the interests of U.S.

[119] For a full discussion on Transition Period and Effective Date, see section V.C above.

workers; and the benefits of providing clarity on the requirements of OPT for F–1 nonimmigrant students, educational institutions, and employers. DHS has determined that these issues outweigh any stakeholder's reliance interest. The national interest in protecting American workers and program integrity far outweighs any reliance interests of foreign students, employers (including state and government employers), or educational institutions. The F–1 visa was never intended to provide a pathway to employment in the United States.

Throughout the INA, Congress has drawn clear distinctions between different classes of aliens and the benefits to which they are entitled.[120] The F–1 visa classification is for nonimmigrants who intend to come to the United States ''solely for the purpose of pursuing . . . a course of study'' and not an ancillary purpose, such as seeking employment.[121] Additionally, the F–1 nonimmigrant classification is for aliens who have no intention of abandoning their foreign residence.[122] A number of factors play a role in an F–1 nonimmigrant student selecting an institution and course of study, including, but not limited to: geographic location, school rankings and prestige, program availability, campus culture, housing, sporting programs, and tuition costs. While DHS considered that the opportunity an institution provides for OPT may be one of many factors, it is speculative to assume that the ability to participate in OPT, which requires authorization by a SEVP-certified educational institution and the U.S. Government and is by law temporary in nature, is the sole reason a student decided to enter the United States on a F–1 classification. In fact, only about 20 percent of F–1 nonimmigrants participated in OPT in 2024 out of the 1.4 million F–1 nonimmigrants in the higher education system, which demonstrates that the vast majority of F–1 nonimmigrants choose to study in the United States for reasons other than to pursue work through OPT.[123] Regardless of whether F–1 nonimmigrants participate in OPT, which is by definition not required to obtain their degree, they realize enormous benefits in studying at the prestigious institutions America offers and obtaining degrees from these institutions. Moreover, F–1 nonimmigrants may pursue appropriate channels to obtain employment in the United States other than the OPT, such as through the H–1B visa following graduation or on-campus or off-campus employment during the program of study. Accordingly, DHS believes that any potential reliance interests on the part of prospective F–1 students and current F–1 students who have not yet received a DSO recommendation for OPT is outweighed by the benefits described above.[124] In addition, DHS is proposing to apply this rule to those F–1 nonimmigrant students who receive a DSO recommendation for OPT that is dated on or after the effective date of the final rule. DHS believes this should address any potential reliance interests of students who have applied for OPT employment authorization before the effective date.

As for the reliance interests of SEVP-certified educational institutions, they should be able to attract foreign students without relying on OPT and STEM OPT, as students rely on myriad factors when applying for and selecting a school to pursue a course of study. Educational institutions must be diligent when recommending F–1 nonimmigrant students to participate in OPT to ensure the students are maintaining status. To the extent that an institution may have to alter its budget that was prepared without consideration of being required to pay the proposed fee, DHS has weighed those interests with those explained in this rule and determined that the purpose of and urgent need to address fraud through this proposed rule far outweigh such interests. DHS notes that in weighing the competing interests, schools may mitigate their budgetary impact by passing the financial obligation of this proposed fee onto F–1 nonimmigrant students, all students, or employers. Additionally, DSOs are not required to recommend F–1 nonimmigrants for OPT and can elect not to pay the fee for a particular F–1 nonimmigrant who is not a strong candidate for OPT or whose participation in OPT could adversely affect the integrity of the program.

Similarly, DHS believes that any potential reliance interests of employers have been adequately addressed in this proposed rule. Employers, including state and local governments, have a variety of methods to hire workers, and any decrease in participation from this rule is far outweighed by the fraud concerns and interest in protecting American workers as outlined above. To the extent employers staffing levels may be impacted by this proposed fee, they can minimize this impact by recruiting U.S. citizens or candidates with other lawful work authorization to fill the vacancies. Additionally, participation in OPT is temporary by law, which diminishes an employer's reliance interests in using OPT to infuse its workforce. As discussed, in section IV.A–C, the government is prioritizing the significant need to address fraud, protect U.S. workers, and strengthen the integrity of the immigration programs. Notably, ''regulatory agencies do not establish rules of conduct to last forever,'' and ''an agency must be given ample latitude to adapt their rules and policies to the demands of changing circumstances.'' [125] The transition period accounts for the employers' interests by proposing to apply the rule to only F–1 nonimmigrant students who have not yet obtained a DSO recommendation prior to the effective date of the final rule, rather than those who are engaging in OPT or have received a DSO recommendation for OPT that was issued prior to the effective date of the final rule.

The rule, as proposed, would lead to SEVP-certified educational institutions recommending high achieving eligible F–1 nonimmigrant students who are pursuing OPT directly related to the F–1 nonimmigrant student's major program of study, thereby ensuring both F–1 nonimmigrant students and employers benefit from OPT. In sum, DHS has considered the reliance interests from various stakeholders and has made a reasoned decision for this rulemaking, concluding that the interests of the relevant stakeholders are far outweighed by the national interests of the United States.

DHS believes that a 30-day public comment period, a delayed effective date, and prospectively applying the new fees provide ample time and notice for F–1 nonimmigrant students to apply for a change of status, depart the United States, or make any other necessary arrangements. SEVP-certified institutions will not be required to pay this fee for an F–1 nonimmigrant student's OPT if the student is currently engaging in previously approved OPT,

[120] *See generally* INA secs. 214(a)(1) and 274A, 8 U.S.C. secs 1184(a)(1) and 1324a.

[121] INA 101(a)(15)(F)(i), 8 U.S.C. 1101(a)(15)(F)(i).

[122] *See* INA 101(a)(15)(F)(i), 8 U.S.C. 1101(a)(15)(F)(i).

[123] U.S. Immig. and Customs Enf't, *SEVIS By the Numbers 2024* (June 5, 2025), available at *https://www.ice.gov/doclib/sevis/btn/25_0605_2024-sevis-btn.pdf.*

[124] DHS acknowledges that current F–1 nonimmigrants who have not yet received a DSO recommendation for OPT are in a different position than prospective F–1 nonimmigrants who have not already moved to America to pursue a degree. Nevertheless, the reasons F–1 nonimmigrant's reliance interests do not outweigh the benefits of this rule still apply to current F–1 nonimmigrants, as described throughout this section.

[125] *Motor Vehicle Mfrs. Ass'n of U.S., Inc.* v. *State Farm Mut. Auto. Ins. Co.,* 463 U.S. 29, 43 (1983) (internal citations omitted).

has been approved for OPT prior to the effective date of this rule, or has received a DSO recommendation for OPT prior to the effective date of this rule. However, under this proposed rule, if the F–1 nonimmigrant student submits a subsequent request for OPT on or after the effective date of the final rule, the fee provisions as outlined in this proposed rule will apply. An F–1 nonimmigrant student's expectation to engage in OPT or STEM OPT in the United States or gain post-completion employment in the United States is speculative and any assumption that such employment will be automatically granted undermines the original intent of the F–1 nonimmigrant visa to solely pursue a full course of study.

VII. Statutory and Regulatory Requirements

DHS developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. The below sections summarize the analyses based on a number of these statutes or executive orders.

A. Executive Orders 12866, 13563, and 14192

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14192 (Unleashing Prosperity Through Deregulation) directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that ''any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.''

The Office of Management and Budget (OMB) has designated this proposed rule a ''significant regulatory action'' that is economically significant, as defined under section 3(f)(1) of E.O. 12866. Accordingly, the rule has been reviewed by OMB.

This rule is not an Executive Order 14192 regulatory action because it is being issued with respect to an immigration-related function of the United States. The rule's primary direct purpose is to implement or interpret the immigration laws of the United States (as described in INA section 101(a)(17), 8 U.S.C. 1101(a)(17)) or any other function performed by the U.S. Federal Government with respect to aliens. *See* OMB Memorandum M–25–20, ''Guidance Implementing Section 3 of Executive Order 14192, titled 'Unleashing Prosperity Through Deregulation' '' (Mar. 26, 2025).

1. Summary

DHS is proposing an initial fee of $70,000 per F–1 nonimmigrant student OPT recommendation by a SEVP-certified institution, and an additional $30,000 for any subsequent OPT recommendations for the F–1 nonimmigrant student. The purpose of this proposed rule is to establish fees for OPT prior to a DSO recommending an F–1 nonimmigrant student for OPT. DHS believes that implementing the proposed fee would reduce the rampant fraud and abuse of OPT. The benefits of this proposed fee include strengthening the integrity of the immigration system, protecting U.S. workers, and alleviating burdens imposed on DHS tied to OPT investigations. SEVP-certified institutions would need to consider both the costs of OPT participation and the value each F–1 nonimmigrant student's OPT participation brings to the institution.

The period of analysis for this proposed rule covers 10 years, denoted Year 1 through Year 10. To compare impacts over time, DHS applies 3 percent and 7 percent discount rates to the total estimated impacts of the proposed rule. This analysis estimates the annualized value of future costs using two discount rates: 3 percent and 7 percent. In Circular A–4,[126] OMB recommends that a 3-percent discount rate be used when a regulation affects private consumption, and a 7-percent discount rate be used in evaluating a regulation that will mainly displace or alter the use of capital in the private sector. The discount rate accounts for the fact that costs that occur sooner are greater in present value.

Due to high uncertainty in regulated parties' behavioral responses, DHS uses ranges to estimate costs and transfers. These ranges reflect different scenarios for how many OPT fees the educational institutions would fund. If all OPT fees are paid by schools, the main impact would be the transfer of payments from the fees. If some OPT fees are not paid by schools due to reduced participation, there would be opportunity costs from the lost OPT participation. DHS estimates the annualized costs of the proposed rule would range from $32 million to $8.2 billion, with a primary estimate of $4.1 billion discounted at 3 percent. Discounted at 7 percent, the estimated annualized costs of the proposed rule would range from $34 million to $8.2 billion, with a primary estimate of $4.1 billion. DHS estimates the 10-year total costs of the proposed rule would be $275 million to $69.9 billion, with a primary estimate of $35.1 billion discounted at 3 percent (see Table 10). Discounted at 7 percent, the estimated total costs of the proposed rule would be $241 million to $57.7 billion, with a primary estimate of $29.0 billion.

