AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO



FEDERAL REGISTER

Vol. 91 Wednesday,
No. 197 October 14, 2026

Pages 65077–65436

OFFICE OF THE FEDERAL REGISTER

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

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

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

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

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

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

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

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

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

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

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

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

Single copies/back copies:

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

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

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

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

Printed on recycled paper.

Contents

Federal Register

Vol. 91, No. 197

Wednesday, October 14, 2026

Agriculture Department
See Animal and Plant Health Inspection Service
See Farm Service Agency
See Forest Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 65159

Animal and Plant Health Inspection Service
NOTICES
Determination of Nonregulated Status:
Ball Horticultural Co.; Red Flower Petals African marigold (Tagetes erecta) Event pBALL123–022–BE113 3, 65159–65160

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 65215–65219

Centers for Medicare & Medicaid Services
NOTICES
Delegation of Authority, 65219

Children and Families Administration
PROPOSED RULES
Further Reducing Bureaucracy and Burden from the Administration for Native Americans, 65154–65158

Commerce Department
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration

Corporation for National and Community Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
AmeriCorps VISTA Criminal History Acknowledgement Form, 65183–65184

Defense Department
NOTICES
Manual for Courts-Martial; Proposed Amendments, 65199–65200
Privacy Act; Matching Program, 65184–65189, 65197–65199
Request for Information:
2028 Department of Defense State Priorities Impacting Service Members and Their Families, 65189–65197

Drug Enforcement Administration
PROPOSED RULES
Schedules of Controlled Substances:
Temporary Placement of 7-Hydroxymitragynine and Mitragynine Pseudoindoxyl Above a Specified Threshold in Schedule I, 65370–65381
Temporary Placement of MGM–15 and MGM–16 in Schedule I, 65381–65387
NOTICES
Decision and Order:
Katherine Curtis, N.P., 65259–65265

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
IHE Considerations Around Program Closure: How External Pressures and Internal Policies Shape Decision Making, 65200–65201

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Reporting Deadline under the Greenhouse Gas Reporting Rule for Reporting Year 2025 to March 10, 2027, 65112–65118
PROPOSED RULES
Regulation under the Toxic Substances Control Act:
Trichloroethylene, 65148–65154

Executive Office for Immigration Review
RULES
Imposition and Collection of Civil Penalties for Certain Immigration-Related Violations, 65390–65432

Export-Import Bank
NOTICES
Applications for Long-Term Loans or Financial Guarantees in Excess of $100 Million, 65207

Farm Service Agency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Disaster Assistance—General; Critical Customer Data, 65160–65161

Federal Aviation Administration
RULES
Airspace Designations and Reporting Points:
Eastern United States, 65104–65107
Airworthiness Directives:
Bombardier, Inc., Airplanes, 65100–65103
Restricted Area:
North Carolina, 65107–65109
PROPOSED RULES
Airworthiness Directives:
Baykar Piaggio Aerospace S.p.A. (Type Certificate Previously Held by Piaggio Aviation S.p.A.) Airplanes, 65144–65147
Leonardo S.p.A. Helicopters, 65138–65140
Leonardo S.p.a. Helicopters, 65140–65142
The Boeing Company Airplanes, 65142–65144
NOTICES
Environmental Impact Statements; Availability, etc.:
SpaceX Starship—Super Heavy Launch and Landing Operations at the Boca Chica Launch Site at Starbase, TX and Expansion of Starship Landing and Expenditure Locations; Public Scoping Meetings, 65289–65291

Federal Deposit Insurance Corporation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 65207–65209

Federal Emergency Management Agency
NOTICES
Flood Hazard Determinations
65232–65251

Federal Energy Regulatory Commission
NOTICES
Application:
ECOsponsible, LLC, Termination of License (Major Project) by Implied Surrender, 65203–65204
Combined Filings, 65201, 65204–65205
Environmental Assessments; Availability, etc.:
Public Service Co. of Colorado, 65205–65206
Meetings; Sunshine Act, 65206–65207
Scoping Period:
City of Aspen, Environmental Issues for the Proposed Maroon Creek Hydroelectric Project, 65201–65203

Federal Railroad Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 65291–65295

Federal Trade Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 65209–65215

Food and Drug Administration
RULES
Food Additives Permitted in Feed and Drinking Water of Animals:
Chromium propionate, 65109–65110
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Infant Formula Requirements, 65225–65228
Requirements for Cosmetic Products, 65219–65221
Voluntary National Retail Food Regulatory Program Standards, 65221–65223
Charter Amendments, Establishments, Renewals and Terminations:
Cellular, Tissue, and Gene Therapies Advisory Committee, 65223–65225

Foreign Assets Control Office
NOTICES
Sanctions Action, 65295–65302

Forest Service
NOTICES
Kootenai National Forest; Montana; Kootenai National Forest Over-Snow Motorized Use Travel Plan; Withdrawal, 65161

Health and Human Services Department
See Centers for Disease Control and Prevention
See Centers for Medicare & Medicaid Services
See Children and Families Administration
See Food and Drug Administration
See Health Resources and Services Administration
See Indian Health Service
See National Institutes of Health

Health Resources and Services Administration
NOTICES
Health Center Program Performance Period Extensions; Correction, 65228–65229

Homeland Security Department
See Federal Emergency Management Agency
RULES
Imposition and Collection of Civil Penalties for Certain Immigration-Related Violations, 65390–65432
Removal of Automatic Extensions for Certain Employment Authorization Documents, 65306–65368
Removing 30-Day Refugee Termination Notice, 65077–65091
PROPOSED RULES
Removing Deference to Prior Determinations of Eligibility, 65119–65133

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Congregate Housing Services Program, 65252
Hearings, Meetings, Proceedings, etc.:
Manufactured Housing Consensus Committee, 65251–65252

Indian Affairs Bureau
NOTICES
Indian Gaming:
Approval by Operation of Law of the Stillaguamish Tribe and State of Washington Gaming Compact, 65252–65253

Indian Health Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Indian Health Service Purchased/Referred Care Proof of Residency, 65229

Industry and Security Bureau
NOTICES
Guidance to U.S. Customs and Border Protection Regarding the Assessment of ''U.S. Content'' for Purposes of Implementing Tariffs, 65162

Interior Department
See Indian Affairs Bureau

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for United States Residency Certification, 65302–65303
Qualifying Advanced Energy Project Credit, 65302

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Boltless Steel Shelving Units Prepackaged for Sale from the People's Republic of China, 65162–65163
Certain Corrosion-Resistant Steel Products from Taiwan, 65163–65166
Certain Hot-Rolled Steel Flat Products from Japan, 65177–65179

Certain Paper Shopping Bags from the Socialist Republic of Vietnam, 65174–65177
Certain Steel Nails from Malaysia, 65166–65169
Polyethylene Terephthalate Film, Sheet, and Strip from India, 65169–65171
Xanthan Gum from the People's Republic of China, 65171–65174
United States-Mexico-Canada Agreement:
Binational Panel Decision, 65166

International Trade Commission
NOTICES
Complaint, 65257–65258
Investigations; Determinations, Modifications, and Rulings, etc.:
Certain Vertical Power Delivery Systems, Components Thereof, and Computing Systems Containing the Same, 65254–65256
Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey, 65253–65254
Fatty Acids from Indonesia and Malaysia, 65256–65257
Linear Hydraulic Cylinders from Canada, China, India, Mexico, and South Korea, 65258–65259
Non-Refillable Steel Cylinders from China, 65253

Justice Department
See Drug Enforcement Administration
See Executive Office for Immigration Review
NOTICES
Proposed Consent Decree:
Clean Water Act, 65266

National Archives and Records Administration
NOTICES
Records Schedules, 65266–65267

National Institutes of Health
NOTICES
Hearings, Meetings, Proceedings, etc.:
Center for Scientific Review, 65230–65231
Proposed Reorganization:
Division of Program Coordination, Planning, and Strategic Initiatives, Office of the Director, 65229–65230

National Oceanic and Atmospheric Administration
NOTICES
Environmental Assessments; Availability, etc.:
Deepwater Horizon Natural Resource Damage Assessment Louisiana Trustee Implementation Group Final Phase 2 Restoration Plan, etc., 65182–65183
Hearings, Meetings, Proceedings, etc.:
Council Coordination Committee, 65181
Fisheries of the Caribbean; Southeast Data, Assessment, and Review, 65180
Fisheries of the South Atlantic; Southeast Data, Assessment, and Review, 65180–65181
Mid-Atlantic Fishery Management Council, 65179–65180, 65182
New England Fishery Management Council, 65179, 65183

Nuclear Regulatory Commission
RULES
AP1000 Design Certification Renewal, 65091–65100
PROPOSED RULES
AP1000 Design Certification Renewal, 65133–65137
NOTICES
Facility Operating Licenses:
Applications and Amendments Involving Proposed No Significant Hazards Considerations, etc., 65267–65272

Pension Benefit Guaranty Corporation
RULES
Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits, 65110–65112

Postal Regulatory Commission
PROPOSED RULES
Periodic Reporting, 65147–65148
NOTICES
New Postal Products, 65272

Presidential Documents
ADMINISTRATIVE ORDERS
Committees; Establishment, Renewal, Termination, etc.:
Lisa DeNell Cook, Committee of Inquiry To Investigate Allegations of False Statements by; Establishment (Memorandum of October 7, 2026), 65433–65436

Securities and Exchange Commission
NOTICES
Exemption:
RTW Biotech Growth Fund and RTW Investments, LP, 65275–65276
Self-Regulatory Organizations; Proposed Rule Changes:
Cboe BZX Exchange, Inc., 65272–65275
Texas Stock Exchange LLC, 65276–65284

Small Business Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 65285–65286
Disaster Declaration:
Guam, 65287–65288
Guam; Public Assistance Only, 65286
Hawaii; Public Assistance Only, 65285, 65289
Oklahoma; Public Assistance Only, 65288–65289
Pueblo of Zuni, 65288
West Virginia, 65287
West Virginia; Public Assistance Only, 65285
Wisconsin, 65286–65287

Transportation Department
See Federal Aviation Administration
See Federal Railroad Administration

Treasury Department
See Foreign Assets Control Office
See Internal Revenue Service

Veterans Affairs Department
NOTICES
Hearings, Meetings, Proceedings, etc.:
Veterans and Community Oversight and Engagement Board, 65303

Separate Parts In This Issue

Part II
Homeland Security Department, 65306–65368

Part III
Justice Department, Drug Enforcement Administration, 65370–65387

Part IV
Homeland Security Department, 65390–65432
Justice Department, Executive Office for Immigration Review, 65390–65432

Part V
Presidential Documents, 65433–65436

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Administrative Orders:

Memorandums:

Memorandum of October 7, 2026 65435

8 CFR

207 65077
274a 65306
281 65390
1003 65390
1280 65390

Proposed Rules:

214 65119

10 CFR

52 65091

Proposed Rules:

52 65133

14 CFR

39 65100
71 65104
73 65107

Proposed Rules:

39 (4 documents) 65138, 65140, 65142, 65144

21 CFR

573 65109

Proposed Rules:

1308 (2 documents) 65370, 65381

29 CFR

4044 65110

39 CFR

Proposed Rules:

3050 65147

40 CFR

98 65112

Proposed Rules:

751 65148

45 CFR

Proposed Rules:

1336 65154

Rules and Regulations

Federal Register
Vol. 91, No. 197
Wednesday, October 14, 2026

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

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 207

[CIS No. 2856–26; DHS Docket No. USCIS–2026–0397]

RIN 1615–AD23

Removing 30-Day Refugee Termination Notice

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

ACTION: Interim final rule.

SUMMARY: This interim final rule (IFR) amends Department of Homeland Security (DHS) regulations to expedite termination of refugee status when DHS determines an alien was not a refugee within the meaning of section 101(a)(42) of the Immigration and Nationality Act at the time of admission to the United States. The response period to a Notice of Intent to Terminate (NOIT) is reduced from thirty to ten days. These changes aim to restore integrity to the immigration system, mitigate risks to national security and public safety, and prevent fraud and exploitation.

DATES: This IFR is effective on October 14, 2026. Written comments and related materials must be submitted on or before November 13, 2026. The electronic Federal Docket Management System will accept comments prior to midnight Eastern Time at the end of that day.

ADDRESSES: You may submit comments on the entirety of this rulemaking package, identified by DHS Docket No. USCIS–2026–0397, through the Federal eRulemaking Portal: *https://www.regulations.gov*. Follow the website instructions for submitting comments.

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

FOR FURTHER INFORMATION CONTACT: Security, Public Safety, and Global Vetting Division (SPSG), Office of Policy & Strategy, U.S. Citizenship and Immigration Services (USCIS), DHS, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone (240) 721–3000. Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 711.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Public Participation
II. Executive Summary
A. Purpose of the Regulatory Action
B. Legal Authority
C. Summary of the Regulatory Action
D. Related Rulemakings
III. Background and Purpose
A. Initial Refugee Processing
B. Termination of Refugee Status
C. Actions by the Prior Administration That Increased the Risk of Errant Refugee Admissions
D. Recent Actions by President Trump and DHS To Reinvigorate Refugee Screening and Integrity of the Refugee Program
IV. Discussion of Interim Final Rule
V. Statutory and Regulatory Requirements
A. Administrative Procedure Act (APA)
a. Good Cause
b. Foreign Affairs Exception
c. Reliance Interests
B. Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 14192 (''Unleashing Prosperity Through Deregulation'')
C. Regulatory Flexibility Act (RFA)
D. Unfunded Mandates Reform Act of 1995 (UMRA)
E. Congressional Review Act (CRA)
F. Executive Order 13132 (Federalism)
G. Executive Order 12988 (Civil Justice Reform)
H. Family Assessment
I. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)
J. National Environmental Policy Act (NEPA)
K. Paperwork Reduction Act (PRA)

Table of Abbreviations

APA—Administrative Procedure Act
CBP—U.S. Customs and Border Protection
CDAO—Chief Data and Analytics Office
CFR—Code of Federal Regulations
COI—Country-of-Origin Information
CPI–U—Consumer Price Index for All Urban Consumers
CRA—Congressional Review Act
DHS—Department of Homeland Security
E.O.—Executive Order
FR—Federal Register
FY—Fiscal Year
HSA—Homeland Security Act
ICE—U.S. Immigration and Customs Enforcement
IFR—Interim Final Rule
INA—Immigration and Nationality Act
LPR—Lawful Permanent Residence/Resident
NEPA—National Environmental Policy Act
NOIT—Notice of Intent to Terminate
OIRA—Office of Information and Regulatory Affairs
OMB—Office of Management and Budget
OPLA—Office of the Principal Legal Advisor
OPQ—Office of Performance and Quality
PARRIS—Post-Admission Refugee Reverification and Integrity Strengthening
PRA—Paperwork Reduction Act
RFA—Regulatory Flexibility Act
SBREFA—Small Business Regulatory Enforcement Fairness Act of 1996
Secretary—Secretary of Homeland Security
State—Department of State
UMRA—Unfunded Mandates Reform Act of 1995
UNHCR—United Nations High Commissioner for Refugees
U.S.C.—United States Code
USCIS—U.S. Citizenship and Immigration Services
USRAP—United States Refugee Admissions Program

I. Public Participation

DHS invites all interested parties to participate in this rulemaking by submitting written data, views, comments and arguments on all aspects

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

Instructions: If you submit a comment, you must include the agency name (U.S. Citizenship and Immigration Services) and the DHS Docket No. USCIS–2026–0397 for this rulemaking. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking 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 you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy and Security Notice available at *https://www.regulations.gov*.

Docket: For access to the docket and to read background documents or comments received, go to *https://www.regulations.gov,* referencing DHS Docket No. USCIS–2026–0397. You may also sign up for email alerts on the online docket to be notified when comments are posted or a final rule is published.