DHS estimates the annualized transfers of the proposed rule to be $8.7 billion to $16.9 billion, with a primary estimate of $12.8 billion discounted at 3 percent. Discounted at 7 percent, the estimated annualized transfers range from $8.8 billion to $17.0 billion, with a primary estimate at $12.9 billion. DHS estimates the 10-year transfers of the proposed rule to be $74.6 billion to $144.3 billion, with a primary estimate of $109.4 billion discounted at 3 percent (see Table 4). Discounted at 7 percent, the estimated transfers of the proposed rule would be $61.8 billion to $119.3 billion, with a primary estimate of $90.6 billion.

Table 1 presents the OMB Circular A–4 accounting statement with a summary of the quantitative and qualitative costs, benefits, and transfers associated with this rule.[127] DHS recognizes that the proposed rule would result in certain populations incurring costs. Some of the costs have been quantified based on available data, and the remaining costs are qualitative.

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[126] OMB Circular A–4, Regulatory Analysis (Sept. 17, 2003), *trumpwhitehouse.archives.gov/sites/whitehouse.gov/files/omb/circulars/A4/a-4.pdf* (last visited June 29, 2026).

Table 1: OMB A-4 Accounting Statement

A-4 Accounting Statement ($ millions, 2025$) **Time Period: 10 years**					
Category		**Primary Estimate**	**Minimum Estimate**	**Maximum Estimate**	**Source Citation**
BENEFITS					
Annualized Monetized Benefits	Not Estimated				Regulatory impact analysis (RIA)
Annualized quantified, but unmonetized, benefits	N/A		N/A	N/A	RIA
Qualitative (unquantified) Benefits	• Enhance DHS's ability to enforce the unlawful presence provisions of the INA at the conclusion of F nonimmigrants full time enrolled student status. • Deter F-1 nonimmigrants, employers of F-1 nonimmigrants and representatives of educational institutions from engaging in fraud and abuse and strengthen the integrity of the F-1 nonimmigrant classification system. • Incentivize educational institutions to provide more oversight and careful consideration of recommendations for OPT. • Protects U.S. workers by reducing possible excess supply of lower-paid foreign workers in the labor market. • Fewer OPT participants would allow DHS to more thoroughly review fraud cases tied to OPT investigations. • Proposed financial obligation encourages schools to ensure OPT opportunities provide genuine educational value, aligning with the original intent of the practical training program. • If OPT employment is replaced by workers subject to FICA payroll taxes, there may be increased federal tax revenue. • The rule would incentivize schools to recommend only the most promising students for OPT, reducing "visa mill" activities.				RIA
COSTS					
Category	**Discount Rate**	**Primary Estimate**	**Minimum Estimate**	**Maximum Estimate**	**Source Citation**
Annualized monetized costs for 10-year period	3%	$4,112	$32	$8,192	
	7%	$4,122	$34	$8,210	RIA
Annualized quantified, but unmonetized, costs	N/A				RIA
Qualitative (unquantified) costs	• Costs due to additional budgeting, accounting, and audit burdens to pay and track OPT fees. • Changes to payment processes, possibly requiring enhanced recordkeeping, tracking, and compliance. • Financial entities (e.g., banks) may incur extra costs for processing, validating, and authorizing payments. • When fees are funded from cost sharing with other entities, institutions receiving funds from students, employers, or external sources may face additional administrative burdens to manage payments.				RIA

	• DHS must establish processes to confirm fee payments, possibly requiring IT system updates; other agencies may also incur costs. • Refund requests may result in additional administrative costs for educational institutions and ICE.				
TRANSFERS					
Category	**Discount Rate**	**Primary Estimate**	**Minimum Estimate**	**Maximum Estimate**	**Source Citation**
Annualized monetized transfers:	3%	$12,830	$8,746	$16,915	RIA
	7%	$12,896	$8,803	$16,988	RIA
From whom to whom?	From SEVP-certified institutions to the Federal Government				RIA
Annualized monetized transfers: "off-budget"	N/A				RIA
From whom to whom?	N/A				RIA
Miscellaneous Analyses/Category	Effects				Source Citation (RIA, preamble, etc.)
Effects on State, local, or tribal governments	N/A				RIA
Effects on small businesses	DHS estimates that the proposed rule would result in a significant economic impact on a substantial number of small entities due to additional fees, familiarization, and payment processing burden.				Initial Regulatory Flexibility Act (IRFA) analysis
Effects on wages	N/A				RIA
Effects on growth	N/A				RIA

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2. Background and Purpose of the Proposed Rule

a. Background on Optional Practical Training

Aliens in the F–1 nonimmigrant student category have the option of training through employment in the United States by engaging in practical training during or after their program of study. The training must be directly related to the F–1 nonimmigrant student's major area of study. Generally, OPT can be authorized for up to 12 months at each educational level, with limitations around pre-completion or post-completion OPT, unless the F–1 nonimmigrant student previously engaged in one year or more of full time CPT. For a full discussion of OPT, *see* section III.D. DSOs provide the F–1 nonimmigrant student with a new Form I–20 that demonstrates the DSO recommendation for this OPT employment. Once a recommendation is received from the DSO, the F–1 nonimmigrant student seeking to engage in OPT must file a completed Form I–765, Application for Employment Authorization, with USCIS and pay the associated filing fee. If USCIS approves the Form I–765, USCIS notifies the F–1 nonimmigrant student of the decision and sends the F–1 nonimmigrant student an approved Form I–766 ''Employment Authorization Document'' (EAD). The F–1 nonimmigrant student may only start working after receiving his or her EAD.

b. STEM OPT–24 Month Extension

F–1 nonimmigrant students who earn a qualifying STEM degree from an accredited SEVP-certified college or university may be eligible for an additional 24 months of OPT. To apply for the STEM OPT extension, the F–1 nonimmigrant student and his or her prospective employer must complete and sign Form I–983, ''Training Plan for STEM OPT Students.'' The DSO verifies that Form I–983 is complete, keeps it in the F–1 nonimmigrant student's record, and issues a new Form I–20 recommending the STEM OPT extension. The F–1 nonimmigrant student must then apply for work authorization by submitting a Form I–765 to USCIS with the required filing fee. If approved, USCIS issues a STEM OPT EAD to the F–1 nonimmigrant student. If the Form I–765 for the STEM OPT extension is timely filed, and the F–1's current OPT period expires while the Form I–765 is pending, the F–1 nonimmigrant student will receive an automatic 180-day extension of his/her employment authorization. This automatic 180-day extension ceases once USCIS adjudicates the STEM OPT extension application.

Extension of Stay

On July 17, 2026, DHS issued the ''*Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media*'' final rule (91 FR 44976). Once effective, this rule requires the F–1 nonimmigrant student to submit a Form I–539, ''Application to Extend Nonimmigrant Status,'' or alternatively depart and seek admission through CBP for a new admission period,'' when their stay in the United States exceeds the new regulatory time limit, or in addition to other new regulatory requirements.

Some F–1 nonimmigrant students who plan to enroll in OPT may have to submit a Form I–539, in addition to the I–765. Refer to the final rule for a discussion of the impacts due to the new regulatory time limits. The specific impacts related to submitting an I–539 have been taken into account and are therefore not considered in the OPT proposed rule.

c. Purpose of Proposed Regulatory Changes

DHS proposes requiring SEVP-certified institutions to pay a $70,000 fee for each initial F–1 nonimmigrant student recommendation, and a $30,000 fee per subsequent OPT recommendation for the same F–1 nonimmigrant student. The purpose of these fees is to encourage institutions to be more selective and deliberate in their OPT recommendations. As discussed in Section IV Need for Rulemaking, DHS has publicly reported suspected fraud and abuse in the OPT program. As the program has grown, DHS's ability to review each case and verify compliance with program requirements is limited by available resources. As such, these fees are intended to reduce fraudulent use of OPT as a way to bypass other employment-based visa programs, such as the capped H–1B program.

3. Baseline and Population

a. SEVP-Certified Institutions

To identify SEVP-certified institutions that recommend F–1 nonimmigrant students for OPT, DHS reviewed OPT authorizations with employment start dates in 2022, 2023, and 2024. DHS found 2,478 schools that enrolled F–1 nonimmigrant students and had F–1 nonimmigrant students that participated in OPT. DHS assumes this is the estimated regulated population affected by the proposed rule.

b. F–1 Nonimmigrant Students Engaged in OPT and STEM OPT

Table 2 shows the annual number of F–1 nonimmigrants students engaged in OPT and STEM OPT with employment start dates from 2014 to 2024.[128] The numbers include both pre-completion and post-completion OPT authorizations.

Table 2: Total number of annual OPT and STEM OPT Authorizations with Employment Start Dates During an Indicated Calendar Year from 2015 to 2024

Calendar Year	OPT Students	OPT Percentage Change	STEM OPT Students	STEM OPT Percentage Change
2015	99,323	N/A	27,493	N/A
2016	137,570	39%	41,782	52%
2017	152,681	11%	64,481	54%
2018	145,564	-5%	69,650	8%
2019	138,898	-5%	72,116	4%
2020	122,699	-12%	63,906	-11%
2021	115,651	-6%	61,543	-4%
2022	117,301	1%	64,844	5%
2023	160,627	37%	62,036	-4%
2024	194,554	21%	95,384	54%

Current participation in OPT and STEM OPT has generally increased, but there have been fluctuations and some periods of decline. Therefore, DHS uses both the recent annual averages (2022–2024) and the most recent year (2024) to estimate OPT and STEM OPT participation over the 10-year period of analysis, absent this rule (see Table 3). Based on the 2022–2024 annual average, DHS estimates a low-end future annual OPT population of 88,374 and a low-end annual STEM OPT population of 74,088. For the high-end annual estimate, DHS used 2024 data, the highest year in the dataset, with 194,554 OPT and 95,384 STEM OPT participants.

DHS acknowledges that the proposed fee represents a significant increase in the cost of participating in OPT and STEM OPT, which could affect future participation rates. DHS cannot confidently predict the extent of any reduction in participation due to these new requirements. Accordingly, DHS evaluated various scenarios to create a range for estimating how many prospective F–1 nonimmigrant students DSOs may recommend for participation in OPT and STEM OPT and thus incur the proposed fees.

In the high participation scenario, DHS assumes that there is no change in how many F–1 nonimmigrant students schools recommend for OPT and STEM OPT, and all F–1 nonimmigrant students under the baseline will continue to participate. DHS uses the estimate of 194,554 for OPT and 95,384 for STEM OPT, based on calendar year 2024 data, in this high scenario.

[128] Based on Student Exchange Visitor Program (SEVP) Total Number of Annual OPT, STEM OPT and CPT Authorizations with Employment Start Dates During an Indicated Calendar Year from 2007 to 2024, available at *https://www.ice.gov/doclib/sevis/btn/2024/TotalNumberAnnualOPT__STEM__OPT__CPT__AuthorizationsWithEmpStartDatesDuringIndicatedCY2007__2024.pdf.*

To estimate how the rule might change overall OPT participation, DHS considered the fee expense of one year of OPT to the value of initial OPT and an additional 24-month STEM OPT extension. For the low scenario, DHS assumes institutions with non-STEM degree F–1 nonimmigrant students eligible only for one year of OPT may be less likely to pay the $70,000 initial fee. This would be because of the limited benefit of paying $70,000 for only a single year compared to paying $100,000 for up to three years with STEM OPT eligibility. In a low participation scenario, DHS assumes institutions would pay the initial OPT fee for only F–1 nonimmigrant students eligible for the 24-month STEM OPT extension. In contrast, institutions with F–1 nonimmigrants eligible for the additional two years of STEM OPT may be more willing to pay both the $70,000 initial and $30,000 extension fees. Based on 2021–2024 data, approximately 56 percent of OPT participants obtained a STEM OPT extension the following year. DHS used this percentage to estimate the number of initial OPT fees primarily associated with STEM majors, 88,374.[129] For the primary fee estimate, DHS uses an average of the high and low participation scenario estimate.

4. Transfers

For purposes of this rule, all fees paid by the SEVP-certified institutions to the Federal Government for OPT participation are considered transfers.[130] Section *a. Estimated OPT Fees* describes the calculations to estimate the amount of fees estimated to be transferred from the SEVP-certified institutions to the Federal Government because of the proposed rule.

a. Estimated OPT Fees

DHS applies the proposed fees to the respective estimate of OPT and STEM OPT participation under the low, high, and primary participation scenario to estimate the annual fees potentially collected under the proposed rule. For this analysis, DHS applies the initial fee of $70,000 to the OPT participation data and applies the subsequent fee of $30,000 to the STEM OPT participation data. To model the transition period in Year 1, DHS assumes all participants will pay $70,000, including those in STEM OPT. However, DHS classifies STEM OPT conducted in later years as subsequent OPT and the $30,000 fee applies. Under the proposed rule, when a F–1 non-immigrant participates in pre-completion OPT and then post-completion OPT, his or her institution pays $70,000 for pre-completion and $30,000 for post-completion. Rather than paying the two fees and $100,000 in total, DHS assumes institutions and F–1 nonimmigrants will shift to post-completion OPT to pay $70,000 for 12 months of OPT versus paying $100,000 when splitting the 12 months between pre-completion and post-completion OPT. DHS discusses this topic further in VII.A.5.d Other Unquantified Impacts. The annual fees collected would range from $8.4 billion to $16.5 billion, with a primary estimate of $12.4 billion; see Table 3.

Table 3: Estimated Annual OPT and STEM OPT Fees ($billions)

Assumptions and scenarios	Range Estimate	OPT Students	OPT Fees ($70k)	STEM OPT Students	STEM OPT Fees ($30k)	Total Fees
2024 Population	High	194,554	$13.6	95,384	$2.9	**$16.5**
Prospective STEM OPT annual average (56% of annual average OPT) (2022-2024)	Low	88,374	$6.2	74,088	$2.2	**$8.4**
Average of Low and High Fees Estimate	Primary					**$12.4**

If educational institutions are unable to pay or choose not to pay the fee for OPT/STEM OPT, there would be opportunity costs to the SEVP-certified institutions, F–1 nonimmigrant students, and employers. DHS discusses such opportunity costs later in this analysis. Table 4 summarizes the estimated fee transfers over the ten-year period and provides the estimated total transfers discounted and the annualized discounted costs at 3 percent and 7 percent.

[129] 157,494 was the annual average for calendar year 2022 to 2024. DHS calculated 88,374 by multiplying 157,494 by 56.11 percent.

[130] Transfer payments are monetary payments from one group to another that do not affect total resources available to society. The proposed fee would shift resources between private entities and the government without necessarily changing total social resources. See OMB, Circular A 4, Regulatory Analysis, page 38, (Sept. 17, 2003), available at: *https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf.* available at: *https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf.*

Table 4: Fee Transfers over Ten Year Period ($millions)

Calendar Year	Low	Primary	High
Year 1	$11,372.3	$15,834.0	$20,295.7
Year 2	$8,408.8	$12,444.5	$16,480.3
Year 3	$8,408.8	$12,444.5	$16,480.3
Year 4	$8,408.8	$12,444.5	$16,480.3
Year 5	$8,408.8	$12,444.5	$16,480.3
Year 6	$8,408.8	$12,444.5	$16,480.3
Year 7	$8,408.8	$12,444.5	$16,480.3
Year 8	$8,408.8	$12,444.5	$16,480.3
Year 9	$8,408.8	$12,444.5	$16,480.3
Year 10	$8,408.8	$12,444.5	$16,480.3
Undiscounted Total	$87,051.5	$127,834.9	$168,618.4
Total with 3% discounting	$74,605.9	$109,445.2	$144,284.5
Total with 7% discounting	$61,829.5	$90,573.0	$119,316.5
Annualized, 3% discount rate, 10 years	$8,746.1	$12,830.3	$16,914.5
Annualized, 7% discount rate, 10 years	$8,803.1	$12,895.6	$16,988.0

5. Costs

a. Implementation Costs

DHS anticipates there would be costs for employees of SEVP-certified institutions to familiarize themselves with the rule once it takes effect, adapt their processes and procedures for selecting F–1 nonimmigrant students to recommend for OPT given the new fees, administer fee payment, and establish methods for funding the new fees. Each OPT and STEM OPT recommendation would require additional time for fee submission, and documentation review. DHS estimates these costs in the following sections.

(1) Rule Familiarization and Adaptation

The proposed rule would impact DSOs and administrators from SEVP-certified institutions whose F–1 nonimmigrant students use OPT by requiring time for rule familiarization, training, modification of training materials, and establishing new review processes for the OPT program. Based on best professional judgement, SEVP estimates that DSOs and institution administrators will each require 30 hours for rule familiarization, 10 hours to create and modify training materials, and 25 hours to adapt to the rule through system-wide briefings and systemic changes. To estimate the DSO-specific costs, DHS multiplied the total familiarization/adaptation burden estimate (65 hours) by the loaded wage rate for DSOs ($50.14 = $34.34 wage rate × 1.46 loaded wage rate factor [131]) and by the number of DSOs (10,800 [132]). For the institution administrator costs, DHS multiplied the same total familiarization/adaptation burden estimate (65 hours) by the loaded wage rate for school administrators ($88.83 = $60.84 wage rate × a 1.46 loaded wage rate factor [133]) and by an estimated number of administrators required to familiarize themselves with the rule per institution (12,390 = 2,478 schools × 5 administrators per institution).

DHS estimates that rule familiarization and adaptation, including the burdens for the DSOs and administrators, will cost $106.7 million undiscounted ([$50.14 loaded wage rate × 65 hours × 10,800 DSOs] + [$88.83 loaded wage rate × 65 hours × 12,390 administrators]), or $103.6 million and $99.7 million at discount rates of 3 and 7 percent, respectively, during the first year only once the rule takes effect (see Table 7).

(2) OPT Approval and Payment Processing Costs

In addition to the DSO and administrator rule familiarization and adaptation costs, DHS accounts for increased review and approval processes for OPT applications after the rule takes effect. DHS acknowledges that with the added fee, SEVP-certified institutions may increase the scrutiny of applications to ensure that paying the fee is associated with a legitimate OPT opportunity. DHS assumes that, under the rule, each OPT application would

[131] Based on the Bureau of Labor Statistics (BLS) mean hourly wage for SOC 21–1012 (Educational, Guidance, and Career Counselors and Advisors) for May 2025 of $34.34 (available at *https://www.bls.gov/news.release/archives/ocwage_05152026.pdf*). The benefits-to-wage multiplier is calculated by the BLS, using March 2026, released on June 12, 2026, as (Total Employee Compensation per hour) / (Total wages and Salaries per hour) = $49.32 / $33.72 = 1.46, based on the average mean wage for all occupations (*see* Civilian workers in Table 1; *https://www.bls.gov/news.release/archives/ecec_06122026.pdf*).

[132] The numbers of DSOs and ROs are based on a SEVP SEVIS pull for year 2026. More information on SEVIS can be found at *https://www.ice.gov/sevis/overview*.

[133] Based on the Bureau of Labor Statistics (BLS) mean hourly wage for SOC 11–9033 (Education Administrators, Postsecondary) for May 2025 or $60.84 (available at *https://www.bls.gov/news.release/archives/ocwage_05152026.pdf*). The benefits-to-wage multiplier is calculated by the BLS, using March 2026, released on June 12, 2026, as (Total Employee Compensation per hour)/(Total wages and Salaries per hour) = $49.32/$33.72 = 1.46, based on the mean national wage for all occupations (*see* Civilian workers in Table 1; *https://www.bls.gov/news.release/archives/ecec_06122026.pdf*).

result in an additional 0.5 hours of review, including updating SEVIS with fee payment information, to the DSO. To account for increased approval burden, DHS multiplied the annual number of OPT applications by 0.5 hours and the loaded wage rate for DSOs ($50.14 = $34.34 wage rate × a 1.46 loaded wage rate factor).

Additionally, it is unlikely that DSOs would be fully authorized to complete payments of $70,000, and SEVP-certified institutions may require additional controls for payments of that scale. DHS assumed that institution administrators would require an additional 0.5 hours to complete and record each payment of the fee. To account for increased approval burden, DHS multiplied the annual number of OPT applications by 0.5 hours and the loaded wage rate for administrators ($88.83 = $60.84 wage rate × a 1.46 loaded wage rate factor). These annual costs for review and payment processing, using the range of estimated OPT and STEM OPT applications, are shown in Table 5. Results range from $11.3 million to $20.2 million, depending on the number of OPT applications per year. DHS estimates a primary estimate for annual total costs of $15.7 million, based on the average of the low and high estimates.