II. Executive Summary

A. Purpose of the Regulatory Action

The purpose of this rulemaking is to shorten the termination notice period in order to mitigate potential risks posed by aliens admitted to the United States as refugees when, in fact, they were not eligible for refugee classification at the time of admission. Those who are improperly admitted may not have their identity fully confirmed and vetted due to an incomplete record, and as such pose a risk to program integrity and may pose a risk to national security and public safety. A review of refugee processing policies and procedures implemented under the Biden administration indicates an alarming erosion of integrity leading to aliens being admitted to the United States as refugees when their identities, eligibility for refugee classification, and admissibility were determined based on incomplete records.[1] Operational guidance implemented during this period allowed officers to forgo typical lines of inquiry, sacrificing the caliber and efficacy of the refugee interview, a critical screening component of the refugee adjudication process.[2] The priority of expediency over quality encouraged a lack of robust interviews. Certain questions to ensure that aliens were eligible for refugee status prior to admission to the United States were omitted and this increased the risk of ineligible aliens being approved for refugee classification and subsequently admitted to the United States. This is supported by a recent preliminary review of admitted refugees residing in Minnesota who were interviewed, approved, and admitted during the Biden administration. For the majority of these reviewed cases, the evidence was insufficient to establish that the principal applicant met all of the required elements of the refugee definition.[3] The goal was to have as many refugees as practicable enter the United States to meet President Biden's ceiling for refugee admissions and in order to accomplish this, a number of requirements for ensuring a thorough examination and assessment of eligibility were reduced or removed.

This raises concerns about the integrity of the refugee program and calls into question the eligibility for refugee status of aliens admitted to the United States during this time. As detailed below in this preamble, several policy decisions were implemented that significantly reduced the integrity measures within the refugee program. These changes resulted in an increase in the number of refugee interviews conducted per officer each day, with less comprehensive elicitation of testimony from applicants. These adjustments limited the ability of refugee officers, and the U.S. government to accurately determine whether an applicant's identity was properly established, assess potential national security or public safety concerns, and verify whether the applicant met the definition of a refugee.

To protect U.S. interests and public safety, USCIS must act swiftly when DHS determines that an alien did not meet the refugee definition and was not entitled to refugee status at the time of admission. Shortening the NOIT response period enables DHS to respond rapidly to such findings. Allowing a longer notice period could provide opportunities for aliens to evade enforcement or engage in harmful activities. For example, the Fraud Detection and National Security (FDNS) Directorate investigated cases where refugees were later identified as members of armed groups or had concealed extremist affiliations. In one case, a refugee was found to have participated in human rights abuses with the Liberian Armed Forces during the Liberian Civil War. In another case, a refugee was found to have misrepresented his involvement with the Oromo Liberation Front (OLF), an armed group in Ethiopia. Social media checks indicated numerous pro-OLF activities and pro-OLF and radical violent rhetoric posted prior to his admission to the United States as a refugee. These cases demonstrate that when credible evidence of national security or public safety concerns arises after a refugee's admission, USCIS may be unable to initiate removal proceedings until the termination process is complete. Therefore, reducing the response period to ten days after issuance of a NOIT allows USCIS to address such threats more quickly and effectively, restoring integrity to the immigration system.

To be eligible for admission to the United States as a refugee, an alien must establish, among other things, that they meet the definition of ''refugee'' as defined in section 101(a)(42)(A) and (B)

[1] Refugee applicants have the burden to establish their identity for purposes of immigration benefits. Identity is a critical element in refugee adjudications because it helps verify that the applicant is who they say they are. Identity can be established through the collection of biometrics, documentary evidence, and testimony. In the refugee context, testimony is a primary source of evidence. It provides valuable information about the applicant's background, familial relations, past experiences, and associations which provide context in establishing who the applicant is as a person and whether they are eligible for the benefit sought. An applicant's capacity to demonstrate their identity to the satisfaction of the U.S. Government, ensuring that officials are confident in the applicant's identity, is a necessary step in determining eligibility for the immigration benefit requested.

[2] Cases of resettled refugees residing in Minnesota were reviewed as part of an initial pilot operation cohort to reinforce recent joint antifraud enforcement actions, such as Operation Twin Shield, conducted with other law enforcement partners including ICE and the FBI.

[3] See USCIS Announces Results of Operation Twin Shield, a Large-Scale Immigration Fraud Investigation (Sept. 30, 2025), *https://www.uscis.gov/newsroom/news-releases/uscis-announces-results-of-operation-twin-shield-a-large-scale-immigration-fraud-investigation.*

of the INA, 8 U.S.C. 1101(a)(42)(A) and (B), which includes the requirement that they are not a persecutor. When USCIS discovers after an alien's admission to the United States that they should not have been admitted because they did not meet the refugee definition and therefore the eligibility requirements for refugee classification at the time of admission, it is important to protect the integrity of the American immigration system by taking whatever steps are legally available, including ensuring that the alien is removed from the United States as quickly as possible where there is a legal basis to do so. There is an inherent risk to national security and public safety when an alien's identity has not been fully established. Therefore, the ability to streamline refugee status termination, where appropriate, contributes immediately to the safety of the American people and the integrity of the lawful U.S. immigration system.

The current notice and response process for terminating refugee status upon determination that the alien was not a refugee at the time of their admission is inefficient and compromises the security and safety of the United States. Providing 30 days to respond to a NOIT, instead of a 10-day response period, allows ineligible aliens more time to retain immigration benefits to which they are not entitled, undermining the integrity of the U.S. immigration system and national interests of the United States. Moreover, when an alien retains a status he or she is not entitled to, while also being inadequately vetted with insufficient information as to their true identity, there is a risk to American society's safety and security.

B. Legal Authority

The Secretary of Homeland Security's (Secretary) authority for the regulatory amendment made in this IFR is found in various provisions of the Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et seq.,* and the Homeland Security Act of 2002 (HSA), Public Law 107–296, 116 Stat. 2135 (codified in part at 6 U.S.C. 101 *et seq.*). Under the INA, the Secretary has authority over the admission, termination of status, removal, and adjustment of status of refugees. *See, e.g.,* INA 207, 209, 8 U.S.C. 1157, 1159.[4] Most importantly, section 207(c)(4) of the INA, 8 U.S.C. 1157(c)(4), allows the Secretary to terminate the refugee status of any alien and the alien's spouse or children if the Secretary determines that the alien ''was not in fact a refugee . . . at the time of the alien's admission'' and expressly authorizes the Secretary to issue regulations governing the procedures for such terminations. The Secretary has delegated the authority to grant refugee status and to adjust or terminate such status to USCIS.[5]

General authority for issuing this IFR is found in section 103(a) of the INA, 8 U.S.C. 1103(a), which authorizes the Secretary to administer and enforce the immigration and nationality laws and establish such regulations as the Secretary deems necessary for carrying out such authority, as well as section 102 of the HSA, 6 U.S.C. 112, which vests all of the functions of DHS in the Secretary and authorizes the Secretary to issue regulations.[6] Additional authority for this rule is found in:

- Section 101(b)(1)(F) of the HSA, 6 U.S.C. 111(b)(1)(F), which establishes as a primary mission of DHS the duty to, ''ensure that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland;''
- Section 101(a)(42) of the INA, 8 U.S.C. 1101(a)(42), which defines a refugee; and
- Section 451(a)(3) of the HSA, 6 U.S.C. 271(a)(3), which confers authority on the USCIS Director to establish ''policies for performing [immigration adjudication] functions.''

C. Summary of the Regulatory Action

Through this IFR, DHS is amending 8 CFR 207.9 to change the 30-day notice-and-response period for aliens whose refugee status is terminated by USCIS to a 10-day notice-and-response period.

D. Related Rulemakings

DHS is engaging in multiple rulemaking actions that are in various stages of development.[7] DHS has considered and analyzed each of these rules for peripheral, overlapping, and interrelated effects on this rule and has found none, as this IFR is narrowly focused on refugee termination procedures.

DHS has also, to the extent possible, considered the effects, if any, of possible policy changes of which USCIS is aware. For example, a memorandum issued jointly by ICE and USCIS on February 18, 2026, impacting individuals with refugee status states, ''the policy of USCIS and ICE regarding when, and under what circumstances, immigration officers may detain refugees who have failed to adjust to lawful permanent resident status.'' [8] The policy changes announced in the memo relate to the statutory requirement at INA 209, 8 U.S.C. 1159, governing the conditional admission of refugees and their adjustment of status, and provide that DHS may arrest and detain a refugee who has lived in the United States for at least one year and has not yet acquired LPR status under INA 209(a)(1), 8 U.S.C. 1159(a)(1), to inspect and examine the refugee for admission as an LPR.[9] While the policy changes are similarly aimed at protecting the public interest through vetting of aliens admitted as refugees, including vetting for national security, public safety, and fraud-related issues, the focus of this rule is on procedures in terminations cases, not the custody, arrest or detention of a refugee who has failed to adjust status.

DHS invites the public to submit comments during the 30-day comment period regarding anticipated interaction with related rules and policy changes.

III. Background and Purpose

A. Initial Refugee Processing

Refugee status in the United States is a highly sought after immigration benefit for displaced persons throughout the world due in part to the benefits it bestows as well as a pathway to permanent status. Resettlement to the United States through the United States Refugee Admissions Program (USRAP) is a multi-step process involving several agency partners. The U.S. Department of State (State) leads the annual

[4] *See also* HSA 451(b)(3), (5), 6 U.S.C. 271(b)(3), (5) (transferring the authority to adjudicate refugee applications and other adjudications performed before the enactment of the HSA from the Immigration and Naturalization Service (''INS'') to DHS).

[5] *See* DHS, Delegation to the Bureau of Citizenship and Immigration Services, No. 0150.1 (June 5, 2003), *https://www.hsdl.org/?abstract&did=234775*; *see also* 8 CFR 207.4, 207.9; 8 CFR 209.1.

[6] Although several provisions of the INA discussed in this IFR refer exclusively to the ''Attorney General,'' such provisions are now to be read as referring to the Secretary by operation of the HSA. *See* 6 U.S.C. 202(3), 251, 271(b), 542 note, and 557; 8 U.S.C. 1103(a)(1) and (g), 1551 note; *Nielsen* v. *Preap,* 586 U.S. 392, 397 n.2 (2019).

[7] *See* Office of Information and Regulatory Affairs, ''2026 Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions,'' *https://www.reginfo.gov/public/do/eAgendaMain* (last visited July 15, 2026).

[8] Memorandum from Joseph B. Edlow, Director, U.S. Citizenship and Immigration Services, and Todd M. Lyons, Senior Official Performing the Duties of the Director, U.S. Immigration and Customs Enforcement, ''Detention of Refugees Who Have Failed to Adjust to Lawful Permanent Resident Status,'' (Feb. 18, 2026).

[9] On March 23, 2026, a U.S. District Court in the District of Massachusetts stayed DHS's adoption and implementation of the policies outlined in the February 18, 2026, Memo related to the arrest and detention of refugees who have lived in the United States for more than one year and have not acquired LPR status. *See Jean A.* v. *Noem,* 2026 WL 805207, at * 1 (D. Mass. Mar. 23, 2026).

consultations process, funds and oversees refugee resettlement activities, contracts with the non-governmental organizations that provide pre- and post-USCIS interview support, and facilitates the Priority 1 referrals to the USRAP process. After an alien is determined to have access to the USRAP, they may file a Form I–590, Registration for Classification as Refugee.[10] Applications for refugee classification are primarily processed overseas and adjudicated by USCIS Refugee Officers who determine whether an alien meets the refugee definition and is otherwise eligible for resettlement to the United States. Under United States law, to be eligible for refugee classification an applicant must establish that he or she:

- is located outside the country of his or her nationality;[11]
- is of special humanitarian concern to the United States;
- was persecuted or fears persecution due to race, religion, nationality, political opinion, or membership in a particular social group;
- is not firmly resettled in another country; and
- is admissible as an immigrant to the United States.

See INA 101(a)(42), 8 U.S.C. 1101(a)(42); INA 207(c)(1), 8 U.S.C. 1157(c)(1).

A refugee does *not* include anyone who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion. *Id.* USCIS officers make a determination of eligibility for refugee classification based on the above elements of eligibility.

USCIS approval of an application for refugee classification authorizes U.S. Customs and Border Protection (CBP) to admit the alien ''conditionally'' as a refugee upon arrival at a U.S. port of entry within four months of the date of such approval.[12] U.S. Department of Health and Human Services, the Office of Refugee Resettlement provides resettlement assistance, that includes employment training, English language training, cash assistance (in a manner that promotes early self-sufficiency), and job placement, to the aliens admitted as refugees to the United States.

Derivatives of the principal refugee applicant may include the spouse of a principal refugee and their unmarried children under the age of 21.[13] Derivative family members may be included in the initial application for refugee status or petitioned for after the principal refugee's arrival to the United States. *Id.* For derivatives to be admitted to the United States as refugees, they must establish that they are admissible and not subject to the persecutor bar but are not required to prove that they meet the refugee definition or any of its elements, such as past persecution or a well-founded fear of future persecution.

In addition to resettlement in the United States, refugees receive employment authorization as soon as they arrive in the United States.[14]

B. Termination of Refugee Status

The sole basis for USCIS to terminate the status of an alien conditionally admitted to the United States as a refugee is if USCIS determines that the alien did not meet the definition of a refugee at the time of admission to the United States.[15] No other ground of termination is specified under the law. An alien who did not, in fact, meet the refugee definition at the time of admission would have been inadmissible, and once that status is terminated, will generally lack legal grounds to remain in the United States.[16]

The determination to terminate refugee status because the alien did not meet the definition of a refugee at the time of his or her admission to the United States applies solely to principal refugees and not to derivative refugees. In order to be eligible for refugee status, principal applicants must meet the requirements of the refugee definition in INA 101(a)(42), 8 U.S.C. 1101(a)(42), must be admissible to the United States, and must qualify under one of the designated USRAP processing priorities.[17] USCIS may in turn terminate a derivative refugee's status if the principal's status is terminated.[18]

Refugee status can only be terminated while the alien remains in refugee status and has not yet adjusted to lawful permanent resident (LPR) status or naturalized.[19] However, if USCIS has rescinded an alien's LPR status under INA 246, 8 U.S.C. 1156, an alien admitted as a refugee reverts to the prior refugee status and his or her refugee status can be terminated if the basis for termination meets the statutory requirements.[20]

When USCIS determines that a principal refugee was not a refugee as defined in INA 101(a)(42), 8 U.S.C. 1101(a)(42), at the time of admission, USCIS initiates termination of refugee status. The former Immigration and Naturalization Service first implemented regulations governing the termination of refugee status following the enactment of the Refugee Act of 1980, and the process has remained substantively unchanged in the 45 years since then.[21]

USCIS issues a Notice of Intent to Terminate (NOIT) prior to termination.[22] In the NOIT, USCIS outlines the specific basis or bases for the termination, such as a determination by USCIS that the harm the alien experienced or feared was not on account of a protected ground or, for example, that the alien had another nationality or legal status in another country such that they did not qualify as a refugee from the claimed country. The NOIT further informs the alien of his or her right to offer written or oral evidence in support of his or her refugee claim and in opposition to the proposed termination. Prior to this IFR, 8 CFR 207.9 provided that the alien has a 30-day period to respond to a NOIT. The preamble implementing this process did

[10] Form I–590, Registration for Classification as Refugee, OMB No. 1615–0068 (Nov. 3, 2025), available at *https://www.uscis.gov/sites/default/files/document/forms/i-590.pdf.*

[11] The Refugee Act of 1980 amended this requirement and allowed for in-country processing for certain refugees that the President specifies.

[12] 8 CFR 207.4 (authority for CBP to admit aliens approved for refugee classification).

[13] INA 207(c)(2), 8 U.S.C. 1157(c)(2).

[14] 8 CFR 274a.12(a)(3).

[15] INA 207(c)(4), 8 U.S.C. 1157(c)(4).