Table 5: Review and Payment Processing Costs ($millions)

Assumptions and scenarios	Range Estimate	OPT Students	STEM OPT Students	DSO Review Cost	Administrator Payment Approval Cost	Total Cost (Annual)
2024 Population	High	194,554	95,384	$7.27	$12.88	$20.15
Prospective STEM OPT annual average (56% of prior year OPT) (2022-2024)	Low	88,374	74,088	$4.07	$7.22	$11.29
Average of High and Low Estimate	Primary	141,464	84,736	$5.67	$10.05	$15.72

The following tables display the first-year familiarization costs and the review and processing costs over a ten-year period, including the range based on estimated scenarios.

Table 6: Implementation Costs of the Proposed Rule (Low Estimate) ($millions)

Calendar Year	Rule Familiarization	DSO Review Cost	Administrator Review Cost	Total Costs
Year 1	$106.73	$4.07	$7.22	$118.02
Year 2	$0.00	$4.07	$7.22	$11.29
Year 3	$0.00	$4.07	$7.22	$11.29
Year 4	$0.00	$4.07	$7.22	$11.29
Year 5	$0.00	$4.07	$7.22	$11.29
Year 6	$0.00	$4.07	$7.22	$11.29
Year 7	$0.00	$4.07	$7.22	$11.29
Year 8	$0.00	$4.07	$7.22	$11.29
Year 9	$0.00	$4.07	$7.22	$11.29
Year 10	$0.00	$4.07	$7.22	$11.29
Undiscounted Total	**$106.73**	**$40.73**	**$72.15**	**$219.61**
Total with 3% discounting				**$199.91**
Total with 7% discounting				**$179.03**
Annualized, 3% discount rate, 10 years				**$23.44**
Annualized, 7% discount rate, 10 years				**$25.49**

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Table 7: Implementation Costs of the Proposed Rule (Primary Estimate) ($millions)

Calendar Year	Rule Familiarization	DSO Review Cost	Administrator Review Cost	Total Costs
Year 1	$106.73	$5.67	$10.05	$122.45
Year 2	$0.00	$5.67	$10.05	$15.72
Year 3	$0.00	$5.67	$10.05	$15.72
Year 4	$0.00	$5.67	$10.05	$15.72
Year 5	$0.00	$5.67	$10.05	$15.72
Year 6	$0.00	$5.67	$10.05	$15.72
Year 7	$0.00	$5.67	$10.05	$15.72
Year 8	$0.00	$5.67	$10.05	$15.72
Year 9	$0.00	$5.67	$10.05	$15.72
Year 10	$0.00	$5.67	$10.05	$15.72
Undiscounted Total	**$106.73**	**$56.70**	**$100.46**	**$263.90**
Total with 3% discounting				**$237.69**
Total with 7% discounting				**$210.14**
Annualized, 3% discount rate, 10 years				**$27.86**
Annualized, 7% discount rate, 10 years				**$29.92**

Table 8: Implementation Costs of the Proposed Rule (High Estimate) ($millions)

Calendar Year	Rule Familiarization	DSO Review Cost	Administrator Review Cost	Total Costs
Year 1	$106.73	$7.27	$12.88	$126.88
Year 2	$0.00	$7.27	$12.88	$20.15
Year 3	$0.00	$7.27	$12.88	$20.15
Year 4	$0.00	$7.27	$12.88	$20.15
Year 5	$0.00	$7.27	$12.88	$20.15
Year 6	$0.00	$7.27	$12.88	$20.15
Year 7	$0.00	$7.27	$12.88	$20.15
Year 8	$0.00	$7.27	$12.88	$20.15
Year 9	$0.00	$7.27	$12.88	$20.15
Year 10	$0.00	$7.27	$12.88	$20.15
Undiscounted Total	**$106.73**	**$72.68**	**$128.77**	**$308.19**
Total with 3% discounting				**$275.47**
Total with 7% discounting				**$241.24**
Annualized, 3% discount rate, 10 years				**$32.29**
Annualized, 7% discount rate, 10 years				**$34.35**

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b. Opportunity Costs Due to OPT Reduction

DHS recognizes that, under the baseline scenario without the proposed fees, SEVP-certified institutions, F–1 nonimmigrant students, and employers all benefit from OPT participation. If the proposed rule reduces OPT participation, various parties may incur opportunity costs. F–1 nonimmigrant students could lose access to work experience and associated earnings. Employers may face productivity losses if they are unable to replace F–1 nonimmigrant student OPT participants with other qualified workers. SEVP-certified institutions could also experience declines in F–1 nonimmigrant student enrollment if prospective students are deterred by the new fee requirements.

Given the uncertainty regarding the value and distribution of opportunity costs among stakeholders, DHS uses unpaid OPT fees as a proxy for opportunity costs. In this context, the opportunity cost of lost OPT participation is equal or close to the net societal benefits that would have been generated by these F–1 nonimmigrant students' employment—including the value of their labor to employers, their contribution to the U.S. economy, and the enhancement of educational outcomes through practical experience. Further, SEVP-certified institutions may experience societal benefits from OPT, as its availability may contribute to increased enrollment and associated revenue. If OPT participation encourages some F–1 nonimmigrant students to enroll, SEVP-certified institutions could face opportunity costs in the form of reduced enrollment revenue if OPT is no longer available from institutions that are not able to fund the proposed fees. DHS recognizes that the true opportunity cost may be higher or lower than the fee amounts. Due to limited data on the value placed on OPT by SEVP-certified institutions, F–1 nonimmigrant students, and employers, DHS cannot precisely quantify opportunity costs. DHS assumes these opportunity costs are equal to or less than the proposed fee per OPT instance. DHS recognizes that in some instances, the societal benefits associated with OPT participation may have exceeded this amount, but assumes that if the benefit of OPT exceeds the fees, affected parties could collectively cost share to preserve OPT. DHS also recognizes that using the fee as a proxy for the opportunity cost may also overstate actual costs, as U.S. educational institutions remain highly attractive, employers may find alternative workers, and students may pursue other employment or visa options. DHS does not attempt to estimate all possible scenarios, instead DHS uses unpaid baseline OPT fees as a proxy for opportunity costs.

In a high participation scenario, where SEVP-certified institutions cover all OPT fees, there would be no opportunity costs from lost OPT participation. In the low participation scenario, where DSOs recommend only the prospective STEM OPT F–1 nonimmigrant students for OPT, the rule would result in opportunity costs for prospective non-STEM OPT F–1 nonimmigrant students unable to participate in OPT. Further, employers able to replace F–1 nonimmigrant students who would have participated in OPT with other equivalent workers would not experience opportunity costs; instead, the rule would result in transfers to alternative workers.

Due to limited data on the value placed on OPT by SEVP-certified institutions, F–1 nonimmigrant students, and employers, DHS cannot precisely quantify opportunity costs.

Therefore, DHS conservatively assumes that opportunity costs are equivalent to the unpaid fees for lost OPT participation. This approach may overstate actual costs, as U.S. educational institutions remain highly attractive, employers may find alternative workers, and F–1 nonimmigrant students may pursue other employment or visa options. DHS does not attempt to estimate all possible scenarios, instead using unpaid baseline OPT fees as a proxy for opportunity costs.

DHS uses the values in Table 4 to estimate the range of opportunity costs presented in Table 9. In the high participation scenario, opportunity costs are zero, as OPT participation remains unchanged. At the other end of the range, the annual difference between the low participation scenario (where non-STEM OPT is no longer recommended, $11.37 billion during the transition period and $8.41 billion after the transition period) and the high participation scenario ($20.30 billion during the transition period and $16.48 billion after the transition period) yields an estimated $8.92 billion in opportunity costs during the transition period and $8.07 billion in opportunity costs after the transition period. DHS's primary estimate is the average of these values. These costs are assumed to be shared among affected parties, but due to data limitations, DHS does not allocate impacts by stakeholder group.

Table 9: Opportunity costs from Reduced OPT ($millions)

Calendar Year	Low	Primary	High
Year 1	$0.00	$4,461.67	$8,923.35
Year 2	$0.00	$4,035.75	$8,071.51
Year 3	$0.00	$4,035.75	$8,071.51
Year 4	$0.00	$4,035.75	$8,071.51
Year 5	$0.00	$4,035.75	$8,071.51
Year 6	$0.00	$4,035.75	$8,071.51
Year 7	$0.00	$4,035.75	$8,071.51
Year 8	$0.00	$4,035.75	$8,071.51
Year 9	$0.00	$4,035.75	$8,071.51
Year 10	$0.00	$4,035.75	$8,071.51
Undiscounted Total	**$0.00**	**$40,783.45**	**$81,566.89**
Total with 3% discounting	**$0.00**	**$34,839.30**	**$69,678.61**
Total with 7% discounting	**$0.00**	**$28,743.49**	**$57,486.99**
Annualized, 3% discount rate, 10 years	**$0.00**	**$4,084.23**	**$8,168.46**
Annualized, 7% discount rate, 10 years	**$0.00**	**$4,092.43**	**$8,184.85**

c. Total Costs of the Proposed Rule

Table 10 summarizes the impacts of the proposed rule. Total monetized costs of the proposed rule include familiarization, OPT review and processing, and lost OPT opportunity costs. For the low total cost estimate, DHS combined the low opportunity costs, which were zero, with the high implementation costs (Table 8). DHS uses the high implementation costs with the lowest opportunity costs because in this scenario all OPT participation was paid for through fees. This would result in the highest implementation costs due to review and processing costs for all OPT instances. Inversely, for the high estimate, DHS combined the high opportunity costs (Table 9) with the low implementation costs (Table 6). For the primary estimates, DHS added the primary opportunity cost estimates (Table 9) with the primary implementation costs estimates (Table 7).

Table 10: Total Costs of the Proposed Rule (millions)

Calendar Year	Low	Primary	High
Year 1	$126.88	$4,584.12	$9,041.37
Year 2	$20.15	$4,051.47	$8,082.79
Year 3	$20.15	$4,051.47	$8,082.79
Year 4	$20.15	$4,051.47	$8,082.79
Year 5	$20.15	$4,051.47	$8,082.79
Year 6	$20.15	$4,051.47	$8,082.79
Year 7	$20.15	$4,051.47	$8,082.79
Year 8	$20.15	$4,051.47	$8,082.79
Year 9	$20.15	$4,051.47	$8,082.79
Year 10	$20.15	$4,051.47	$8,082.79
Undiscounted Total	**$308.19**	**$41,047.35**	**$81,786.51**
Total with 3% discounting	**$275.47**	**$35,076.99**	**$69,878.52**
Total with 7% discounting	**$241.24**	**$28,953.63**	**$57,666.02**
Annualized, 3% discount rate, 10 years	**$32.29**	**$4,112.09**	**$8,191.89**
Annualized, 7% discount rate, 10 years	**$34.35**	**$4,122.35**	**$8,210.34**

d. Other Unquantified Impacts

(1) Costs for Budgeting and Administering Financial Transactions

Given that the proposed OPT fee amounts are significantly higher than the current SEVP fees, DHS anticipates increased scrutiny from both SEVP-certified institutions and the financial institutions that retain their funds. SEVP-certified institutions recommending F–1 nonimmigrant students for OPT would need to consider the costs for paying the proposed fees, including budget planning and identifying funding sources. While the proposed rule does not restrict how schools may fund OPT fees, DHS expects that regulated entities would establish budgeting processes to assess their costs, financial capacity, and related accounting and audit processes. This may result in additional administrative burdens with financial transactions.

Although SEVP-certified institutions already submit fee payments to DHS, the proposed changes may alter their processes. Institutions must submit separate payments per OPT occurrence for each OPT participant, however, institutions may choose to submit these payments on a periodic basis (*e.g.,* at the end or beginning of the academic year).[134] This could require enhanced budget processing to ensure sufficient funds are available for each OPT recommendation. Schools may need to develop recordkeeping and tracking mechanisms for these transactions to support auditing and maintain evidence of compliance.

Financial entities (*e.g.,* banks) may incur additional costs due to increased time spent processing these transactions, reviewing institutions' available funds, and validating payment authorizations. In cases where institutions receive funding from students, employers or other entities, there may be further time burdens to establish payment methods and to track and administer these funds for both the regulated entities and external parties.

DHS would also need to establish processes to receive and confirm fee payments. These activities may require additional time and potential IT system updates to retrieve and store relevant data by SEVP-certified institution and OPT request. Other agencies, such as the Treasury of the United States, may also incur costs to modify their systems to accommodate the new fees.

Due to the various scenarios and conditions associated with these financial transactions, and because this rule introduces a new fee, DHS is unable to estimate the cost impacts of these processes. DHS requests comments on these potential burdens.

(2) Costs for Refunds

DHS anticipates that educational institutions may, in some cases, request refunds of the OPT fee. The proposed rule allows for refunds subject to ICE review. Educational institutions would incur time burdens to submit refund requests, and ICE would incur costs to review and process these requests. If refunds are granted, ICE would also bear the burden of transferring funds back to the educational institution and providing confirmation of these transactions. DHS does not have sufficient information to estimate the number of refund applications or the associated costs. DHS requests comments on these potential burdens and impacts.

(3) Impact on Participation in Pre-Completion OPT

The initial fee of $70,000 applies when an F–1 nonimmigrant participates in OPT for the first time, whether it is pre-completion or post-completion OPT. A subsequent OPT participation incurs a $30,000 fee, regardless of whether it is pre-completion OPT, post-completion OPT, or a STEM OPT extension. OPT participation, excluding the STEM extension, is limited to a total of 12 months; pre-completion OPT reduces the amount of time available for post-completion OPT. Consequently, a total fee of $100,000 would be assessed should the F–1 nonimmigrant engage in pre-completion and post-completion OPT, compared to $70,000 if the entire OPT period occurs post-completion. DHS anticipates that institutions would encourage F–1 nonimmigrants to use only post-completion OPT to benefit from the fee differential for the same total authorized OPT period. While DHS expects future participation in pre-completion OPT to decline, DHS cannot reasonably predict the extent of this

[134] If a school chooses to submit periodic payments, the full amount must be paid prior to the issuance of the OPT recommendation.

decrease. DHS requests comments and any available data regarding this discussion which could further improve these estimates.

6. Benefits

As discussed in section IV of this proposed rule, DHS has identified fraudulent use of OPT by F–1 nonimmigrants to overstay or illegally work outside of their program of study. DHS believes this proposed rule would reduce fraud and abuse risks in the OPT program. Compared to the current process, in which educational institutions recommend F–1 students for OPT without monetary risk, DHS believes that the proposed rule would likely result in more scrutiny of the use of OPT recommendation by DSOs.

The proposed regulatory financial obligation would encourage schools to ensure OPT opportunities provide genuine educational value, aligning with the original intent of the practical training program. The rule would incentivize schools to recommend only the most promising students for OPT, reducing ''visa mill'' activities and improving compliance with immigration regulations. The rule could also serve as a deterrent to those who would otherwise plan to engage in fraud or abuse of these nonimmigrant classifications.

To the extent that OPT participation decreases, there could be transfers to other workers who may perform the same job functions as the F–1 nonimmigrant students in OPT. The rule may provide job opportunities to U.S. workers who would have lost job opportunities to OPT students in the absence of the rule. DHS intends for the rule to reduce an excess of low-paid foreign workers in the labor market, thereby increasing job opportunities for U.S. workers and minimizing possible wage depression.

Further, under current law, many F–1 nonimmigrant students in OPT and their employers are exempt from paying the Social Security and Medicare payroll taxes under the Federal Insurance Contributions Act (FICA). This exemption may provide an incentive to hire F–1 nonimmigrant students in OPT over U.S. citizens or others subject to FICA payroll taxes. The availability of fewer F–1 nonimmigrant students with employment authorization through OPT could provide job transfers to U.S. workers. To the extent that some F–1 nonimmigrant students in OPT are replaced with FICA-subject workers, there could be additional transfers for federal taxes collected.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires Federal agencies to consider whether the proposed rule would have a significant impact on a substantial number of small entities. The term ''small entities'' is comprised of small business, 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. DHS requests information and data from the public that would assist in better understanding the impact of this proposed rule on small entities. DHS also seeks input from the public on alternatives that would accomplish the same objectives and minimize the proposed rule's economic impact on small entities.

Section 603(b) of the Regulatory Flexibility Act prescribes the content of the Initial Regulatory Flexibility Analysis, which addresses the following:

1. A description of the reasons why action by the agency is being considered;

2. A succinct statement of the objectives of, and legal basis for, this proposed rule;

3. A description of and, where feasible, an estimate of the number of small entities to which this proposed rule will apply, or an Explanation of Why No Such Estimate is Available;

4. A description of the projected reporting, recordkeeping, and other compliance requirements of this proposed rule, including an estimate of the classes of small entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record;

5. An identification, to the extent practicable, of all relevant Federal rules that may duplicate, overlap, or conflict with this proposed rule; and

6. A description of any significant alternatives to this proposed rule that accomplish the stated objectives of applicable statutes and minimize any significant economic impact of the proposed rule on small entities.

1. A Description of the Reasons Why the Action by the Agency Is Being Considered

DHS proposes new fees for OPT to combat fraud, strengthen the integrity of the immigration system, protect U.S. workers, and alleviate the burdens imposed on DHS resources tied to OPT investigations.

2. A Succinct Statement of the Objectives of, and Legal Basis for, the Proposed Rule

The proposed rule would establish a $70,000 fee applicable to SEVP-certified institutions when they initially recommend an F–1 nonimmigrant student to engage in OPT and a $30,000 fee each time there is a subsequent OPT recommendation for that student. The fee helps to combat fraud by encouraging institutions to conduct a more in-depth review of OPT documentation.

The Secretary has authority under Section 102 of the Homeland Security Act of 2002 (HSA) (Pub. L. 107–296, 116 Stat. 2135), 6 U.S.C. 112, and section 103(a)(1) and (3) of the Immigration and Nationality Act (INA), 8 U.S.C. 1103(a)(1), (3), to administer and enforce the immigration and naturalization laws of the United States, to include the issuance of regulations that he deems necessary.[135] Section 214(a) of the INA, 8 U.S.C. 1184(a), authorizes the Secretary to prescribe the time and conditions of admission of any alien as a nonimmigrant.

DHS has also considered, as an alternative, having the one-time initial fee of $70,000 apply again to any initial period of OPT following the F–1 student's change to a higher educational level (*e.g.,* to a post-bachelor's degree OPT and again to the student's master's degree OPT). DHS welcomes public comment on this potential alternative.

3. A Description of, and, Where Feasible, an Estimate of, the Number of Small Entities to Which the Proposed Rule Will Apply, or an Explanation of Why No Such Estimate Is Available

The small entities to which the proposed rule would apply include all small SEVP-certified institutions that recommend F–1 nonimmigrants for OPT. As of June 2026, there were 6,186 institutions authorized to enroll F–1 nonimmigrant students.[136]

To identify small institutions impacted by the proposed rule, DHS reviewed authorizations of OPT with employment start dates in 2022, 2023, and 2024 and identified 2,478 institutions eligible to enroll F–1 nonimmigrants who had been recommended OPT at least once over the three-year period. Of these institutions, DHS estimates 1044 are

[135] Although provisions of the INA discussed in this NPRM refer to the ''Attorney General,'' such provisions are now to be read as referring to the Secretary of Homeland Security by operation of the HSA. *See* 6 U.S.C. 202(3), 251.

[136] U.S. Immigration and Customs Enforcement, Certified School List, (June 16, 2026), available at *https://studyinthestates.dhs.gov/school-search.*

public, 1,294 are private non-profit, and 140 are private for-profit entities. DHS assumes that all 1,044 public institutions are not small as they are run by states whose jurisdictions are larger than 50,000 people.[137] DHS conservatively assumes that all 1,294 private non-profit institutions are small entities because they are non-dominant in their field.[138]

To determine which of the remaining 140 for-profit institutions are considered a small entity, DHS referenced the SBA size standards represented by average annual receipts. Receipts are generally defined as a firm's total income or gross income. SBA's Table of Small Business Size Standards provides business size standards for all sections of the North American Industry Classification System (NAICS) for industries.[139] DHS matched information provided by the institutions in SEVIS regarding what programs of study they are engaged in with an appropriate six-digit NAICS industry description. NAICS is the standard classification used to categorize business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. economy. DHS found that the revenue of 95 of the 140 for-profit institutions fell below the SBA size standard of a small business, according to their industry. Table 11 shows a breakdown of the number of small for-profit SEVP-certified institutions by industry.