[16] *See* 8 CFR. 207.9 (permitting termination of refugee status only if USCIS determines the alien ''was not a refugee'' within the meaning of INA section 101(a)(42) at the time of admission); INA section 237(a)(1)(A), 8 U.S.C. 1227(a)(1)(A) (making deportable any noncitizen who was inadmissible ''at the time of entry''), incorporating, inter alia, INA section 212(a)(7)(A)(i)(I), 8 U.S.C. 1182(a)(7)(A)(i)(I) (inadmissibility for lack of valid immigrant entry document).

[17] INA 291, 207(c)(1), 8 U.S.C. 1361, 1157(c)(1).

[18] See 8 CFR 207.7(d) and 207.9, see also INA 207(c)(4), 8 U.S.C. 1157(c)(4) providing that the ''refugee status of any alien (*and of the spouse or child of the alien*), may be terminated'' (emphasis added).

[19] *Matter of D–K–*, 25 I&N Dec. 761 (BIA 2012); *Matter of Smriko,* 23 I&N Dec. 836 (BIA 2005).

[20] USCIS Policy Manual, Volume 7, Part Q, Rescission of Lawful Permanent Residence, *https://www.uscis.gov/policy-manual/volume-7-part-q* (last visited Jan. 22, 2026).

[21] 45 FR 37392 (June 2, 1980) (interim final rule); 46 FR 45116 (Sept. 10, 1981) (final rule). INS and DHS have made only minimal changes to 8 CFR 207.9 since it was first published. Following the enactment of IIRIRA, INS updated the references to the types of removal proceedings that may apply following a termination of refugee status. See also, *Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures,* 62 FR 10312, 10337 (Mar. 6, 1997). Other minor changes included renumbering from 207.8 to 207.9 and including updated DHS service procedures. *Procedures for Filing a Derivative Petition (Form I–730) for a Spouse and Unmarried Children of a Refugee/Asylee,* 63 FR 3792 (Jan. 27, 1998); *Immigration Benefits Business Transformation, Increment I,* 76 FR 53764, 53784 (Aug. 29, 2011).

[22] 8 CFR 207.9.

not explain the Immigration and Nationality Service's (INS) reasoning for the 30-day response period (as opposed to some other shorter or longer period).[23]

If the alien chooses to provide oral testimony, he or she must notify USCIS of his or her request for an additional interview so that USCIS may schedule the interview within 30 days of the date of the notice. The alien may also submit documentary evidence within 30 days from the date of the notice to the return address that is listed at the top of the notice.[24] The NOIT makes clear that lack of a response to the notice within the time allotted results in termination of the alien's refugee status.

Finally, the NOIT states that if USCIS determines that the alien was not a refugee within the meaning of section 101(a)(42) of the INA, 8 U.S.C. 1101(a)(42), at the time of admission, his or her refugee status and employment authorization will be terminated, and he or she will be subject to removal from the United States.

DHS typically reviews an alien's underlying refugee determination prior to the final adjudication of his or her adjustment of status to permanent residence and initiates termination when warranted. However, termination may be initiated at any time prior to adjustment if DHS determines the alien was not eligible for refugee status at the time he or she was admitted as a refugee.

There is no appeal from the termination of refugee status by USCIS.[25] Upon termination USCIS processes the alien for removal under sections 235, 240, and 241 of the INA.[26]

USCIS may also place a person who was admitted as a refugee directly in removal proceedings, without termination of refugee status, on the basis of any applicable removal charge without the adjudication of an adjustment application.[27]

C. Actions by the Prior Administration That Increased the Risk of Errant Refugee Admissions

Each year, the president sets the refugee ceiling, created by the Refugee Act of 1980. INA 207(a)(2), 8 U.S.C. 1157(a)(2). During President Trump's first term he reduced the number each fiscal year (FY) (and additionally COVID–19 drastically reduced actual admissions) in order to review the program's integrity and make sure proper screening and vetting measures were in place and in order to shift resources to deal with the crisis at the U.S. southern border.[28]

During the following Biden administration; however, the Presidential Determination increased to a high not seen since the late 80s and early 90s.[29] The refugee admission cap was repeatedly set at 125,000 from FY 2022 through FY 2025.[30] Refugee actual admissions under the Biden administration reached its peak in FY 2024, which was 100,034 admissions—the highest in three decades.[31] In order to reach this historically high level of refugee admissions, as evidenced by a number of updated policies and procedures, USCIS prioritized speed of processing over properly screening aliens. These changes to processing included, but were not limited to:

- discouraging officers from asking additional questions to identify potential areas of concern, particularly related to inadmissibility grounds, including security-related grounds, absent a clear indication that such a concern exists;
- allowing officers to use standardized country-of-origin information (COI) profiles for certain populations when making refugee determinations instead of eliciting testimony about the individual applicant's past harm or fears;
- rescinding the requirement to explore both past harm and a fear of future harm so long as the alien established one or the other when processing a refugee claim
- rescinding guidance on mandatory separate interviews for derivative applicants;
- for certain populations/processing locations, increasing the number of cases adjudicators were expected to interview and complete in a day to meet productivity expectations;
- decreasing the expected level of supervisory review of a refugee case file following adjudication; and
- rescinding guidance that prevented an alien from including their spouse as a derivative refugee where the marriage was informal and not valid under the law of the jurisdiction where it was celebrated.[32]

The majority of these changes impacted the quality of the refugee interview required under regulation.[33] The main reasons officers elicit information during an interview are to: verify the identity of those present at the interview; determine whether to proceed with the interview; determine eligibility for a benefit being sought (if the interview relates to an application for a benefit); determine whether the individual being interviewed is subject to any bars or grounds of inadmissibility; evaluate the credibility; and identify whether fraud may be involved.[34] Accordingly, the refugee interview is an instrumental component of robustly screening a refugee applicant. More truncated, less thorough interviews under the Biden administration damaged the integrity of refugee processing by hindering the officers' ability to appropriately gather sufficient information related to the aforementioned purposes of the refugee interview and to make an appropriate and legally sufficient decision. Consequently, these changes enabled ineligible aliens to exploit the refugee program to resettle in the United States,

[23] 45 FR 37392; 46 FR 45116.

[24] USCIS Policy Manual, Volume 7, Part L, Chapter 6, *Termination of Status and Notice to Appear Considerations, https://www.uscis.gov/policy-manual/volume-7-part-l-chapter-6* (last visited April 1, 2026).

[25] Id.

[26] Id.

[27] *See Matter of Smriko,* 23 I&N Dec. 836, 838 (BIA 2005) (explaining that ''Congress did not consider termination of refugee status to be a prerequisite to initiating removal proceedings against aliens admitted as refugees.'').

[28] Presidential Determination on Refugee Admissions for Fiscal Year 2018, 82 FR 49083 (Oct. 23, 2017); Presidential Determination on Refugee Admissions for Fiscal Year 2019, 83 FR 55091 (Nov. 1, 2018); Presidential Determination on Refugee Admissions for Fiscal Year 2020, 84 FR 65903 (Nov. 29, 2019); Presidential Determination on Refugee Admissions for Fiscal Year 2021, 85 FR 71219 (Nov. 6, 2020).

[29] *See, e.g.,* Migration Policy Institute, U.S. Annual Refugee Resettlement Ceilings and Number of Refugees Admitted, 1980-Present (last updated Feb. 28, 2026), *https://www.migrationpolicy.org/programs/data-hub/charts/us-refugee-resettlement.*

[30] Presidential Determination on Refugee Admissions for Fiscal Year 2022, 86 FR 57527 (Oct. 18, 2021); Presidential Determination on Refugee Admissions for Fiscal Year 2023, 87 FR 60547 (Oct. 6, 2022); Presidential Determination on Refugee Admissions for Fiscal Year 2024, 88 FR 73521 (Oct. 25, 2023); Presidential Determination on Refugee Admissions for Fiscal Year 2025, 89 FR 83767 (Oct. 18, 2024).

[31] For comparison, during President Trump's first term, the refugee ceiling was set at 45,000, 30,000, and 18,000 for FY 2018, 2019, and 2020, respectively. Presidential Determination No. 2018–02, 82 FR 49083 (Sep. 29, 2017); Presidential Determination No. 2019–13, 83 FR 50239 (Oct. 4, 2018); Presidential Determination No. 2020–02, 84 FR 65535 (Nov. 1, 2019). See also DHS, U.S. Citizenship and Immigration Services, Office of Performance and Quality Refugee Arrival and I–485 Applications to Register Permanent Residence or Adjust Status (data queried Feb. 2026). Department of State, Bureau of Population, Refugees, and Migration, Summary of Refugee Admissions (Dec. 31, 2025), *https://www.rpc.state.gov/admissions-and-arrivals.*

[32] Revised Guidance on Informal (''Camp'') Marriage, Memo, RAIO Acting Associate Director T. Kim (Feb. 14, 2022)].

[33] 8 CFR 207.2 (requiring that ''[e]ach applicant 14 years old or older shall appear in person before an immigration officer for inquiry under oath to determine their eligibility for admission as a refugee'').

[34] USCIS RAIO Lesson Plan, *Interviewing-Introduction to the Non-Adversarial Interview* (Dec. 13, 2024).

where they then have a path to permanent status, including citizenship.

USCIS further instructed its adjudicators that it was no longer necessary to ask additional detailed questions to identify and explore inadmissibility grounds, including security-related inadmissibility grounds, absent a clear indication of a concern. For example, per internal guidance, if an alien was transported across a border by smugglers, or an alien's home was attacked by an armed group, absent additional information in the record or in country conditions information indicating possible security-related concerns with respect to these incidents (*e.g.,* material support to a terrorist organization), officers were not required to follow up or explore if the individual was potentially inadmissible, or if these interactions raised other concerns. Officers were discouraged from investigating potential concerns or delving into an applicant's background or past experiences unless referral documents, such as the U.N. High Commissioner for Refugees (UNHCR) Resettlement Registration Form (RRF), explicitly noted concerns. In other words, officers were discouraged from seeking or obtaining additional information beyond what was provided in the record, already provided by non-U.S. government entities, such as UNHCR or the Resettlement Support Center.

With respect to country of origin information (COI), rather than using COI to inform their interviews and adjudications, USCIS, under the Biden administration, trained refugee officers that for certain populations, they could rely on COI ''profiles'' (*e.g.,* ''Venezuelans who oppose the government of Venezuela'') to establish various elements of refugee eligibility once an alien indicated they were part of a group of individuals for which COI supported a finding of well-founded fear. Officers shifted from individualized, more detailed assessments of refugee eligibility to confining interviews to review of the Form I–590 and an alien's affirmation of belonging to a designated group (*e.g.,* Rohingya), rather than exploring and evaluating an alien's unique experiences of past persecution or fears. In doing so, they bypassed in-depth interviews exploring an alien's background, experiences of past persecution in their home country, affiliations and relationships, if the alien in fact had a well-founded fear of future persecution in their home country, and other relevant details.

In 2017, President Trump issued Executive Order 13769, *Protecting the Nation from Foreign Terrorist Entry into the United States,* restricting entry to the U.S. by certain foreign nationals and temporarily suspending the USRAP.[35] During this suspension of refugee processing agencies were directed to review and strengthen vetting procedures. As a result of the review, USCIS clarified and confirmed that as a matter of policy, officers interviewing refugee applicants were required to elicit sufficient information to make a determination on both the past persecution and well-founded fear of future persecution claims. Gathering testimony on both past persecution and well-founded fear ensures a thorough and accurate evaluation of the applicant's eligibility and prevents overlooking critical facts that could substantiate, or call into question, their claim. For example, thorough elicitation of testimony regarding past and future harm may help identify inconsistencies and potential fraud by allowing adjudicators to probe the alien's narrative for credibility by ensuring it is internally consistent and consistent with statements the alien may have provided to processing partners prior to interview. Most importantly, it requires officers to probe more thoroughly into an applicant's background and experiences, helping to establish his or her identity, and further ensure that the correct decision is made in his or her case. Although eliciting testimony about both past persecution and well-founded fear helps develop a fuller picture of the alien and better assess eligibility—ensuring that protection is granted to those who genuinely qualify under the law—during the Biden administration this policy was rescinded. Refugee officers were no longer required to elicit testimony on both past persecution and well-founded fear claims, and were instead instructed to only pursue one or the other, once one had been established, precluding opportunities to identify critical information and concerns related to an alien's eligibility.

In addition to the relaxed requirements for principal refugee applicants, USCIS changed policies regarding derivative applicants. The first Trump administration issued guidance emphasizing the importance of eliciting testimony from derivative I–590 applicants apart from the principal refugee applicant to further explore potential national security, identity, inadmissibility, and credibility issues. However, USCIS subsequently rescinded this guidance under the Biden administration and provided refugee officers the sole discretion on when to interview derivative applicants separately. The purpose of this change was to reduce the amount of questions and time spent with derivatives in an interview, thus not thoroughly vetting and identifying potential issues of all members of a case who, upon case approval, were eligible to travel to the United States as refugees along with the principal applicant.

Compounding the issue, marriage guidance under the previous administration relaxed the criteria for adding a derivative spouse to a case. Although intended to accommodate couples who genuinely acted as spouses but could not formalize their union due to local restrictions, the standards were misapplied, allowing individuals with minimal or short-term connections to be classified as spouses and included on cases. This practice, combined with lowered interview standards and increasingly brief, less detailed case reviews in the name of streamlining, increased the risk of approving applicants with only tenuous relationships with the principal applicant.

In parallel with this minimized focus on eliciting substantive information to comprehensively understand an alien's background and identify potential issues of concern, the increased interview quotas made it more difficult for officers to explore important issues, fully probe the alien's credibility, and still meet their productivity expectations. During the first Trump administration, USCIS reduced the number of refugee interviews conducted per day per officer for certain cases to allow for further exploration of potential national security, inadmissibility, and credibility issues at interviews for refugee adjudications. Notwithstanding, USCIS under the Biden administration, in their effort to streamline interviews and increase the volume of refugee cases that could be processed, increased the number of cases an officer was expected to interview and adjudicate in a day for certain cases, again pressuring officers to at times scale back interviews to comply with the expectations.

This shift away from in-depth, thorough interviews in order to streamline and expedite admission of aliens to the United States as refugees shut down important lines of questioning to identify potential national security, public safety, and other concerns to accurately assess eligibility, illustrating the program's emphasis on the volume of refugee case completions rather than the quality of interviews or the integrity of

[35] *Protecting the Nation From Foreign Terrorist Entry Into the United States,* 82 FR 8977 (Feb. 1, 2017).

adjudications. Refugee officers potentially missed vital information that could impact an applicant's eligibility, including issues related to fraud, public safety, and national security, and discretionary factors. USCIS, under the Biden administration, failed to fulfill its responsibility to ensure that its officers thoroughly assessed applicants, potentially resulting in an influx of ineligible aliens into the country that may pose a risk to the national interests of the United States.

Moreover, USCIS under the Biden administration decreased requirements for supervisory review of refugee cases by only requiring review of the assessment in lieu of reviewing the entire case contents. This limited supervisor oversight to ensure cases were thoroughly and accurately adjudicated, increased the risk that important information about an alien was overlooked.

An overarching desire to approve as many refugee cases as possible to meet the refugee ceiling set by the Biden administration contributed to a culture in which the expectation appeared to be to approve cases, even where egregious concerns may have existed. For instance, in one processing location, a number of aliens identified as having defrauded the U.S. government or submitting fraudulent documentation were found inadmissible pursuant to the INA provisions related to fraud and misrepresentation. Despite clear evidence of misrepresentation, including falsification of identity and key information relevant to their access to the USRAP, USCIS almost universally approved waivers of the misrepresentation or fraud. This pattern demonstrates a troubling disregard for the integrity of the refugee program, as individuals who had already demonstrated a willingness to engage in fraud and misrepresentation of their identities to U.S. government officials, were nonetheless permitted to proceed with resettlement to the United States, undermining both the security and credibility of the admissions process.