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Table 11: For-Profit SEVP-Certified Institutions by Industry

Industry	NAICS codes	Size standard in millions of dollars	Number of small Institutions	Number of non-small Institutions	Total	Percentage Small
Junior Colleges	611210	$33	8	2	10	80%
Colleges, Universities and Professional Schools	611310	$35	80	36	116	69%
Flight Training	611512	$34	3	3	6	50%
Other Technical and Trade Schools	611519	$21	2	0	2	100%
Fine Arts Schools	611610	$9	2	4	6	33%
Total			95	45	140	68%

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DHS estimated each of the private institution's annual receipts by multiplying the approximate annual cost of room, board, and tuition by the average number of total students, based on data provided by the institutions to SEVP. DHS acknowledges that this method of estimating receipts may be an incomplete account of an institution's income, which may also include contributions from private individuals, endowments, or other sources.

Table 12 shows a summary, by institution type, of the number of SEVP-certified institutions authorized to enroll F–1 nonimmigrants and small entities.

[137] When reviewing public schools enrolling F–1 students, DHS reviewed a sample of the data and found that the schools were state-run colleges and universities. Therefore, DHS assumes that all 1,044 are public.

[138] Section 601(4) of the Regulatory Flexibility Act defines the term ''small organization'' to mean any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.

[139] U.S. Small Business Administration, Tables of Small Business Size Standards Matched to NAICS Codes (effective March 17, 2023), available at *https://www.sba.gov/sites/default/files/2023-06/Table%20of%20Size%20Standards_Effective%20March%2017%2C%202023%20%282%29.pdf.*

Table 12: SEVP-Certified Schools Recommending F-1 Nonimmigrants for OPT by Institution Type

Type	Total Estimated Number Institutions	Number of Small Institutions	Percentage Small
Public	1,044	0	0%
Private, nonprofit	1,294	1,294	100%
For-profit	140	95	68%
Total Number of SEVP-Certified Institutions	2,478	1,389	56%
Note: An institution is included if it is authorized to enroll F-1 nonimmigrant students and recommended at least one student for OPT with an authorized employment start date between 2022 and 2024.			

4. A Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule, Including an Estimate of the Classes of Small Entities That Would Be Subject to the Requirement and the Types of Professional Skills Necessary for Preparation of the Report or Record

DHS anticipates that small institutions enrolling F–1 nonimmigrant students participating in OPT would incur costs from familiarization, payment processing, and payment of the fee. DHS refers to these institutions as small affected institutions. The cost would vary at each small affected institution depending on the number of enrolled students who participate in OPT.

To ensure compliance with the proposed rule, DHS expects that all small affected institutions would incur familiarization costs. To estimate the DSO-specific costs, DHS multiplied the total familiarization/adaptation burden estimate (65 hours) by the loaded wage rate for DSOs ($50.14 [140]) and by the number of DSOs per small institution. For the institution administrator costs, DHS multiplied the same total familiarization/adaptation burden estimate (65 hours) by the loaded wage rate for institution administrators ($88.83 [141]) and by an estimated number of 5 administrators required to familiarize themselves with the rule per institution. These costs were summed to a total familiarization cost per institution and then divided by the revenue to determine impact to the small institutions. Of the small institutions affected, 88.8 percent have effects for familiarization smaller than 1 percent of their reported revenue, as shown in Table 13 below.

Table 13: Familiarization Costs as Percentage of Annual Revenue

Type	Familiarization costs as a percentage of annual revenue			Total
	<1%	1% to <5%	5% to <10%	
Private, nonprofit	1,162	98	34	1,294
For-profit	71	20	4	95
Total Small	1,233	118	38	1,389
% of Small	88.8%	8.5%	2.7%	100%

To assess the potential maximum impact of the proposed rule, DHS utilized data on OPT authorizations with employment start dates in calendar years 2022, 2023, and 2024. DHS used Python, an interpreted, object-oriented, high level programming language, to compile OPT authorizations and assign fee values.[142] To determine initial and subsequent fees, DHS reviewed optional practical training for every F–1 nonimmigrant student and assigned an initial fee amount of $70,000 to the earliest dated instance and a subsequent $30,000 fee for additional instances. All

[140] Based on the Bureau of Labor Statistics (BLS) mean hourly wage for SOC 21–1012 (Educational, Guidance, and Career Counselors and Advisors) for May 2025 of $34.34 (available at *https://www.bls.gov/news.release/archives/ocwage_05152026.pdf*). The benefits-to-wage multiplier is calculated by the BLS, using March 2026, released on June 12, 2026, as (Total Employee Compensation per hour)/(Total wages and Salaries per hour) = $49.32/$33.72 = 1.46, based on the mean national wage for all occupations (*see* Civilian workers in Table 1; *https://www.bls.gov/news.release/archives/ecec_06122026.pdf*).

[141] Based on the Bureau of Labor Statistics (BLS) mean hourly wage for SOC 11–9033 (Education Administrators, Postsecondary) for May 2025 of $60.84 (available at *https://www.bls.gov/news.release/archives/ocwage_05152026.pdf*). The benefits-to-wage multiplier is calculated by the BLS, using March 2026, released on June 12, 2026, as (Total Employee Compensation per hour)/(Total wages and Salaries per hour) = $49.32/$33.72 = 1.46, based on the mean national wage for all occupations (*see* Civilian workers in Table 1; *https://www.bls.gov/news.release/archives/ecec_06122026.pdf*).

[142] Python Software Found., *Welcome to Python.org,* Python, *python.org* (last visited July 17, 2026).

authorizations of STEM OPT were assigned the subsequent fee value as the program is an extension of OPT that necessitated a prior authorization. The number of initial and subsequent fees was then tallied for each year by institution. DHS then calculated the maximum annual amount that an institution would have paid based on 2022–2024 authorizations for both the initial and subsequent fee. For example, if an institution had the highest initial authorizations in 2022 and the highest sequential authorizations in 2024, the highest years are picked for each category and then used to estimate the maximum annual fee impact. This data assumes that the historical OPT participation trends would continue into the future, even with the new proposed fees for OPT. Table 14 shows the total and average maximum fee impact across types of schools. The methodology discussed above is labeled post-transition in the relevant tables.

DHS also modeled fee impacts in the transition period when all F–1 nonimmigrants recommendations would be subject to the initial fee amount of $70,000 regardless of whether the recommendation is for OPT or STEM OPT. If an OPT fee has not previously been paid for an F–1 nonimmigrant, they are subject to the initial fee of $70,000. DHS divides the analysis into a transition year, when the initial fee of $70,000 must be paid for all F–1 nonimmigrants recommended for any type of OPT, and a post-transition period when the first OPT recommendation requires the initial fee of $70,000 and the STEM OPT extension requires the subsequent fee of $30,000. DHS assigned the $70,000 fee to the maximum number of OPT and STEM OPT participants for each institution based on the historic 2022–2024 OPT authorization data. Tables 14, 15, and 17 contain both transition year and post-transition annual impacts.

Table 14: Annual Maximum Fee Estimate for Small Institutions

Max Annual Fee Impact			
Type of School	**Number of Schools**	**Total Max Fee**	**Average Max Fee**
Transition Year			
Private, non-profit	1,294	$9,412,410,000	$7,273,887
For-Profit Small	95	$181,440,000	$1,909,895
Total Small	1,389	$9,593,850,000	$6,907,019
Post-Transition			
Private, non-profit	1,294	$7,739,610,000	$5,981,151
For-Profit Small	95	$170,120,000	$1,790,737
Total Small	1,389	$7,909,730,000	$5,694,550

Next, DHS compared the institution's maximum annual fee amount to their estimated annual revenue as reported on their I–17 in SEVIS. Table 15 shows the number of small institutions within the stratified impact range of each institution's estimated fee costs as a percentage of the institution's annual revenue. Of the 1,389 small affected institutions, under the post transition period, 622 would experience an impact less than or equal to 1 percent of their estimated annual revenue as a result of the fee. While 483 would experience an impact between 1 percent and 5 percent of their estimated annual revenue, 104 would experience an impact between 5 percent and 10 percent, 82 would experience an impact between 10 percent and 20 percent, and 98 would experience an impact greater than 20 percent.

Table 15: Annual Cost of Fee Payments as a Percentage of Revenue for Small SEVP-certified Institutions

Type of School	Total fee costs as a percentage of annual revenue					Total
	<1%	1% to <5%	5% to <10%	10% to <20%	>20%	
Transition Year						
Private, nonprofit schools	558	476	112	67	81	1294
For-profit schools	24	20	12	10	29	95
Total Small Schools	582	496	124	77	110	1,389
% of Small Schools	41.9%	35.7%	8.9%	5.5%	7.9%	100%
Post-Transition						
Private, nonprofit schools	598	460	95	72	69	1294
For-profit schools	24	23	9	10	29	95
Total Small Schools	622	483	104	82	98	1,389
% of Small Schools	44.8%	34.8%	7.5%	5.9%	7.1%	100%

Due to the large monetary amount of the proposed fees, DHS assumes a DSO may not have the authority to authorize transmissions of the fees to the government. Instead, a higher-level institution administrator with financial authority to transmit large amounts of money would be involved in the payment process. DHS anticipates the transmission of the fee itself would require 30 minutes of DSO time for a final review and 30 minutes of time for an institution administrator to do a final review and fee transmission. To estimate these costs, DHS assumed 30 minutes of approval and processing of each OPT application for the DSO and an administrator. The burden hours were multiplied by the combined loaded wage rate for the DSO and administrator and the number of expected OPT applications per institution. The results in Table 16 show that nearly all small affected institutions would incur an annual impact of less than 1 percent of their annual revenue due to approval and processing costs.