The persistent presence of individuals, both in the United States and overseas, attempting to exploit and defraud the U.S. humanitarian programs, poses risks to national security, public safety, and the integrity of the U.S. immigration system. Historically, DHS and State have identified, through investigations, fraud concerns among the special humanitarian access categories. For example, in January 2021, DHS and State suspended the Iraqi Direct Access P–2 Program, following an extensive investigation carried out by the State Diplomatic Security Service and the DHS Office of the Inspector General, which uncovered a fraud scheme related to the program.[36] According to the indictment and statement of facts agreed to by one of the three defendants in the criminal case against the individuals:

> from approximately February 2016 until at least April 2019, the three defendants, led by Abduljabbar, conspired to steal U.S. government records related to hundreds of USRAP applications . . . As part of their duties, both defendants had access to . . . a database containing sensitive, non-public information about refugee applicants and their family members, as well as the results of security checks and internal assessments by U.S. officials regarding applications.[37]

With regard to properly establishing familial relationships in the refugee P–3 family reunification program, this program was also temporarily suspended when evidence revealed widespread fraud.[38] State previously indicated ''[w]e were . . .only able to confirm all claimed biological relationships in fewer than 20% of cases (family units). In the remaining cases, at least one negative result (fraudulent relationship) was identified, or the individuals refused to be tested.'' [39] Combined with recent policies that have lowered standards across the refugee program, these factors have created significant challenges and highlight the urgent need for this regulation.

An alarming illustration of the potentially dangerous impact of relaxed screening of the refugee population under the Biden administration occurred in the fall of 2024. CBP officers determined that several Venezuelan nationals who USCIS interviewed and approved for refugee classification were inadmissible and denied the aliens refugee status and entry at the border after the officers discovered tattoos associated with the deadly Tren de Aragua gang, a group designated as a Foreign Terrorist Organization in 2025.[40] In some of these cases, refugee officers did not inquire about tattoos during their adjudications while the officers in others did not recognize that the tattoos the officers asked about were suggestive of gang membership, association, or affiliation.[41] Following this incident, USCIS completed a review of records of over 14,500 cases (over 31,000 aliens) from Ecuador, El Salvador, Guatemala, Honduras and Venezuela who were admitted to the United States as refugees between 2021 and 2024. The review identified over 1,500 cases (over 3,700 aliens) with indicators of potential public safety concerns. These cases included applicants with possible indicia of gang membership, association, or affiliation, including but not limited to tattoos associated with gangs, applicants romantically linked to gang members, medical records contradicting testimony from applicants regarding tattoos or drug use, prior criminal convictions, and/or evidence of a relationship with a suspected or confirmed gang member (*e.g.,* platonic, familial, household, linked cases). Each case presenting such indicia should have been appropriately evaluated on a case-by-case basis to ensure that cases presenting a public safety or national security risk would be found inadmissible, denied entry at the border, and thus denied refugee status.

D. Recent Actions by President Trump and DHS To Reinvigorate Refugee Screening and Integrity of the Refugee Program

On January 20, 2025, President Trump issued Executive Order (E.O.) 14161, Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats.[42] This order is intended to safeguard U.S. citizens from aliens who may seek to commit terrorist acts, pose threats to

[36] *See* DHS Office of Inspector General, ''Iraqi National Pleads Guilty to Conspiracy To Defraud U.S. Refugee Program,'' (Jan. 26, 2022), *https://www.oig.dhs.gov/news/press-releases/2022/01262022/iraqi-national-pleads-guilty-conspiracy-defraud-us-refugee-program.*

[37] *United States* v. *Abduljabbar,* 1:20–cr–00063, (D.D.C.).

[38] U.S. Department of State, ''*Fraud in the Refugee Family Reunification (Priority Three) Program*'' (Dec. 4, 2008), *https://2001-2009.state.gov/g/prm/refadm/rls/fs/2008/112760.htm.*

[39] Id.

[40] Stephen Dinan, The Washington Times, '*Stunning security failure': U.S. agents miss Venezuelan gang tattoos in scan for refugee approvals* (Oct. 23, 2024), *https://www.washingtontimes.com/news/2024/oct/23/dhs-approved-tren-de-aragua-gang-members-refugees/;* Foreign Terrorist Organization Designations of Tren de Aragua, Mara Salvatrucha, Cartel de Sinaloa, Cartel de Jalisco Nueva Generacion, Carteles Unidos, Cartel del Noreste, Cartel del Golfo, and La Nueva Familia Michoacana, 90 FR 10030 (Feb. 20, 2025). *See also* U.S. Department of State, *Fact Sheet: Designation of International Cartels* (Feb. 20, 2025), *https://www.state.gov/designation-of-international-cartels* (''TdA is a transnational organization that originated in Venezuela with cells in Colombia, Peru, and Chile, with further reports of sporadic presence in Ecuador, Bolivia, and Brazil. This brutal criminal group has conducted kidnappings, extorted businesses, bribed public officials, authorized its members to attack and kill U.S. law enforcement, and assassinated a Venezuelan opposition figure.'').

[41] Stephen Dinan, The Washington Times, '''Stunning security failure': U.S. agents miss Venezuelan gang tattoos in scan for refugee approvals'' (Oct. 23, 2024), *https://www.washingtontimes.com/news/2024/oct/23/dhs-approved-tren-de-aragua-gang-members-refugees/.*

[42] 90 FR 8451 (Jan. 30, 2025) (originally published Jan. 20, 2025).

national security, promote hateful ideologies, or exploit immigration laws for malicious purposes. E.O. 14161 underscores the importance of vigilance during the visa issuance process to ensure that individuals approved for admission into the United States do not intend to harm Americans or compromise U.S. national interests.

Section 3(B) of E.O. 14161 further mandates that ''sufficient safeguards are in place to prevent any refugee or stateless individual from being admitted to the United States without undergoing stringent identification beyond that required of any other alien seeking admission or entry to the United States[.]'' [43]

In the E.O. 14163, Realigning the United States Refugee Admissions Program,[44] President Trump also stated that suspended entry into the United States of refugees under the USRAP was due to the United States being inundated with record levels of migration that are detrimental to the interests of the United States.[45] The President explained that the United States was unable to absorb large numbers of refugees into its communities without compromising resources for Americans, protecting safety and security, and ensuring appropriate assimilation of refugees. *Id.*

Consistent with the E.O., prioritizing public safety and national security is of the utmost importance to DHS. Pursuant to the President's direction in E.O. 14163, Realigning the United States Refugee Admissions Program, DHS suspended decisions on applications for refugee classification as well as entry into the United States of refugees under the USRAP on January 20, 2025, to protect the safety and security of the American people and uphold a lawful and orderly U.S. immigration system. The USRAP is currently suspended because the Biden Administration prioritized expediency and admissions over quality screening and evaluation of refugee applicants' eligibility. During this suspension, the USRAP is only admitting refugees on a case-by-case basis, in the discretion of the Secretary of State and the Secretary of Homeland Security, and since the start of the FY 2026, in accordance with the Presidential Determination on Refugee Admissions for FY 2026,'' but only so long as [the Secretaries] determine that the entry of such aliens as refugees is in the national interest and does not pose a threat to the security or welfare of the United States.'' [46]

To address and combat potential fallout from the lax refugee processing during the Biden administration, USCIS launched Operation Post-Admission Refugee Reverification and Integrity Strengthening (Operation PARRIS), to review background checks, conduct reinterviews, and review refugee claims based on the available record.[47] Upon review and scrutiny of underlying refugee claims for aliens admitted to the United States as refugees, USCIS determined the record for a number of these aliens did not support the finding that the alien met the refugee definition at the time of admission and he or she required follow-up questioning. USCIS began issuing NOITs to those under this review who were found to not have met the definition of a refugee at the time of admission.

As noted above, on January 9, 2026, DHS announced the launch of Operation PARRIS, a sweeping initiative first centered in Minnesota to reexamine thousands of refugee cases through new background checks and intensive verification of refugee claims.[48] In this announcement, DHS asserted it will ''not stand idly by as the U.S. immigration system is weaponized by those seeking to defraud the American people. American citizens and the rule of law come first, always.'' [49] Operation PARRIS is part of a broader strategy to implement enhanced screening standards under E.O. 14161. These directives require federal agencies to identify and implement new vetting enhancements to safeguard the nation from terrorists and other public safety threats.[50]

In Operation PARRIS, DHS is identifying and referring cases of fraud, national security and public safety concerns, and other criminal activity to Immigration and Customs Enforcement (ICE). An initial review of a select subset of cases revealed a persistent issue of inconsistency in interview quality. While some interviews were thorough and well-conducted, others were lacking. These interviews are characterized by minimal questioning, little to no appropriate follow-up questioning, and insufficient inquiry into critical matters such as grounds of inadmissibility, including terrorism-related grounds leading to refugee admissions of aliens whose identities and backgrounds were not properly confirmed. Aliens with unknown identity and background pose risks to U.S. national security.

On December 5, 2025, USCIS established the USCIS Vetting Center, a specialized unit designed to screen out terrorists, criminal aliens, and other foreign nationals who pose potential threats to public safety, have committed fraud, or committed other crimes.[51] Since its creation, the USCIS Vetting Center has dedicated a task force to conduct review of certain refugee cases previously approved under the Biden administration. The findings of this task force underscore the deficiencies and risks to public safety and national security associated with the prior administration's approach to the refugee program, including insufficient vetting and inadequate assessment of applicants' identities, backgrounds, associations, and eligibility for refugee status. For instance, a review of a resettled Ethiopian refugee case revealed inconsistencies and other credibility issues regarding the applicant's involvement with and financial support for the Oromo Liberation Front (OLF), a group that met the definition of a Tier III terrorist group at the time of the applicant's involvement, as well as his father's affiliation with the OLF. The refugee status was subsequently terminated. Additional cases reviewed by the task force involved resettled refugees who misrepresented material facts about their identities and family members, such as providing inconsistent marriage information between their I–590 and I–485 forms, and failing to disclose spouses or children during the I–590 interview while later reporting them on the I–485. Through enhanced vetting procedures implemented under the current administration, the task force also identified cases of refugees promoting hateful and violent rhetoric or supporting terrorist organizations on their social media profiles.

IV. Discussion of Interim Final Rule

Previous administrations' prioritization of the admissions of large numbers of refugees over homeland

[43] See Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats, 90 FR 8451 (Jan. 20, 2025).

[44] E.O. 14163, *Realigning the United States Refugee Admissions Program,* 90 FR 8459 (Jan. 20, 2025).

[45] Id.

[46] Id.

[47] *See* DHS Launches Landmark USCIS Fraud Investigation in Minnesota (Jan. 9, 2026), *https://www.uscis.gov/newsroom/news-releases/dhs-launches-landmark-uscis-fraud-investigation-in-minnesota.*

[48] *See* DHS Launches Landmark USCIS Fraud Investigation in Minnesota, Jan. 9, 2026, *https://www.uscis.gov/newsroom/news-releases/dhs-launches-landmark-uscis-fraud-investigation-in-minnesota* (last visited Jan. 30, 2026).

[49] Id.

[50] Id.

[51] U.S. Citizenship and Immigration Services Establishes New Center to Strengthen Immigration Screening and Target Bad Actors, Dec. 5, 2025, *https://www.uscis.gov/newsroom/news-releases/us-citizenship-and-immigration-services-establishes-new-center-to-strengthen-immigration-screening.*

security blatantly overlooked essential components of eligibility and put at risk the national security, public safety and other interests of the U.S. citizenry. Safeguarding national security and public safety remains the foremost priority of the country's immigration programs, taking precedence over numerical admission targets. The agency stands committed to conducting rigorous vetting of all aliens and to the detection and prevention of fraud and other serious threats, ensuring the safety of all Americans prior to admission of an alien to the United States.

Accordingly, this IFR shortens the amount of time that refugees are provided to respond to a NOIT in order to ensure that terminations of refugee status can occur as expeditiously as possible to protect national security and public safety, given the risks created by the deficient vetting described above in Section III.C. Under this IFR, refugees will continue to receive a NOIT, which will specify DHS's intent to terminate their refugee status based on a determination that they did not meet the refugee definition at the time of admission. DHS will provide the specific reason or reasons why USCIS found the refugee failed to meet the refugee definition at the time of admission (*e.g.,* failure to establish that past harm experienced was serious enough to rise to the level of persecution, a determination that the alien's harm was not on account of a protected ground, failure to provide credible testimony as to any or all of the elements of the refugee definition, etc.). However, this rule will provide such aliens with ten days (rather than 30 days) to respond (provide documentary evidence or indicate a desire to provide oral evidence) if they choose. If the deadline to reply to the NOIT passes without a response, the refugee is considered to have forfeited his or her right to rebut the allegations in the NOIT, and DHS will terminate his or her refugee status.

By regulation, the response period begins either upon personal service of the NOIT directly to the alien or, if sent by mail, upon mailing of the NOIT.[52] When calculating the response deadline, all days, including Saturdays, Sundays, and federal holidays, are counted.[53] However, if the final day falls on a Saturday, Sunday, or federal holiday, the deadline is extended to the next business day.[54] Per 8 CFR 103.8(b), if the notice is served by mail, three days are added to the response period, with service considered complete on the date the notice is mailed.

DHS's foremost priority is the safety and security of American citizens and residents. At the same time, DHS is committed to ensuring that refugees who receive a NOIT are afforded a meaningful opportunity to respond or provide a rebuttal. To enhance mail service reliability and afford refugees the full response period, DHS will utilize express delivery service providers, which guarantee a three-day delivery window and offer tracking and confirmation of both the NOIT's departure from DHS custody and its delivery to the recipient.[55] This approach ensures that refugees receive their NOIT promptly and can exercise their right to respond. The NOIT will be dated on the day it is mailed, and the 10-day response period for the refugee will begin from that date. If the refugee wishes to request an opportunity to provide oral testimony in lieu of responding to each point or points in the NOIT, such a request would be considered a timely response by DHS. As explained above, in accordance with 8 CFR 103.8(b), when a notice is served by mail, three additional days are added to the response period, with service considered complete on the date the notice is mailed. Therefore, applicants who are mailed notices are afforded a total of 13 days to respond, accounting for this regulatory provision.

Reducing the 30-day response timeframe for NOITs issued in refugee terminations to a 10-day response timeframe allows DHS to take swifter action in cases where aliens did not meet the definition of a refugee when admitted to the United States. USCIS needs the ability to terminate refugee status in such cases in order to more quickly begin the removal process for aliens who should never have been admitted to the United States as refugees in the first place, including aliens similarly situated to those discussed above in Section III.C, who also pose a national security or public safety risk. While termination of refugee status is not a precondition for initiation of removal proceedings, the termination of refugee status gives DHS a statutory basis for removal, and in some cases, no other removal grounds apply, so this termination is needed.[56] Accordingly, promptly terminating refugee status in cases where the alien was clearly ineligible at the time of admission facilitates DHS's ability to process the alien for removal under sections 235, 240, and 241 of the INA, and to remove the alien if they do not qualify for relief from removal.

More broadly, timely termination of their refugee status is critical to the integrity of the country's immigration programs, considering the risks they may pose to the United States. As USCIS continues to encounter aliens admitted as refugees who did not meet the definition of refugee at the time of admission, termination of refugee status in as prompt and efficient manner as possible ensures USCIS can best protect the safety and security of Americans and continue complying with E.O.s 14161 and 14163. By shortening the 30-day period for an alien to respond to a NOIT to 10 days, USCIS is exercising its authority to expeditiously terminate the status of refugees who did not meet the refugee definition at the time of their admission to the United States. Streamlining the termination process additionally ensures that ineligible aliens who were erroneously allowed to enter the United States as refugees lose their authorization to work in as timely a manner as possible since termination of refugee status also results in termination of employment authorization.

DHS believes that reducing the NOIT response period from 30 days to 10 days maintains adequate procedural safeguards for aliens by affording them an opportunity to respond to the NOIT while also balancing the government's interests in national security and public safety and in protecting the integrity of the refugee program. The NOIT will inform the alien the basis for termination and explain that they may submit evidence to contest termination, and/or request an interview. An alien does not need to submit evidence or a full response within the 10 days, and may instead opt for an interview, but must make the interview request to USCIS within the response period.

[52] 8 CFR 103.8.

[53] *See* 8 CFR 1.2 (definition of ''day'').

[54] Id.

[55] *See, e.g., https://www.fedex.com/en-us/shipping/3-day-express-saver-shipping.html.*

[56] In *Matter of Smriko,* 23 I&N Dec. 836 (BIA 2005), the Board of Immigration Appeals held that termination of an alien's refugee status under section 207 of the INA is not a precondition to the initiation of section 240 removal proceedings, but only because the alien in that case was removable on the basis of certain criminal conduct that independently qualified him for removal irrespective of refugee status. *See id.* at 837–838; *compare Matter of D-K-,* 25 I&N Dec. 761 (BIA 2012) (affirming that DHS need not terminate refugee status prior to commencing section 240 removal proceedings but determining that the alien was not removable under the grounds charged by DHS). On January 21, 2026, the DHS Secretary formally referred the BIA's decision in *Matter of D-K-* to the Attorney General for review. In that referral, DHS asked the Attorney General to vacate the BIA's decision insofar as it erroneously holds that aliens admitted as refugees may not be taken back into DHS custody under section 209(a)(l) of the INA, charged with inadmissibility under section 212(a) of the INA, and promptly removed.

Aliens who receive a NOIT under the proposed process therefore will continue to receive a meaningful opportunity to respond to the allegations in the notice—the alien can submit a written response to the NOIT within the deadline and/or request an interview with USCIS where their refugee claim can be heard. The abbreviated time period to respond to the NOIT will in turn allow the government to more efficiently process cases where aliens did not meet the refugee definition at the time of admission to the United States, and who were from the outset, never eligible for the benefit they received. Instead of waiting 30 days for an alien to respond to a NOIT before scheduling an interview if requested by the alien or taking other action, this rule will allow USCIS to act as soon as 10 days after service of the NOIT. For aliens who do not respond timely, the 10-day response period will allow USCIS to finalize termination much more quickly. Furthermore, each alien whose refugee status is terminated will be processed under INA sections 235, 240, or 241 and may seek other forms of relief or protection from removal as permitted in those proceedings. For example, aliens in section 240 removal proceedings may seek other forms of relief in a hearing before an immigration judge where the interests of the U.S. Government are properly represented by an attorney from the U.S. Immigration and Customs Enforcement (ICE) Office of the Principal Legal Advisor (OPLA).

The regulatory amendment being made in this IFR is clearly authorized by INA 207(c)(4), 8 U.S.C. 1157(c)(4), which gives discretion to the Secretary to ''prescribe'' regulations governing termination of aliens who were ''not in fact a refugee within the meaning of section 101(a)(42) . . . at the time of the alien's admission.''

V. Statutory and Regulatory Requirements

A. Administrative Procedures Act (APA)

DHS is issuing this IFR without prior notice or public procedure because DHS is invoking the ''good cause'' and foreign affairs exceptions of the APA. *See* 5 U.S.C. 553(a)(1), (b)(B). For the same reasons, a delayed effective date of no less than 30 days is not required under 5 U.S.C. 553(d)(3). DHS has also considered potential reliance interests and discusses them below.

a. Good Cause

An agency may forgo notice-and-comment rulemaking and a delayed effective date when the agency ''for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' *See* 5 U.S.C. 553(b)(B). Likewise, section 553(d)'s requirement of 30-day advance publication may be waived by the agency for good cause found and published with the rule. *See* 5 U.S.C. 553(d)(3).

The ''impracticable'' prong of the good cause exception excuses notice and comment in emergency situations, or where the delay caused by the APA's notice-and-comment procedures would result in serious harm to life, property, or an immediate threat to public safety.[57] Although the good cause exception is ''narrowly construed and only reluctantly countenanced,'' [58] it is an important safety valve to be used where delay caused by notice and comment would do real harm (even absent an emergency situation).[59] An agency may find that advance notice and comment or a delayed effective date is ''impracticable'' when undertaking such procedure would impede due and timely execution of an important agency function.[60] For example, courts have explained that notice-and-comment rulemaking may be impracticable where, for instance, air travel security would be unable to address threats posing a ''possible imminent hazard to aircraft, persons and property within the United States;'' [61] if a rule was of life-saving importance to mine workers in the event of a mine explosion; [62] if public safety is jeopardized; [63] or in case of an urgency related to an international crisis and national security.[64] Impracticability is inevitably a fact-or-context dependent inquiry.[65]

The good cause exception may also apply when affording prior notice and comment would be contrary to the public interest. *See* 5 U.S.C. 553(b)(B). The question is not whether *dispensing* with notice and comment would be contrary to the public interest, but whether *providing* notice and comment would be contrary to the public interest.[66] This prong is met when the ordinary procedures under the APA—generally presumed to serve in the public interest—would in fact harm the interest of the public.[67] The exception is appropriately invoked when the timing and the disclosure requirement of the usual procedures would defeat the purpose of the proposal and harm the public interest.[68] This prong of the good cause exception is closely related to the impracticable prong.

For the reasons explained below, DHS believes that, based on the totality of the circumstances, it has good cause to bypass ordinary notice-and-comment procedures because following these public procedures is impracticable and moving expeditiously is in the best interest of the public. As discussed in the preamble, streamlining the process to terminate refugee status in cases where the alien is determined to not have met the refugee definition at the time of admission to the United States is consistent with DHS's mission and responsibilities to ensure national security and public safety, and to

[57] See *Nat. Res. Def. Council* v. *Nat'l Highway Traffic Safety Admin,* 894 F.3d 95, 114 (2d Cir. 2018); *see Jifry* v. *FAA,* 370 F.3d 1174, 1179 (D.C. Cir. 2004) (finding good cause for the promulgation of security rules in the aftermath of 9/11 terrorist attacks); *see also Util. Solid Waste Activities Grp.* v. *EPA,* 236 F.3d 749 (D.C. Cir. 2001).

[58] See *State of New Jersey* v. *EPA,* 626 F.2d 1038, 1045 (D.C. Cir. 1980); *see also Am. Fed. Gov't Emps.* v. *Block,* 655 F.2d 1153, 1156 (D.C. Cir. 1981) (''As the legislative history of the APA makes clear, moreover, the exceptions at issue here are not 'escape clauses' that may be arbitrarily utilized at the agency's whim. Rather, use of these exceptions by administrative agencies should be limited to emergency situations . . .'').

[59] See *U.S.* v. *Dean,* 604 F.3d 1275, 1379 (11th Cir. 2010); *United States Steel Corp.* v. *United States Environmental Protection Agency,* 595 F.2d 207, 214 (5th Cir. 1979).

[60] *See, e.g., Jifry* v. *FAA,* 370 F.3d 1174, 1179–90 (D.C. Cir. 2004) (excusing APA 553 procedures for a regulation governing the suspension and revocation of airman certificates of aliens for security reasons, finding that the agency had legitimate concerns over the threat of further terrorist acts involving aircrafts, and that notice and comment would have delayed the ability of TSA and the FAA to take effective action); *see also Tri-Cty. Tel. Ass'n, Inc.* v. *FCC,* 999 F.3d 714, 719–20 (D.C. Cir. 2021) (per curiam) (sustaining a finding of good cause because the damage from hurricanes and upcoming hurricanes created an emergency sufficient to make notice and comment impracticable to issue funds).

[61] See *Jifry* v. *FAA,* 370 F.3d 1174, 1179 (D.C. Cir. 2004).

[62] *Council of the S. Mountains, Inc.* v. *Donovan,* 653 F.2d 573, 581 (D.C. Cir. 1981).

[63] See *United States* v. *Dean,* 604 F.3d 1275 (11th Cir. 2010) (finding that the Attorney General's public safety justification was good cause for bypassing the notice and comment requirements of the Administrative Procedure Act (APA) in promulgating interim rule making the Sex Offender Registration and Notification Act (SORNA) registration retroactive to all sex offenders convicted prior to SORNA's enactment).

[64] See *Malek-Marzban* v. *Immigr. & Naturalization Serv.,* 653 F.2d 113, 116 (4th Cir. 1981) (Upholding the agency's finding that notice and comment procedures were impracticable, unnecessary, and contrary to the public interest when swift action was needed to regulate the presence of aliens in light of the urgency of the international crisis.'').

[65] *Mid-Tex Elec. Co-op., Inc.* v. *FERC,* 822 F.2d 1123, 1132 (D.C. Cir. 1987).

[66] *Mack Trucks, Inc.* v. *EPA,* 682 F.3d 87, 95 (D.C. Cir. 2012).

[67] Id.

[68] *Nat. Res. Def. Council* v. *Nat'l Highway Traffic Safety Admin.,* 894 F.3d 95, 114 (2d Cir. 2018) (''Of course, since notice and comment are regarded as beneficial to the public interest, for the exception to apply, the use of notice and comment must actually harm the public interest'').

protect the immigration system from fraud and exploitation. DHS is immediately taking measures to implement a process that changes the 30-day response timeframe in refugee termination cases to 10 days, thereby expediting terminations in a manner that averts harm to the public.

Engaging in the APA's notice-and-comment requirement under 5 U.S.C. 553(b) would impede DHS's duties as outlined in E.O. 14161, requiring that sufficient safeguards are in place to prevent any refugee from being admitted to the United States without undergoing stringent vetting, and E.O. 14163, permitting admission of refugees on a case-by-case basis only so long as it is determined to be in the national interest and the alien does not pose a threat to the security and welfare of the United States.

Thus, in accordance with President Trump's policy determinations related to foreign nationals, DHS is taking, without delay, immediate action to ensure that aliens who did not meet the refugee definition at the time of admission to the United States are vetted and screened to the maximum degree possible to ensure they do not receive significant benefits, including employment authorization, permanent legal status, and other federal, state, and local benefits. Furthermore, unless DHS acts immediately, there is a risk that aliens who were not eligible for admission as refugees could present harm to the public interest.

As explained in detail in Section IV of this preamble, DHS reasonably believes, based on a review of prior refugee approvals and internal procedures, policies, and directives, that the lack of detailed refugee interviews and insufficient inquiry into critical matters such as inadmissibilities or terrorism-related grounds, coupled with the prioritization of admission numbers over legally sufficient decisions and other programmatic issues like over-reliance on COI, have resulted in aliens receiving refugee status when they were not eligible. These practices have compromised the integrity of the refugee program.

In Operation PARRIS, DHS has further identified similar issues regarding the quality of refugee interviews after reviewing a subset of cases, where in some instances populations from specific countries were processed and approved with minimal lines of questioning. This rule amends the 30-day period to 10 days for aliens to respond to a NOIT so that the agency can expeditiously issue terminations in cases where, after a thorough review of the case and comprehensive vetting, USCIS determines that the alien did not meet the refugee definition at the time of admission. In such cases, an alien will not maintain valid refugee status a day longer than legally required. This IFR would accordingly more quickly eliminate a pathway to permanent status used by aliens with falsified claims or malevolent intent, including those who may pose an ongoing and imminent threat to public safety and national security such as the refugee cases reviewed and terminated by the USCIS Vetting Center outlined above.

Therefore, if DHS had to engage in advance notice-and-comment procedures, it would continue to allow aliens who should have never been admitted to the United States as refugees to remain present longer than necessary, potentially putting at risk the safety and security of the United States and compromising the integrity of the U.S. immigration system. For example, in one case, after admission to the U.S. it was later discovered that the refugee was a war criminal who should have been subject to the persecutor bar and not allowed into the country. In another case listed above, the refugee was not admissible due to a lack of credibility with regard to both participation in and sending money to the OLF (a Tier III terrorist organization at the time of the alien's involvement) as well as his father's status as a well-known OLF member. In these circumstances, providing advance notice-and-comment procedures is impracticable and not in the public interest.

Finally, DHS finds that it is unnecessary to delay this final rule's effective date under 5 U.S.C. 553(d). There is no need to give affected parties additional time to adjust their behavior before this final rule takes effect because DHS believes there are likely no behavioral adjustments to make. The aliens who would be affected by this rule have already entered the United States.[69] In other words, a delay in the rule's effective date would be unlikely to have an impact on an alien's choice to seek to enter the United States as a refugee or not and would not impact whether or not they were eligible for such status at the time of admission. A delayed effective date would serve no purpose but create further harm to the public, as exemplified by the cases that, upon review and additional vetting, have resulted in the issuance of NOITs because the record indicated the alien was not a refugee at the time of admission.

For the reasons outlined above, DHS believes that bypassing the ordinary notice-and-comment procedures and the delayed effective date requirement is justified, under the totality of circumstances, and given that immediate action is necessary, is consistent with DHS's statutory mission to take regulatory action to administer the refugee program effectively, as well as the President's directives in E.O. 14161 and E.O. 14163. Nevertheless, recognizing the value of public comments, DHS is publishing this rule as an IFR with a request for public comment.

b. Foreign Affairs Exception

Agencies may forgo notice-and-comment rulemaking and a delayed effective date when the rulemaking involves a ''military or foreign affairs function of the United States.'' 5 U.S.C. 553(a)(1). The Secretary of State, on February 21, 2025, determined that:

> all efforts, conducted by any agency of the federal government, to control the status, entry, and exit of people and the transfer of goods, services, data, technology, and any other items across the borders of the United States, constitutes a foreign affairs function of the United States under the Administrative Procedure Act, 5 U.S.C. 553, 554.[70]

This rulemaking is connected to an alien's status as a refugee admitted into the United States, which directly stems from the conduct of international relations of the United States. Therefore, it constitutes a foreign affairs function. U.S. refugee law is rooted in international law. In 1968, the United States acceded to the 1967 United Nations Protocol Relating to the Status of Refugees (Refugee Protocol)[71], which incorporates the 1951 United Nations Convention Relating to the Status of Refugees (Refugee Convention). The Refugee Convention sets out the rights of refugees and establishes the standards for their treatment in the countries that receive them, providing the most comprehensive codification of refugee rights at the international level. State

[69] DHS recognizes that there are some ongoing case-by-case admissions of refugees and that, as a result, there may be a small number of aliens admitted as refugees during what would have been the 30-day delayed effective date period. DHS does not believe, however, that these aliens would likely be subject to a later termination of their refugee status and subject to this rule given the actions taken as discussed above to strengthen refugee vetting and processing.

[70] *Determination: Foreign Affairs Functions of the United States,* 90 FR 12200 (Mar. 14, 2025).

[71] United Nations General Assembly, Protocol Relating to the Status of Refugees, 31 January 1967, United Nation Treaty Series, vol. 606, p. 267, also found in the United Nations High Commissioner for Refugees, Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, (Geneva 1979, re-issued 1992 and 2019), Annex III.

signatories to the 1951 Convention and the 1967 Protocol are bound by international obligations to provide for the protection of refugees whether such States are countries of first asylum or of resettlement. Refugee status is a product of statutorily mandated foreign affairs considerations and U.S. foreign policy commitments. With respect to refugee admissions, the relevant Departments must consider conditions within the specific countries, ''the extent to which other countries will admit and assist'' in resettlement, and ''the impact of the participation of the United States in the resettlement of such refugees on the foreign policy interests of the United States''. INA sec. 207; 8 U.S.C. 1157(e). Refugee determinations require diplomatic relationships with countries of origin, transit, and habituation as well as ongoing assessments of foreign governments' conduct, stability, and human rights practices.[72] The United States' management of its refugee program and immigration enforcement strategies is predicated on the belief that migration is a shared responsibility among all countries with which the United States has ongoing diplomatic relations and negotiations. The common thread in these engagements is the United States' commitment to provide protection to refugees who clearly qualify, while enforcing national immigration laws, and that addressing this challenge requires a multinational response. As such, this is a function of foreign affairs.