Table 16: Annual Approval and Processing Costs as a Percentage of Annual Revenue

Type	Annual Approval and Processing costs as a percentage of annual revenue			Total
	<1%	1% to <5%	5% to <10%	
Private, nonprofit	1,292	0	2	1,294
For-profit	95	0	0	95
Total Small	1,387	0	2	1,389
% of Small	99.9%	0.0%	0.1%	100%

To assess maximum annual impact, DHS summed the annual estimated cost of the fees, the approval and processing burden, and familiarization and compared the total cost per institution to the institution's revenue in the transition year estimates of Table 17. The post-transition year estimates exclude the familiarization costs as these would only be borne by institutions in the initial year after the proposed rule would go into effect. During the transition year which has higher costs than the post-transition period, DHS found that 548 small entities (39.5 percent) would experience estimated impacts of less than 1 percent of revenue, 505 small entities (36.4 percent) would experience estimated impacts between 1 percent and 5 percent of revenue, 135 small entities (9.7 percent) would experience estimated impacts between 5 percent and 10 percent of revenue, 85 small entities (6.1 percent) would experience estimated impacts between 10 percent and 20 percent of revenue, and 116 small entities (8.4 percent) would experience estimated impacts greater than 20 percent of revenue. DHS estimates that out of 1,389 total small institutions, 841 (60.5 percent) would experience impacts greater than 1 percent of their estimated revenue.

Table 17: Total Annual Impact as a Percentage of Annual Revenue

Type of School	Total Annual Impact as a Percentage of Annual Revenue					Total
	<1%	1% to <5%	5% to <10%	10% to <20%	>20%	
Transition Year						
Private, nonprofit schools	526	486	122	73	87	1,294
For-profit schools	22	19	13	12	29	95
Total Small Schools	548	505	135	85	116	1,389
% of Small Schools	39.5%	36.4%	9.7%	6.1%	8.4%	100%
Post-Transition						
Private, nonprofit schools	597	461	95	72	69	1,294
For-profit schools	24	23	9	10	29	95
Total Small Schools	621	484	104	82	98	1,389
% of Small Schools	44.7%	34.8%	7.5%	5.9%	7.1%	100%

DHS assessed the impacts on small affected institutions by comparing estimated costs to revenue derived from tuition and other student-related sources. The proposed rule does not preclude institutions from funding the OPT fees through financial contributions from external parties, such as employers or organizations. As a result, the estimated annual impacts as a percentage of revenue may be overstated for institutions that can obtain additional funding. However, some small affected institutions may be unable to secure such funding, potentially resulting in opportunity costs from lost OPT participation, including declining enrollment and reduced revenue. DHS cannot accurately predict how many schools or OPT participants would be affected due to lack of funding. To the extent that schools are unable to pay the fees and OPT participation declines, DHS assumes that unpaid fees may serve as a proxy for the opportunity costs faced by small schools, which may include changes in enrollment and tuition revenue.

5. An Identification, to the Extent Practicable, of All Relevant Federal Rules Which May Duplicate, Overlap or Conflict With the Proposed Rule

DHS does not identify any rules that are specifically duplicative or overlap with this rule. There are no rules or proposed rules that conflict with the rule proposed here. There may be rules that seek the same benefit of eliminating fraud within the student visa program, but this rule targets fraud specifically within the OPT program, and therefore is not duplicative of other rules.

6. Description of the Steps the Agency Has Taken To Minimize the Significant Economic Impact on Small Entities Consistent With the Stated Objectives of Applicable Statutes, Including a Statement of Factual, Policy, and Legal Reasons for Selecting the Alternative Adopted in the Proposed Rule and Why Each One of the Other Significant Alternatives to the Rule Considered by the Agency That Affect the Impact on Small Entities Was Rejected

DHS considered a no-action alternative, under which institutions could continue to recommend F–1 nonimmigrant students to engage in OPT without paying an additional fee. DHS determined that this alternative does not provide enough accountability for schools to ensure the OPT is in compliance with all regulatory requirements. DHS assumes that including a fee per OPT recommendation would provide incentive for schools to more diligently review the need for each OPT recommendation, assess the benefits of the OPT to the nonimmigrant, and ensure compliance.

DHS considered an alternative that exempts small educational institutions from the fee requirements in the proposed rule. DHS estimates that 56 percent of regulated SEVP-certified institutions are small entities. This would mean that fraud could still continue given the majority are small entities.

DHS has also considered, as an alternative to the approach described above, having the one-time initial fee of $70,000 apply again to any initial period of OPT following the F–1 student's change to a higher educational level (*e.g.,* to a post-bachelor's degree OPT and again to the student's master's degree OPT). DHS welcomes public comment on this potential alternative.

DHS also considered more complex regulatory alternatives, such as expanded site visits, increased reporting requirements, additional processes, or stricter procedural mandates. DHS rejected these alternatives because it found proposing a fee for participation in the OPT program would offer an immediate and effective means to strengthen program integrity with minimal administrative burdens on the government. For further discussion, see IV.C.

C. Small Business Regulatory Enforcement Fairness Act of 1996

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult ICE using the contact information provided in the **FOR FURTHER INFORMATION CONTACT** section above.

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 year. Though this proposed rule would not result in such an expenditure, DHS does discuss the effects of this rule elsewhere in this preamble.

The Unfunded Mandate Reform Act of 1995 (UMRA) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on state, local, and tribal governments. Title II of UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by state, local, and tribal governments, in the aggregate, or by the private sector. The value equivalent of $100 million in 1995 adjusted for inflation to 2025 levels by the Consumer Price Index for All Urban Consumers is $211.36 million. This rule exceeds the $100 million expenditure threshold in the first year of implementation (adjusted for inflation), and therefore DHS is providing this UMRA analysis.

1. An Identification of the Provision of Federal Law Under Which the Rule Is Being Promulgated

The Secretary has authority under Section 102 of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2135), 6 U.S.C. 112, and section 103(a)(1) and (3) of the INA, 8 U.S.C. 1103(a)(1), (3), to administer and enforce the immigration and naturalization laws of the United States, to include the issuance of regulations that he deems necessary. Section 214(a) of the INA, 8 U.S.C. 1184(a), authorizes the Secretary to prescribe the time and conditions of admission of any alien as a nonimmigrant.

2. A Qualitative and Quantitative Assessment of the Anticipated Costs and Benefits of the Federal Mandate, Including the Costs and Benefits to State, Local, and Tribal Governments or the Private Sector, as Well as the Effect of the Federal Mandate on Health, Safety, and the Natural Environment

The affected population of the rule is the SEVP-certified educational institutions responsible for the F–1 nonimmigrant students who are applying to participate in OPT. The major costs to the institutions associated with this rule are the OPT application fees, the familiarization and adaptation burden incurred in year 1, and additional time to review applications and process payment for OPT applications. The familiarization and adaptation burden applies to the full population, although in different amounts per institution, depending on the number of DSOs and administrators who become familiarized with the rule. DHS expects DSOs and administrators to incur costs for familiarization and adaptation burden and make changes to their OPT approval processes to ensure the fees paid are legitimate requests for OPT. Institutions which choose to submit OPT recommendations would incur the fees, either $70,000 or $30,000 per filing. Institutions can choose how they would approve OPT recommendations with the fee; therefore, the fee and all costs associated with approval and payment would be dependent on each institution's number of OPT filings. Institutions may choose to have more stringent OPT processes to ensure all OPT opportunities are legitimate, leading to variable costs per institution.

DHS does not believe that this rule would have impacts on health or safety. The impact of this rule on environmental issues is discussed more fully in Review under the National Environmental Policy Act (NEPA), Section VII, subpart I of this proposed rule.

3. Estimates by the Agency, if and to the Extent That the Agency Determines That Accurate Estimates Are Reasonably Feasible of Future Compliance Costs of the Federal Mandate and Any Disproportionate Budgetary Effects of the Federal Mandate Upon Any Particular Regions of the Nation or Particular State, Local, or Tribal Governments, Urban or Rural or Other Types of Communities, or Particular Segments of the Private Sector

DHS has provided compliance costs for the main provisions that may indirectly trigger Federal mandates of each provision of this proposed rule as well as in the IRFA. DHS reiterates that state and private sector entities make the cost-benefit decisions of whether to expend finances to engage with foreign nonimmigrants participating in the OPT program, and if additional funding sources are needed to utilize this program.

4. Estimates by the Agency of the Effect on the National Economy, Such as the Effect on Productivity, Economic Growth, Full Employment, Creation of Productive Jobs, and International Competitiveness of United States Goods and Services, if and to the Extent That the Agency in Its Sole Discretion Determines That Accurate Estimates Are Reasonably Feasible and That Such Effect Is Relevant and Material

DHS has provided discussions of the effect of this rule on the economy in the Regulatory Impact Analysis of this rule. *See* Section VII, subpart B of the proposed rule.

5. A Description of the Extent of the Agency's Prior Consultation With Elected Representatives (Under Section 204) of the Affected State, Local, and Tribal Governments; a Summary of the Comments and Concerns That Were Presented by State, Local, or Tribal Governments Either Orally or in Writing to the Agency; and a Summary of the Agency's Evaluation of Those Comments and Concerns

DHS did not consult with elected representatives of the affected State, local, and tribal governments. DHS is accepting public comments on the proposed rule for entities to express support, concern, or provide additional information about the costs and benefits of the proposed rule.

E. Paperwork Reduction Act—Collection of Information

Under the Paperwork Reduction Act of 1995, Public Law 104–13, 109 Stat. 163 (1995) (PRA), all Departments are required to submit to OMB, for review and approval, any reporting or

recordkeeping requirements inherent in a rule. DHS is revising an information collection under OMB Control No. 1653–0038 to propose non-substantive edits in association with this rulemaking action.

DHS invites the general public and other federal agencies to comment on the impact of the proposed collection of information. In accordance with the PRA, the information collection notice is published in the **Federal Register** to obtain comments regarding the proposed edits to the information collection instrument.

Comments are encouraged and will be accepted for 60 days from the publication date of the proposed rule. All submissions received must include the OMB Control Number 1653–0038 in the body of the letter and the agency name. To avoid duplicate submissions, please use only *one* of the methods under the **ADDRESSES** and Public Participation section of this rule to submit comments. Comments on this information collection should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

The Student and Exchange Visitor Information System (SEVIS)

Overview of Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* The Student and Exchange Visitor Information System (SEVIS).

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form number not applicable. Information to be collected by ICE SEVP.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* DSOs at SEVP-certified institutions will be responsible for updating SEVIS with information relating to payment confirmation of applicable OPT fees.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for this information collection is 10,800, which represents the number of DSOs, and the total number of responses is 226,200 based on the estimated number of OPT fees.[143] The estimated hour burden per response is .083 hours (5 minutes).

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual burden associated with this collection of information in hours is 18,850.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $945,138.

F. Executive Order 13132: Federalism

This proposed rule would not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. DHS does not expect that this proposed rule would impose substantial direct compliance costs on State and local governments or preempt State law. Therefore, in accordance with section 6 of Executive Order 13132, *Federalism,* it is determined that this proposed rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

G. Executive Order 12988: Civil Justice Reform

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

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

DHS has analyzed this proposed rule under Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.* DHS has determined that it is not a ''significant energy action'' under that order because it is a ''significant regulatory action'' under Executive Order 12866 but is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

I. National Environmental Policy Act (NEPA)

DHS Management Directive (MD) 023–01 Rev. 01 and Instruction Manual (IM) 023–01–001–01 Rev. 01 establish the policy and procedures that DHS and its Components use to comply with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321–4375.

NEPA allows Federal agencies to establish categories of actions (''categorical exclusions'') that experience has shown do not, individually or cumulatively, have a significant effect on the human environment and, therefore, do not require an environmental assessment (EA) or environmental impact statement (EIS).[144] *See* 42 U.S.C. 4336(a)(2), 4336e(1). The Instruction Manual, Appendix A, Table 1, lists the DHS Categorical Exclusions.[145]

Under DHS NEPA implementing procedures, for an action to be categorically excluded, it must satisfy each of the following three conditions: (1) The entire action clearly fits within one or more of the categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect.[146] DHS proposes to amend its regulations to set fees for OPT, to strengthen the integrity of the immigration program, address fraud and protect U.S. workers.

DHS has analyzed this proposed rule under MD 023–01 Rev. 01 and IM 023–01–001–01 Rev. 01. DHS has determined that this proposed rulemaking 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 completely fits within the Categorical Exclusion found in IM 023–01–001–01 Rev. 01, Appendix A, Table 1, number A3(d): ''Promulgation of rules. that interpret or amend an existing regulation without changing its environmental effect.'' This proposed rule is not part of a larger action. This proposed rule presents no extraordinary

[143] DHS estimates 289,938 based on summing the latest year and high estimate of 194,554 OPT and 95,384 STEM OPT.

[144] *See* also 40 CFR 1501.4 and 1507.3(e)(2)(ii).

[145] *See* Appendix A, Table 1.

[146] U.S. Dep't of Homeland Sec.,Instruction Manual 023–01–001–01, Rev 01, ''Implementation of the National Environmental Policy Act (NEPA)'' (Nov.6, 2014).

circumstances, creating the potential for significant environmental effects. Therefore, this proposed rule is categorically excluded from further NEPA review.

DHS seeks any comments or information that may lead to the discovery of any significant environmental effects from this proposed rule.

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

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

K. Executive Order 12630: Governmental Actions and Interference With Constitutionally Protected Property Rights

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630, *Governmental Actions and Interference with Constitutionally Protected Property Rights.*

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

Executive Order 13045, *Protection of Children from Environmental Health Risks and Safety Risks,* requires agencies to consider the impacts of environmental health risk or safety risk that may disproportionately affect children. DHS has reviewed this proposed rule and determined that even though this rule is an economically significant rule, it would not create an environmental risk to health or risk to safety that might disproportionately affect children. Therefore, DHS has not prepared a statement under this executive order.

M. National Technology Transfer and Advancement Act

The National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impracticable. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

N. Family Assessment

DHS has determined that this proposed action would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (Pub. L. 105–277, 112 Stat. 2681).

List of Subjects in 8 CFR Part 214

Administrative practice and procedure, Aliens, Cultural exchange program, Employment, Foreign officials, Health professions, Reporting and recordkeeping requirements, Students.

Regulatory Amendments

Accordingly, DHS proposes to amend part 214 of chapter I, subchapter B, of title 8 of the Code of Federal Regulations as follows:

PART 214—NONIMMIGRANT CLASSES

■ 1. The authority citation for part 214 continues to read as follows:

Authority: 6 U.S.C. 202, 236; 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1186a, 1187, 1188, 1221, 1281, 1282, 1301–1305, 1357, and 1372; sec. 643, Pub. L. 104–208, 110 Stat. 3009–708; Pub. L. 106–386, 114 Stat. 1477–1480; section 141 of the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands, and with the Government of Palau, 48 U.S.C. 1901 note and 1931 note, respectively; 48 U.S.C. 1806; 8 CFR part 2; Pub. L. 115–218, 132 Stat. 1547 (48 U.S.C. 1086).

■ 2. Amend § 214.2 as follows:
■ a. Revise paragraph (f)(11)(ii); and
■ b. Revise paragraph (f)(11)(iii).
The revisions read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

(f) * * *

* * * * *

(11) * * *

* * * * *

(i) *Student responsibilities.* A student must initiate the OPT application process by requesting a recommendation for OPT from his or her DSO. Upon making the recommendation, the DSO will provide the student a signed Form I–20 indicating the recommendation and payment information of the initial OPT fee or subsequent OPT fee, as applicable pursuant to 8 CFR 214.13(i).

(ii) *Additional DSO responsibilities.* A student must have a recommendation from his or her DSO in order to apply for OPT. Prior to the DSO issuing a recommendation to a student for OPT, the DSO must confirm that the school has paid the applicable OPT fee for the student pursuant to § 214.13(i)(1) or (2) and then update SEVIS with the OPT fee payment information. The DSO assumes the added responsibility for maintaining the SEVIS record of that student for the entire period of authorized OPT, consistent with paragraph (f)(12) of this section.

* * * * *

(B) The DSO must update the student's SEVIS record to confirm that the educational institution has paid the applicable OPT fee prior to issuing the DSO's recommendation for OPT and before the student can apply to USCIS for employment authorization. The DSO will indicate in SEVIS whether the OPT employment is to be full-time or part-time, or for a student seeking a recommendation for a 24-month OPT extension under paragraph (f)(10)(ii)(C) of this section whether the OPT employment meets the minimum hours requirements described in paragraph (f)(10)(ii)(C)(*8*) of this section, and note in SEVIS the OPT start and end dates.

(C) The DSO must provide the student with a signed, dated Form I–20 or successor form indicating that OPT has been recommended and confirmation that the educational institution paid the applicable OPT fee.

* * * * *

(iii) *Decision on application for OPT employment authorization.* USCIS will adjudicate a student's Form I–765, Application for Employment Authorization or successor form on the basis of the DSO's recommendation and other eligibility considerations. USCIS may not grant employment authorization to any student where the DSO issued the recommendation prior to the school paying the required OPT fees or where the school has failed to pay all applicable OPT fees, consistent with paragraph (f)(11)(ii) of this section and § 214.13(i)(1) and (2).

* * * * *

■ 3. Amend 214.13 as follows:
■ a. Revise the section heading in § 214.13 to remove ''SEVIS fee for certain F, J, and M nonimmigrants'' and add in its place ''SEVIS fee for certain

F, J, and M nonimmigrants and optional practical training fees'';

■ b. Revise paragraph (b) to remove ''*Aliens not subject to a fee*'' and add in its place ''*Aliens not subject to a SEVIS fee*'';

■ c. Revise paragraph (c) to remove ''*Special Fee for Certain J–1 Nonimmigrants*'' and add in its place ''*Special SEVIS Fee for Certain J–1 Nonimmigrants*'';

■ d. Revise paragraph (e) to remove ''*Circumstances where no new fee is required*'' and add in its place ''*Circumstances where no new SEVIS fee is required*'';

■ e. Revise paragraph (e)(1) to remove the word ''fee'' and add in its place ''SEVIS fee'';

■ f. Revise paragraph (e)(3) to remove the word ''fee'' and add in its place ''SEVIS fee'';

■ g. Revise paragraph (g)(3) to remove ''*Electronic record of fee payment*'' and add in its place ''*Electronic record of SEVIS fee payment*'';

■ h. Revise paragraph (h) to remove ''*Failure to pay the fee*'' and add in its place ''*Failure to pay the SEVIS fee*''; and

■ i. Add paragraph (i) to read as follows:

(i) *Optional practical training fees.* For optional practical training (OPT), the following will apply:

(1) An SEVP-certified educational institution must pay a one-time initial fee of $70,000 for each F–1 student the first time that the alien is recommended to participate in OPT under section 214.2(f)(10)(ii). This payment must be made prior to the DSO recommending a student for OPT, pursuant to section 214.2(f)(11)(ii). SEVP may exercise discretion to grant a refund request from a school on a case-by-case basis, provided that the F–1 student has not been issued the employment authorization document for OPT associated with the fee that is subject to the refund request. This fee will not be refunded under any circumstances once the F–1 student has been granted the employment authorization document for OPT. The DSO must remove the student's OPT recommendation in SEVIS before requesting a refund. SEVP may issue further guidance on fee refund adjudications on the SEVP website at *https://studyinthestates.dhs.gov* (or successor uniform resource locator). Refund request determinations are not subject to any administrative appeals.

(2) An SEVP-certified educational institution must pay the amount of $30,000 for each F–1 student prior to a subsequent recommendation of the alien to participate in OPT under section 214.2(f)(10)(ii) if the alien has previously participated in OPT and paid the initial OPT fee of $70,000. This payment must be made prior to the DSO recommending a student for OPT, pursuant to section 214.2(f)(11)(ii). SEVP may exercise discretion to grant a refund request from a school on a case-by-case basis, provided that the F–1 student has not been issued the OPT employment authorization document for the subsequent OPT, or granted OPT extension, associated with the fee that is subject to the refund request. This fee will not be refunded under any circumstances once the F–1 student is issued the employment authorization document for the OPT or OPT extension. The DSO must remove the student's OPT recommendation in SEVIS before requesting a refund. SEVP may issue further guidance on fee refund adjudications on the SEVP website at *https://studyinthestates.dhs.gov* (or successor uniform resource locator). Refund request determinations are not subject to any administrative appeals.

(3) *Transition period.* SEVP-certified schools recommending any type of OPT for an alien must pay the fee of $70,000 for each alien who receives a DSO recommendation for OPT that is dated on or after [60 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE]. Thereafter, any subsequent DSO recommendations for OPT issued for any F–1 student who has previously participated in OPT, and for which the $70,000 OPT fee has been paid, will be subject to the subsequent OPT fee of $30,000 per alien.

Markwayne Mullin,

Secretary, U.S. Department of Homeland Security.

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