Under this IFR, changing the 30-day response period to NOITs to 10 days in refugee termination cases allows DHS to expeditiously terminate cases where applicable, and process aliens for removal as soon as possible. Thus, this rulemaking is also related to the control of the entry and exit of aliens across the borders of the United States and falls within the Secretary's foreign affairs determination.[73] Because this rule implicates the foreign affairs policy of the United States, DHS is issuing this rule without pre-publication notice and comment procedures and with an immediate effective date.

c. Reliance Interests

DHS has considered potential reliance interests regarding this IFR. DHS recognizes the difficulty aliens may face if their refugee status is terminated, but DHS believes the significant public safety, national security, and integrity benefits described in detail above heavily outweigh any potential reliance interest and adverse impacts. DHS notes, however, that aliens will continue to receive an opportunity to respond to the NOIT and overcome the reasons for termination, if merited. With this IFR, DHS is merely ensuring that aliens who were never eligible for refugee status do not receive the attendant benefits of being a refugee admitted into the United States for as long as they could have without this rule. This IFR does not remove the ability of aliens who legitimately qualify for refugee status to obtain employment authorization, permanent residency, and any other available benefits. Aliens whose refugee status is terminated may be able to seek protection or other relief in proceedings under sections 235, 240, or 241 of the INA, 8 U.S.C. 1225, 1229a, or 1231, which would mitigate any potential reliance interests.[74]

B. Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 14192 (''Unleashing Prosperity Through Deregulation'')

E.O.s 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if a regulation is necessary, to select regulatory approaches that maximize net benefits. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. E.O. 14192 directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that ''any new incremental costs associated with the 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 IFR a ''significant regulatory action'' under section 3(f) of E.O. 12866, although not economically significant under section 3(f)(1), because its annual effects on the economy do not exceed $100 million in any year of the analysis. Accordingly, the rule has been reviewed by the Office of Management and Budget.

This rule is not an E.O. 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 INA101(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).

In this section, DHS discusses several types of impacts that could accrue from this IFR. They are described qualitatively as DHS cannot make quantitative or monetized estimates of potential impacts. DHS welcomes public comment on the cost and benefit impacts described herein.

DHS typically reviews an alien's underlying refugee determination prior to the final adjudication of their adjustment of status to permanent residence and initiates termination when warranted.[75] Therefore, the impacted population are aliens with refugee status who entered the U.S. and have not yet adjusted status or had their determination reviewed. DHS has identified about 186,000 cases of refugees that entered the U.S. from Fiscal Year (FY) 2015 through FY 2025 that have not adjusted status.[76] This figure could represent the maximum population that could be subject to the IFR, as USCIS and ICE are currently working to identify particular subsets and aliens for requisite vetting. As it relates to potential impacts, foremost, there will be a change in the earnings (labor compensation) to the applicable aliens when their refugee status is terminated, as their work authorization would also be terminated immediately, which is at least 20 days sooner than without this rule.[77] Refugees are granted

[72] USCIS, ''The United States Refugee Admissions Program (USRAP) Consultation and Worldwide Processing Priorities'' (last updated Sept. 17, 2025), *https://www.uscis.gov/humanitarian/refugees-and-asylum/usrap.; see also* U.S. Department of State, ''About Refugee Admissions'' (last accessed Jan. 23, 2026), *https://2017-2021.state.gov/refugee-admissions/about/*.

[73] The Secretary of State's determination references and implements numerous Presidential actions reflecting the President's top foreign policy priorities, including E.O. 14161. *See Determination: Foreign Affairs Functions of the United States,* 90 FR 12200 (Mar. 14, 2025). *See, e.g., Yassini* v. *Crosland,* 618 F.2d. 1356, 1361 (9th Cir. 1980) (because an immigration directive ''was implementing the President's foreign policy,'' the action ''fell within the foreign affairs function and good cause exceptions to the notice and comment requirements of the APA'').

[74] *See, e.g., Landgraf* v. *USI Film Products,* 511 U.S. 244, 274 (1994) (''Application of a new jurisdictional rule usually takes away no substantive right but simply changes the tribunal that is to hear the case.'' (cleaned up)).

[75] U.S. immigration law requires refugees to apply for lawful permanent resident status after they have been physically present in the United States for at least one year. *See* Green Card for Refugees at *https://www.uscis.gov/green-card/green-card-eligibility/green-card-for-refugees.*

[76] Source, USCIS, Chief Data and Analytics Office (CDAO) formerly Office of Performance and Quality (OPQ), CLAIMS, ELIS, CIS2, PAER0019303 (Jan. 21, 2026).

[77] USCIS is unable to provide analysis on past cases in which NOITs have been issued but the alien's refugee status was not subsequently terminated because USCIS terminated so few cases.

work authorization incident to status but can file a Form I–765, ''Application for Employment Authorization,'' under primarily the (A3) category, with a small number under the (A4) category applicable to paroled refugees. In FY 2024, for example, USCIS approved approximately 125,000 (A3) initial employment authorization documents, which was a sharp increase from about 49,000 in FY 2023.[78] This IFR shortens the time for a refugee to respond to a NOIT from 30 days to 10 days. Accordingly, this rule would shorten the amount of time that an alien has refugee status prior to termination, and the gap (duration, in working days) in earnings time due to earlier employment termination under the IFR would pose a change in earnings ability to the aliens.[79]

For those aliens in the labor force and employed at the time of their employment authorization termination, the earnings impact could create both potential distributional effects (which are transfers) and costs. The extent depends on labor market factors and the individual characteristics of aliens and potential substitute workers. The distributional impacts (transfers) would be in the form of forgone compensation (wages and benefits). However, a portion or all of this forgone compensation to aliens might comprise beneficial transfers to U.S. citizens and others lawfully allowed to work in the United States.

In addition, if employers are able to hire American workers to fill the jobs that refugees held, with relatively little labor market friction, the beneficial wage and benefit transfers to American workers would potentially pose no productivity loss or costs to employers. While it is possible that aliens without work authorization could require assistance from their social and support networks, which could include public entities, there could be a counterbalance; if the IFR process results in, or contributes to, faster removal of aliens who were ineligible for refugee status, there could be less of an economic strain on states, local government, and non-governmental organizations, in terms of any public assistance and resources that are currently provided to refugees.

As it relates to earnings impacts, there could be tax impacts. Aliens who sustain earnings changes because their employment authorization is terminated under the IFR may generate forgone federal and state taxes. However, any tax losses could be partially or fully recovered if employers are able to easily substitute others into the positions the alien held. In addition, aliens can pose fiscal strains that could be mitigated due to the effects of this rule as a counterbalance of some or all of the tax losses, if there are any.

DHS assesses that there could be labor turnover costs incurred by businesses employing aliens who would lose employment authorization under the IFR whom would not otherwise lose the authorization (*i.e.,* if currently they could reaffirm their status in 30 days but not in 10 days under this rule). Employment separations can comprise direct or ''hard'' costs applicable to separation and replacement charges.[80] The separation costs include exit interviews, severance pay, and costs of temporarily covering the employee's duties and functions with other employees, which may require overtime or temporary staffing. The replacement costs typically include expenses of advertising positions, search and agency fees, screening applicants, interviews, background verification, employment testing, hiring bonuses, and possible travel and relocation costs. Once hired, employers face additional training, orientation, and assessment costs.

Second, there can be costs for productivity and possibly profitability due to operational and production disruptions, which can include errors from other employees that may temporally fill the position. A third cost segment, which is a type of indirect cost, can encompass loss of institutional knowledge, networking, and impacts to work culture, morale, and interpersonal relationships.

DHS is providing a 10-day, as opposed to the current 30-day, timeframe to contest applicable NOITs. The NOIT will inform the alien the basis for termination and explain that they may submit evidence to contest termination, and/or request an interview. Aliens who would currently respond to a NOIT to attempt to reaffirm their status would sustain some direct costs and also opportunity costs of time applicable to generating and preparing responses, organizing documents and evidence, and participating in interviews. Under the 10-day timeframe, such resourcing and expenditure would likely still be incurred, but the timeframe would be contracted. There could be impacts and costs to aliens applicable to having less time to collect evidence, prepare documentation, and prepare their response.

As is pertinent to the public sector, planned extensive vetting, case review, and reinterviews, as well as enforcement operations for the Federal Bureau of Investigation and ICE, in support directly or indirectly of this IFR, could require an increase in public resources. As is applicable to mailing the NOITs, DHS will utilize express delivery service providers, which guarantee delivery within the IFR timeframe, and offers tracking and confirmation of both the package's departure from DHS custody and its delivery to the recipient. This is not a significant change from current practice and DHS does not expect that this IFR will generate additional costs applicable to mailing the NOITs. USCIS will continue to expend resources on processing and review of the responses. However, the revised timeline may generate efficiencies as USCIS will be able to schedule interviews or take action more quickly. DHS cannot predict in advance the net effect to public resources and welcomes public input concerning public sector resources.

DHS, however, does not and cannot assert that it knows and has considered every policy change that may occur at all levels and agencies of the U.S. government that may directly or indirectly affect this IFR. Therefore, there could be other impacts not currently described in this discussion.

DHS cannot quantify the benefits of this IFR but believes that increased national security, public safety, credibility, and reduced fraud or misrepresentation by applicable aliens, among other concerns, will contribute to the safety of the American people and integrity of the lawful United States immigration system to the extent that the benefits will outweigh any costs.

[78] Source: USCIS CDAO, CLAIMS, ELIS, PAER0020264 (Feb. 13, 2026). A small number of approximately 190 refugees received a (C9) employment authorization document when they adjusted status, from FY 2021 through FY 2025. There are currently about 113,000 refugees with approved (A3) initial work authorizations who have an I–485 pending with USCIS. Since refugees are authorized to work via status, those filing for an (A3) authorization probably do so for documentation and identification purposes, or other reasons.

[79] Since refugees do not have to file an employment authorization request with USCIS, we do not attribute sunk costs to the opportunity costs of time if their status is terminated, for which the current public reporting burden is 4.38 hours. If, however, under another category of relief, the aliens would need to file for employment authorization, they would incur costs applicable to the burden, as well as, if applicable, direct filing fees and biometrics submission charges.

[80] For a description of these costs, see ''Employee Retention: The Real Cost of Losing an Employee,'' by Holly Bengfort, *PeopleKeep* (updated Dec. 15, 2025), at: *https://www.peoplekeep.com/blog/Employee-Retention-The-Real-Cost-of-Losing-an-Employee.* See also, ''This Fixable Problem Costs U.S. Businesses $1 Trillion,'' by Shane McFeely and Ben Wigert, *Gallup Workplace* (Mar. 13, 2019) at: *https://www.gallup.com/workplace/247391/fixable-problem-costs-businesses-trillion.aspx.*

Streamlining the process to terminate refugee status in cases where the alien is determined to not have been a refugee at the time of admission to the United States is consistent with the DHS mission and responsibilities to ensure national security and public safety and beneficially protects the immigration system from fraud and exploitation.

C. Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires federal agencies to consider the potential impact of regulations on small businesses, small governmental jurisdictions, and small organizations during the development of their rules. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The RFA's regulatory flexibility analysis requirements apply only to those rules for which an agency is required to publish a general notice of proposed rulemaking pursuant to 5 U.S.C. 553 or any other law.[81] DHS did not issue a notice of proposed rulemaking for this action.

D. Unfunded Mandates Reform Act of 1995 (UMRA)

The Unfunded Mandates Reform Act of 1995 (UMRA) is intended, among other things, to curb the practice of imposing unfunded federal mandates on State, local, and Tribal governments.[82] Title II of UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed rule, or final rule for which USCIS 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. *See* 2 U.S.C. 1532(a). This rule is exempt from the written-statement requirement, because DHS did not publish a notice of proposed rulemaking for this rule.

In addition, this rule does not exceed the $100 million expenditure in any one year when adjusted for inflation ($211 million in 2025 based on the Consumer Price Index for All Urban Consumers (CPI–U)[83]), and this rulemaking does not contain such a federal mandate as the term is defined under UMRA. The requirements of title II of UMRA therefore do not apply, thus DHS has not prepared a statement under UMRA.

E. Congressional Review Act (CRA)

The Congressional Review Act (CRA) was included as Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, 110 Stat. 847 (Mar. 29, 1996). Based on DHS's assessment, the Office of Information and Regulatory Affairs has determined that this IFR is not a major rule as defined under the CRA in 5 U.S.C. 804(2). This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or an ability of the United States-based companies to compete with foreign-based companies in domestic and export markets. *See* 5 U.S.C. 804(2). However, even if this IFR did meet the criteria at 5 U.S.C. 804(2), as stated in the preamble, DHS has good cause to forgo the APA's requirements for notice and public comment (and delayed effective date) pursuant to 5 U.S.C. 553. Therefore, DHS also has good cause to forgo the CRA's 60-day delayed effective date requirement, pursuant to 5 U.S.C. 808(2). This rule is effective upon publication. DHS has complied with the CRA's reporting requirements and has sent this rule to Congress and to the Comptroller General as required by 5 U.S.C. 801(a)(1).

F. Executive Order 13132 (Federalism)

This IFR does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of E. O. 13132, 64 FR 43255 (Aug. 4, 1999), this IFR does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

G. Executive Order 12988 (Civil Justice Reform)

DHS drafted and reviewed this IFR in accordance with E.O. 12988, Civil Justice Reform. DHS wrote this IFR to provide a clear legal standard for affected conduct and reviewed it carefully to eliminate drafting errors and ambiguities, so as to minimize litigation and undue burden on the Federal Court system. DHS determined that this rule meets the applicable standards provided in section 3(a) and 3(b)(2) of E.O. 12988, 61 FR 4729 (Feb. 5, 1996).

H. Family Assessment

DHS reviewed this rule in line with the requirements of section 654 of the Treasury General Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998). DHS systematically reviewed the criteria specified in section 654(c)(1), by evaluating whether this regulatory action: (1) impacts the stability or safety of the family, particularly in terms of marital commitment; (2) impacts the authority of parents in the education, nurture, and supervision of their children; (3) helps the family perform its functions; (4) affects disposable income or poverty of families and children; (5) only financially impacts families, if at all, to the extent such impacts are justified; (6) may be carried out by State or local government or by the family; or (7) establishes a policy concerning the relationship between the behavior and personal responsibility of youth and the norms of society. If the agency determines a regulation may negatively affect family well-being, then the agency must provide an adequate rationale for its implementation.

DHS has no data that indicates this rule will have any impact on family well-being. DHS has determined that the implementation of this regulation will not negatively affect family well-being and will not have any impact on the autonomy and integrity of the family as an institution.

I. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

This IFR will not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it will not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on

[81] *See* 5 U.S.C. 604(a).

[82] The term ''Federal mandate'' means a Federal intergovernmental mandate or a Federal private sector mandate. *See* 2 U.S.C. 1502(1) and 658(5) and (6).

[83] *See* BLS, ''Historical Consumer Price Index for All Urban Consumers (CPI–U): U.S. city average, allitems, by month,'' *https://www.bls.gov/cpi/tables/supplemental-files/historical-cpi-u-202512.pdf* (last visited Aug. 18, 2026). Calculation of inflation: (1) calculate the average monthly CPI–U for the reference year (1995) and the current year (2025); (2) subtract reference year CPI–U from current year CPI–U; (3) divide the difference of the reference year CPI–U and current year CPI–U by the reference year CPI–U; (4) multiply by 100 = [(average monthly CPI–U for 2025 − average monthly CPI–U for 1995) ÷ (average monthly CPI–U for 1995)] × 100 = [(321.943 − 152.383) ÷ 152.383] = (169.560/152.383) = 1.113 × 100 = 111.3 percent = 111 percent (rounded). Calculation of inflation-adjusted value: $100 million in 1995 dollars × 2.11 = $211 million in 2025 dollars.

the distribution of power and responsibilities between the Federal Government and Indian Tribes.

J. National Environmental Policy Act (NEPA)

DHS and its components analyze final actions to determine whether the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* applies and, if so, what degree of analysis is required. DHS Directive 023–01, Rev. 01''Implementing the National Environmental Policy Act'' (Directive 023–01) and Instruction Manual 023–01–001–01 Revision 01, ''Implementation of the National Environmental Policy Act'' (Instruction Manual) [84] established the policies and procedures that DHS and its components use to comply with NEPA.

NEPA allows Federal agencies to establish, in their NEPA implementing procedures, categories of actions (''categorical exclusions'') that experience has shown do not, individually or cumulatively, have a significant effect on the human environment and, therefore, do not require an environmental assessment or environmental impact statement.[85] The Instruction Manual, Appendix A lists the DHS Categorical Exclusions.[86]

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.[87]

This IFR is strictly administrative and procedural because it is only amending an existing DHS regulation governing the termination of refugee status. DHS has reviewed this IFR and finds that no significant impact on the environment, or any change in environmental effect will result from the amendments being promulgated in this rule.

Accordingly, DHS finds that the promulgation of this IFR's amendments to a current regulation clearly fits within the categorical exclusion A3 established in DHS's NEPA implementing procedures as an administrative change with no change in environmental effect, is not part of a larger Federal action, and does not present extraordinary circumstances that create the potential for a significant environmental effect. Therefore, these regulatory amendments are categorically excluded from further NEPA review.

K. Paperwork Reduction Act (PRA)

Under the Paperwork Reduction Act of 1995, Public Law 104–13, all agencies are required to submit to OMB, for review and approval, any reporting requirements inherent in a rule. This rule does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act.

List of Subjects in 8 CFR Part 207

Administrative practice and procedure, Refugees, Reporting and recordkeeping requirements.

Accordingly, for the reasons set forth in the preamble, DHS amends 8 CFR part 207 as follows:

PART 207—ADMISSION OF REFUGEES

■ 1. The authority citation for part 207 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1151, 1157, 1159, 1182; 8 CFR part 2.

■ 2. Revise § 207.9 to read as follows:

§ 207.9 Termination of refugee status.

The refugee status of any alien (and of the spouse or child of the alien) admitted to the United States under section 207 of the Act will be terminated by USCIS if the alien was not a refugee within the meaning of section 101(a)(42) of the Act at the time of admission. USCIS will notify the alien in writing of its intent to terminate the alien's refugee status. The alien will have 10 days from the date notice is served upon him or her in accordance with 8 CFR 103.8 to present written or oral evidence to show why the alien's refugee status should not be terminated. There is no appeal under this chapter from the termination of refugee status by USCIS. Upon termination of refugee status, USCIS will process the alien under sections 235, 240, and 241 of the Act.

Markwayne Mullin,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2026–20956 Filed 10–13–26; 8:45 am]

BILLING CODE 9111–97–P

[84] The Instruction Manual contains DHS' procedures for implementing NEPA and was issued Nov. 6, 2014. *See* DHS, Office of the Chief Readiness Support Officer, National Environmental Policy Act Compliance, *https://www.dhs.gov/ocrso/eed/epb/nepa* (last updated Apr. 14, 2025).

[85] *See* 42 U.S.C. 4336(a)(2), 4336e(1).

[86] *See* Instruction Manual, Appendix A, Table 1.

[87] Instruction Manual 023–01 at V.B(2)(a)–(c).

NUCLEAR REGULATORY COMMISSION

10 CFR Part 52

[NRC–2026–2377]

RIN 3150–AL70

AP1000 Design Certification Renewal

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule and issuance of environmental assessment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to renew the AP1000 design certification and incorporate Revision 20 of the AP1000 design control document. The purpose of this rulemaking action is to update the AP1000 design to be consistent with changes made to the design during the licensing, construction, and operation of Vogtle Electric Generating Plant, Units 3 and 4. This rulemaking incorporates AP1000 design control document Revision 20, which includes updates made to the AP1000 design to represent a current, construction-validated design. The NRC is also issuing an environmental assessment supporting this rule.

DATES: The final rule is effective December 28, 2026, unless significant adverse comments are received by November 13, 2026. If the direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**. (For more on NRC's consideration of comments received, see **SUPPLEMENTARY INFORMATION**.)

The incorporation by reference of certain publications listed in this regulation is approved by the Director of the Office of the Federal Register as of December 28, 2026.

ADDRESSES: Submit your comments, identified by Docket ID NRC–2026–2377, at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* call or email the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously.

Follow the search instructions on *https://www.regulations.gov* to view

public comments. You can read a plain language description of this direct final rule at *https://www.regulations.gov/docket/NRC-2026-2377.* For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jason Carneal, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1451, email: *Jason.Carneal@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Obtaining Information, Submitting Comments, and Consideration of Comments
II. Rulemaking Procedure
III. Background
IV. Discussion
V. Section-by-Section Analysis
VI. Regulatory Flexibility Certification
VII. Regulatory Analysis
VIII. Backfitting and Issue Finality
IX. Plain Writing
X. National Environmental Policy Act: Environmental Assessment and Final Finding of No Significant Impact
XI. Paperwork Reduction Act
XII. Executive Orders
XIII. Congressional Review Act
XIV. Compatibility of Agreement State Regulations
XV. Voluntary Consensus Standards
XVI. Availability of Documents
XVII. Procedures for Access to Proprietary and Security-Related Information for Preparation of Comments on the Direct Final Rule
XVIII. Incorporation by Reference—Reasonable Availability to Interested Parties

I. Obtaining Information, Submitting Comments, and Consideration of Comments

A. Obtaining Information

Please refer to Docket ID NRC–2026–2377 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–2377.
- *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, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2026–2377 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

C. Consideration of Comments

Comments received on this direct final rule will also be considered to be comments on a companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**.

II. Rulemaking Procedure

Because the NRC considers this action to be non-controversial, the NRC is using the ''direct final rule procedure'' for this rule. This amendment is effective on December 28, 2026. However, if the NRC receives significant adverse comments on this direct final rule by November 13, 2026, then the NRC will publish a document that withdraws this action and will address the comments received in a subsequent final rule as a response to the companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC to make a change (other than editorial) to the rule.

For detailed instructions on filing comments, please see the **ADDRESSES** section of this document.

III. Background

The NRC originally approved the AP1000 design certification in a final rule published on January 27, 2006 (71 FR 4464). On December 30, 2011 (76 FR 82079), the NRC published a final rule amending appendix D, ''Design Certification Rule for the AP1000 Design,'' to part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' of title 10 of the *Code of Federal Regulations* (10 CFR) to incorporate AP1000 Design Control Document (DCD), Revision 19, APP–GW–GL–702, dated June 13, 2011. On September 22, 2021 (86 FR 52593), the NRC published a direct final rule extending the duration of the AP1000 design certification by five years, with an effective date of December 6, 2021.

On July 2, 2025 (90 FR 28869), the NRC amended its regulations to replace the 15-year duration of design certifications with a 40-year duration, both for existing design certifications currently in effect and generically for

future design certifications, including renewals. The NRC did not change the date of issuance or renewal for existing design certifications but changed their expiration dates based on the most recent date of issuance or renewal. The current AP1000 design certification expires on February 27, 2046.

On February 10, 2012, the NRC issued combined licenses (COLs) to Southern Nuclear Operating Company (SNC) for the Vogtle Electric Generating Plant (VEGP) Units 3 and 4 (COLs NPF–91 and NPF–92). During the licensing, construction, and operation of VEGP Units 3 and 4, SNC submitted over 180 license amendment requests (LARs) to the NRC addressing design changes, construction-discovered issues, and operational refinements. The NRC reviewed and approved these LARs through safety evaluations for each approved amendment. In addition, SNC implemented numerous Tier 2 departures under the section VIII.B.5 of appendix D to 10 CFR part 52 change process that did not require prior NRC approval. The VEGP licensing process also resolved the COL action items identified in DCD Revision 19 with site-specific design details, operational program descriptions, and as-built information. The VEGP Unit 3 entered commercial operation on July 31, 2023, and Unit 4 did so on April 29, 2024.

In SECY–26–0034, ''NRC Regulatory Pathways and Licensing Readiness for Near Term Large Light-Water Reactor Deployment,'' dated March 9, 2026, the NRC staff informed the Commission, among other things, that it anticipated submission of the Westinghouse Electric Company LLC (Westinghouse) application to update and renew the AP1000 design certification. The NRC staff also informed the Commission of its plan to incorporate the as-built changes incorporated into VEGP Units 3 and 4, previously approved safety findings, and lessons learned into a revised AP1000 design certification. The NRC's verification review determined that no new changes were incorporated into AP1000 DCD Revision 20 that require additional technical review, and that all changes incorporated into the AP1000 DCD Revision 20 were either previously reviewed and approved by the NRC or were incorporated using a process that does not require NRC approval. Therefore, the NRC is using the direct final rule process to update appendix D to 10 CFR part 52 to include AP1000 DCD Revision 20. This renewal would improve regulatory clarity, avoid unnecessary re-review, and streamline future AP1000 licensing activities by providing applicants with an updated, standardized design basis. The NRC is amending appendix D to 10 CFR part 52 to include AP1000 DCD Revision 20. The NRC is also retaining the incorporation by reference of AP1000 DCD Revision 19 in appendix D to 10 CFR part 52 because several combined license holders were licensed to AP1000 Revision 19 and the incorporation of the AP1000 DCD Revision 19 in appendix D to 10 CFR part 52 remains part of the licensing basis for those combined license holders. Applicants could reference either revision in future applications.

While 10 CFR 52.63(a) imposes restrictive limits on the types of changes that may be made while a design certification rule is in effect, 10 CFR 52.59(c) allows a design certification renewal applicant greater flexibility in seeking changes to the design certification. Thus, a design certification renewal application that includes amendments to a certified design is not required to address the criteria in 10 CFR 52.63, ''Finality of standard design certifications.'' However, if the amendment request entails such an extensive change to the design certification that an essentially new standard design is being proposed, 10 CFR 52.59(c) provides that an application for a design certification must be filed. The AP1000 amendment request does not propose an essentially new standard design.

The NRC is amending the design certification for the AP1000 standard plant design to renew the AP1000 design certification for 40 years from the effective date of this direct final rule. The NRC determined the submitted application for incorporation by reference of DCD Revision 20 into appendix D to 10 CFR part 52 is acceptable. Further, the Commission granted an exemption from 10 CFR 52.57(a) to allow renewal more than 36 months before expiration of the current design certification rule (91 FR 40596; July 2, 2026). The requirements of 10 CFR 52.55, ''Duration of certification,'' govern the duration of a design certification and the effect of timely renewal. The AP1000 design certification rule does not expire until 2046.

The NRC is amending section VIII.B.6 of appendix D to 10 CFR part 52 to incorporate the alternative change process that was previously reviewed and approved for Vogtle Units 3 and 4 into appendix D to 10 CFR part 52. The license amendments and exemptions included in AP1000 DCD Revision 20 include a previously reviewed and approved change process for Tier 2* information. On December 21, 2017, SNC submitted LAR–17–037, and an associated exemption request, seeking changes to the Vogtle Units 3 and 4 COLs to add a license condition that would apply the change process for Tier 2 information for a proposed departure from Tier 2* information provided that specific criteria are not met. If one of the criteria were met for the proposed departure, then the proposed departure would continue to require prior NRC approval. On September 20, 2018, the NRC granted the amendments and exemptions to Vogtle Units 3 and 4 that effectively replaced the Tier 2* change process with an alternative process (reflected in a license condition) that applied the Tier 2 change process along with nine additional criteria to determine whether a license amendment was required. Inclusion of this change process in section VIII.B.6 of appendix D to 10 CFR part 52 promotes regulatory efficiency by eliminating the need for unnecessary licensing actions for applicants referencing either AP1000 DCD Revision 19 or AP1000 DCD Revision 20.

IV. Discussion

A. Final Safety Evaluation Report

The final safety evaluation report for the renewed AP1000 standard design consists of (1) the original final safety evaluation report NUREG–1793 published in September 2004 and Supplement No. 1 published in December 2005, supporting the original certification of the AP1000 design; (2) NUREG–1793 Supplement 2 published in September 2011, supporting an amendment to the AP1000 design certification; and (3) the final safety evaluation report published in August 2026 supporting this renewal of the AP1000 design certification. These final safety evaluation reports and supplements are available as indicated in section XVI, ''Availability of Documents,'' of this document.

B. AP1000 Design Certification Renewal Rule

The discussion in section V, ''Section-by-Section Analysis,'' of this document describes the purpose and key aspects of each amended section of the AP1000 design certification renewal rule. The AP1000 design certification renewal rule maintains the structure of the existing design certification rule and is consistent with the other design certification rules (*i.e.,* appendices A through G to 10 CFR part 52).

V. Section-by-Section Analysis

The following paragraphs describe the specific changes in this direct final rule.

Appendix D to Part 52—Design Certification Rule for the AP1000 Design

Section III. Scope and Contents

This direct final rule revises paragraph A to include DCD Revision 20. This revision is appropriate because DCD Revision 20 includes all of the information necessary to incorporate by reference. This direct final rule retains DCD Revision 19 and its supplemental information document because several combined license holders were licensed to DCD Revision 19, and it is necessary to retain these documents in this rule. Future applicants may reference either DCD Revision 19 or DCD Revision 20, as specified in paragraph B. As used in appendix D, the term generic design control document refers to both revisions of the AP1000, unless otherwise specified.

Section IV. Additional Requirements and Restrictions

This direct final rule makes conforming changes to the requirement in paragraph A.3 to provide sensitive unclassified non-safeguards information and safeguards information in the plant-specific DCD to reflect the certification of the AP1000 DCD Revision 20.

Section V. Applicable Regulations

This direct final rule makes conforming changes in paragraphs A.1 and A.2, and adds a new paragraph A.3 to show the regulations that are applicable to the generic AP1000 design, as amended, and updates language to reflect the certification of DCD Revision 20. This section retains the references to safety evaluations supporting prior design certifications and adds the safety evaluation supporting the renewal because portions of the AP1000 design were initially certified or amended under different regulations.

Section VI. Issue Resolution

This direct final rule revises paragraph B.1 to reference the final safety evaluation report supporting this renewal and to reference the rulemaking record for this renewal. It also revises paragraph B.7 to include the NRC's final environmental assessment of the renewal of the AP1000 design certification. These changes are necessary to specify those matters resolved as a result of this design certification renewal.

Section VII. Duration of This Appendix

This direct final rule revises the period of reference for this appendix D to 40 years after the effective date of this direct final rule. This change is necessary to indicate the renewed rule's duration. The NRC's regulations in 10 CFR 52.61 require a design certification renewal duration to be not less than 10 nor more than 40 years.

Section VIII. Processes for Changes and Departures

This direct final rule revises paragraph B.6 to incorporate the alternative change process that was previously reviewed and approved for Vogtle Units 3 and 4. This change is necessary because the NRC approved significant changes to the changes and departures process while licensing Vogtle Units 3 and 4. These processes are appropriate for future licensees referencing the renewed AP1000 design certification.

VI. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the NRC certifies that this direct final rule does not have a significant economic impact on a substantial number of small entities. This direct final rule affects only the licensing and operation of large nuclear power plants. The companies that own these plants or would apply to own such a plant do not fall within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810).

VII. Regulatory Analysis

The NRC has not prepared a regulatory analysis for this direct final rule. The NRC prepares regulatory analyses for rulemakings that establish generic regulatory requirements applicable to all licensees. Design certifications are not generic rulemakings in the sense that design certifications do not establish standards or requirements with which all licensees must comply. Rather, design certifications are NRC approvals of specific nuclear power plant designs by rulemaking, which then may be voluntarily referenced by applicants for combined licenses or construction permits. For these reasons, the NRC concludes that preparation of a regulatory analysis is neither required nor appropriate.

VIII. Backfitting and Issue Finality

The NRC has determined that this direct final rule does not constitute backfitting as defined in 10 CFR 50.109, ''Backfitting,'' and does not affect the issue finality of an approval under 10 CFR part 52. This direct final rule renewing the AP1000 design certification does not constitute backfitting because it does not impose new or changed requirements on any previously issued licenses that incorporate by reference this design certification. Further, as discussed in section III of this document, the NRC does not need to address the finality criteria in 10 CFR 52.63.

IX. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885).

X. National Environmental Policy Act: Environmental Assessment and Final Finding of No Significant Impact

A. Introduction

The NRC is renewing the design certification for the AP1000 standard plant design for 40 years from the effective date of this direct final rule. The NRC also is updating the design certification to reflect changes provided by Westinghouse, by letter dated March 27, 2026. The NRC issues design certification rules as appendices to 10 CFR part 52. The purpose of this amendment is to renew the period that the AP1000 design certification is valid for referencing by an applicant and includes incorporation of VEGP Units 3 and 4 license amendment approvals under their respective COLs. Specifically, Revision 20 of the AP1000 DCD incorporates the issuance of Amendments 142 and 141 for VEGP Units 3 and 4 granting changes to the Tier 2* departure evaluation process with a 10 CFR 51.22(c)(9) categorical exclusion determination and is incorporated by reference into this NEPA evaluation. This rule amends Section VIII.B.6 of appendix D to 10 CFR part 52 to include changes to the Tier 2* departure evaluation process for the AP1000 design. With the renewal approval, the AP1000 design certification rule would remain valid for referencing until 40 years after the effective date of this direct final rule.

The NRC developed in section X, ''National Environmental Policy Act: Environmental Assessment and Final Finding of No Significant Impact,'' of this document containing this evaluation of the environmental impacts of the renewal request. The NRC has documented its finding of no significant impact in accordance with the requirements of 10 CFR 51.21, ''Criteria for and identification of licensing and regulatory actions requiring environmental assessments''; 10 CFR 51.31, ''Determinations based on environmental assessment''; and the National Environmental Policy Act of 1969, as amended (NEPA). This evaluation also addresses the severe accident mitigation design alternatives (SAMDAs) that the NRC has previously evaluated for the Westinghouse AP1000 design in the environmental assessment (EA) dated September 1, 2021. The evaluation does not address the site-specific environmental impacts of constructing and operating any facility that references the AP1000 design certification at a particular site. The

SAMDA analysis completed as part of this direct final rule can be incorporated by reference into the environmental determination related to an application for siting, construction, or operation of a nuclear plant that references the AP1000 standard design. The NRC would evaluate those impacts as part of any application(s) for the siting, construction, or operation of such a facility.

As discussed later in this section of this direct final rule, the NRC has determined that issuing the subject renewal does not constitute a major Federal action significantly affecting the quality of the human environment. This determination is based on the generic finding made in 10 CFR 51.32(b)(2) that there is no significant environmental impact associated with this renewal of the AP1000 design certification. This renewal does not authorize the siting, construction, or operation of a facility referencing the AP1000 design; it only codifies an extension of the period an applicant can reference the AP1000 design in a COL application. Furthermore, because the certification and update of the design constitute a rule change rather than a physical action, it does not involve the commitment of any resources that have alternative uses. The 10 CFR 51.32(b)(2) generic finding of no significant impact is, essentially, the legal equivalent of a categorical exclusion (72 FR 49427; August 28, 2007). Therefore, the NRC has not prepared an environmental impact statement (EIS) for this direct final rule.

Under 10 CFR 51.30(d), an EA for an amendment, of which a renewal is, to a design certification is limited to the consideration of whether the design change that is the subject of the proposed amendment renders a SAMDA previously rejected in the earlier EA to become cost beneficial, or results in the identification of new SAMDAs, in which case, the costs and benefits of new SAMDAs and the bases for not incorporating new SAMDAs in the design certification must be addressed.

This amendment renewal request brings the AP1000 design certification up to date. Revision 20 to the DCD includes construction and operating experience from current AP1000 nuclear power plants operating in the U.S. today (*i.e.,* Vogtle Units 3 and 4) and will allow for consistency and standardization in future AP1000 plant applications. Although DCD Revision 20 does not affect the overall risk profile for the AP1000 design (*i.e.,* Revision 20 to the AP1000 DCD does not change the risk insights and conclusions of the AP1000 design certification or COL probabilistic risk assessments), as discussed in this section of the direct final rule, the NRC updated its SAMDA evaluation and performed sensitivity analyses in section X.B.2 of this document to determine whether any SAMDAs previously rejected in the earlier AP1000 design certification EAs could become cost beneficial due to updated cost parameter information.

B. Severe Accident Mitigation Design Alternative Evaluation

Consistent with the objectives of standardization and early resolution of design issues, the Commission decided to evaluate SAMDAs as part of the original design certification for the AP1000 design. In its ''Policy Statement on Severe Reactor Accidents Regarding Future Designs and Existing Plants'' (50 FR 32138; August 8, 1985), the Commission defined the term ''severe accident'' as an event that is ''beyond the substantial coverage of design-basis events (DBEs),'' including events where there is substantial damage to the reactor core (whether or not there are serious offsite consequences). These DBEs are analyzed in accordance with NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' and documented in several chapters of the AP1000 DCD, such as Chapters 2, 3, 15, and 19.

B.1 Westinghouse's DCD Revision 20 Assessments of SAMDAs

In the transmittal letter for the AP1000 renewal, Westinghouse states that Appendix 1B of the AP1000 DCD Revision 19 fulfills this requirement and addresses the costs and benefits of 15 SAMDAs that are not included in the AP1000 plant design. Revision 19 Appendix 1B has been retained in AP1000 DCD Revision 20. Westinghouse continues to find that the previously considered SAMDAs, which were deemed to be non-cost beneficial, remain non-cost beneficial and that no new design alternatives were identified. Their evaluation concludes that the SAMDA review performed in AP1000 DCD Revision 19 with regard to the viability of the proposed SAMDAs remains valid and applicable to the AP1000 plant design presented in AP1000 DCD Revision 20.

B.2 NRC Evaluation

The NRC conducted an audit of Appendix 1B as part of its DCD Revision 20 application review. During that review, the NRC found that Westinghouse did not evaluate the effect of applying current dollar values to the cost analysis in Appendix 1B of Revision 20 of the AP1000 DCD. An environmental evaluation considers the present conditions at the time of the application submission and this would include cost evaluations related to SAMDAs. Several recent new reactor construction permit applications have used appropriate current cost values in their initial SAMDA evaluations. For example, these applicants applied the updated dollar-per-person-rem value in accordance with NUREG–1530, ''Reassessment of NRC's Dollar per Person-Rem Conversion Factor Policy,'' Revision 1, issued February 2022. These new reactor applicants also applied current dollar inflation adjustments to undiscounted dollar parameter values in the cost formulas in Section 5.7 as directed in Section 5.8 of NUREG/BR–0184, ''Regulatory Analysis Technical Evaluation Handbook,'' published in January 1997.

The NRC uses the dollar-per-person-rem value to monetize the impact of a potential severe accident, which the agency then compares to the costs of a mitigation measure to determine if it is cost beneficial. Significantly, the agency published the revised dollar-per-person-rem values in 2022, after the agency reviewed Revision 19 of the AP1000 DCD, but before Westinghouse submitted Revision 20. Thus, consideration of this new information could change the agency's determination on whether any of the proposed SAMDAs are cost beneficial.

Similarly, Westinghouse did not provide a discussion on adjusting for inflation for undiscounted cost parameters as recommended in Section 5.8 of NUREG/BR–0184. Therefore, the NRC conducted a review of Appendix 1B to DCD Revision 20 to determine if the Westinghouse SAMDA conclusion is still valid when applying the noted updated monetary values.

The NRC reviewed the information in Appendix 1B to Tier 2, Chapter 1, of the AP1000 DCD, Revision 20, and in the EAs issued for the original AP1000 design certification rule in January 2006, for the amendment to the AP1000 design certification in January 2011, and for the amendment to extend the design certification in September 2021. Due to the intervening time between when Westinghouse originally developed Appendix 1B and the submission of Revision 20, the NRC examined, with respect to the guidance in Section 5.8 of NUREG/BR–0184 and Revision 1 of NUREG–1530, whether the revised dollar values have the potential to change the cost-benefit conclusions for any of the SAMDAs. The NRC evaluated new cost information on updates to a dollar-per-person-rem value of $7,300

consistent with guidance in NUREG–1530, Revision 1, and inflated to 2026 dollars the previously undiscounted cost parameters used in the maximum benefit valuation formulas of NUREG/BR–0184. Based on the updated maximum benefit valuation with sensitivity analyses, the NRC concluded that the new cost information would not change the conclusions reached in the EAs issued for the original, amended AP1000 design certification rules and the renewal AP1000.

For any future application referencing the AP1000 design certification, the inflation of cost parameters (*e.g.,* the dollar-per-person-rem value) and revised cost-benefit guidance should be considered in determining the subsequent AP1000 applicability of the SAMDA conclusions previously described. This clarification for future AP1000 applications is noted in paragraph VI.7 of appendix D of 10 CFR part 52.

C. Summary of the Environmental Impacts of the Direct Final Rule

On the basis of 10 CFR 51.32(b) and the evaluation in section X.B of this document, the NRC concludes that the direct final rule will not have a significant effect on the quality of the human environment. Accordingly, the NRC is not required to prepare an EIS for this direct final rule.

Since no physical changes would occur in the human environment, the agency action (rulemaking) would not affect any threatened or endangered species or historic properties. Accordingly, the NRC finds that the direct final rule would have no significant environmental impact.

D. Finding of No Significant Impact

The NRC has prepared this evaluation to determine the environmental effects of the agency action (rulemaking). This rule is primarily administrative or procedural in nature and therefore would not have any physical environmental effect. As explained in sections X.A through C of this document, the NRC has determined that the rulemaking would not change the conclusions in Appendix 1B of Revision 20 to the AP1000 DCD and would result in no new or different environmental effects. Therefore, the NRC concludes that the rule's action would not have a significant effect on the quality of the human environment. Based on this conclusion, the NRC has determined there is no need to prepare an environmental impact statement. Accordingly, the NRC finds the direct final rule would have no significant environmental impact. This environmental assessment and finding of no significant impact can be tracked with identification number NEPA ID EAXX–429–00–000–1784080234.

XI. Paperwork Reduction Act

This direct final rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing collections of information were approved by the Office of Management and Budget, approval number 3150–0151.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid Office of Management and Budget control number.

XII. Executive Orders

The following are Executive orders that are related to this direct final rule:

A. Executive Order 12866: Regulatory Planning and Review (as amended by E.O. 14215, Ensuring Accountability for All Agencies)

The Office of Information and Regulatory Affairs (OIRA) has determined that this direct final rule is not a significant regulatory action.

B. Executive Order 14154: Unleashing American Energy

The NRC has examined this direct final rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154.

C. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is determined to be a deregulatory action as defined by E.O. 14192. The AP1000 renewal and amendments will facilitate future reactor licensing by resolving design issues generically, which will lead to shorter and more efficient reviews yielding savings to the agency and future applicants.

D. Executive Order 14267: Reducing Anti-Competitive Regulatory Barriers

E.O. 14267 requires the NRC to identify anti-competitive regulations for recission or modification. The purpose of a design certification rule is to facilitate the licensing process for future applicants that reference the certified design. Therefore, there are no anti-competitive regulatory barriers associated with this rule.

E. Executive Order 14270: Zero-Based Regulatory Budgeting To Unleash American Energy

E.O. 14270, ''Zero-Based Regulatory Budgeting to Unleash American Energy,'' requires the NRC to insert a conditional sunset date into all new or amended NRC regulations provided the regulations are (1) promulgated under the Atomic Energy Act of 1954, as amended (AEA), the Energy Reorganization Act of 1974, as amended (ERA), or the Nuclear Waste Policy Act of 1982, as amended (NWPA); (2) not statutorily required; and (3) not part of the NRC's permitting regime. The NRC determined that the regulatory changes in this rule are part of the NRC permitting regime as future licensing applicants may reference the AP1000 certified design to obtain operating licenses. Therefore, the NRC views this rulemaking to be outside the scope of E.O. 14270 and did not insert conditional sunset dates for the regulatory changes in this direct final rule.

XIII. Congressional Review Act

This direct final rule is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has found that it does not meet the criteria at 5 U.S.C. 804(2).

XIV. Compatibility of Agreement State Regulations

Under the ''Agreement State Program Policy Statement'' approved by the Commission on October 2, 2017, and published in the **Federal Register** (82 FR 48535; October 18, 2017), this rule is classified as compatibility ''NRC.'' Category NRC consists of program elements over which the NRC cannot discontinue its regulatory authority pursuant to the Atomic Energy Act of 1954 (AEA), as amended, or provisions of 10 CFR. Under the Policy Statement, a program element means any component or function of a radiation control regulatory program, including regulations and other legally binding requirements imposed on regulated persons, which contributes to the implementation of that program. The NRC maintains regulatory authority over program elements classified as category NRC and the Agreement States must not adopt these NRC program elements. However, an Agreement State may inform its licensees of these NRC requirements through a mechanism under the State's administrative procedure laws, as long as the State adopts these provisions solely for the purposes of notification, and does not

exercise any regulatory authority as a result.

XV. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. Design certifications are not generic rulemakings establishing a generally applicable standard with which all 10 CFR parts 50 and 52 nuclear power plant licensees must comply. Design certifications are Commission approvals of specific nuclear power plant designs by rulemaking. Furthermore, design certifications are initiated by an applicant for rulemaking, rather than by the NRC. This action does not constitute the establishment of a standard that contains generally applicable requirements.

XVI. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS accession No./web link/ **Federal Register** citation
Reactor Regulatory History on Design Certification Rules, dated April 26, 2000 [1]	ML003761550 (pkg).
Westinghouse Electric Company LLC, AP1000 Design Certification Renewal Request, dated March 27, 2026.	ML26086A409.
Westinghouse Electric Company LLC, AP1000 Design Control Document, Revision 20 (Non-proprietary), DCP_NRC_260001, dated 2026.	ML26086A412.
Final Safety Evaluation Report Related to Renewal of the AP1000 Standard Design, dated August 2026	ML26225A350.
Vogtle, Units 3 and 4, Request for License Amendment and Exemption: Changes to Tier 2 * Departure Evaluation Process (LAR–17–037), dated December 21, 2017.	ML17355A416.
Vogtle Electric Generating Plant, Units 3 and 4, Issuance of Amendments 142 and 141 and Granting of Exemptions RE: Changes to the Tier 2 * Departure Evaluation Process (LAR 17–037), dated September 20, 2018.	ML18235A029 (pkg).
Westinghouse Electric Company LLC, Supplemental Information to Support the AP1000 Design Certification Extension (Non-proprietary), DCP_NRC_003343, dated March 19, 2021.	ML21081A023 (pkg).
Westinghouse AP1000 Design Control Document Revision 19, dated June 13, 2011	ML11171A500 (pkg).
Westinghouse AP1000 Revision 19 Design Certification Extension Verification Evaluation Report, dated May 11, 2021.	ML21131A221.
Environmental Assessment and Finding of No Significant Impact by the U.S. Nuclear Regulatory Commission Relating to the Certification of the AP1000 Standard Plant Design, dated January 2006.	ML053630176.
Environmental Assessment by the U.S. Nuclear Regulatory Commission Relating to the Certification of the Amendment to the AP1000 Standard Plant Design, dated January 2011.	ML112380827.
Environmental Assessment by the U.S. Nuclear Regulatory Commission Regarding Extending the Duration of the AP1000 Design Certification, dated September 2021.	ML21181A109.
NUREG–1530, Rev. 1, ''Reassessment of NRC's Dollar per Person-Rem Conversion Factor Policy'' Final Report, dated February 2022.	ML22053A025.
NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition''.	*https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/index*.
NUREG/BR–0184, ''Regulatory Analysis Technical Evaluation Handbook,'' dated January 1997	ML050190193.
SECY–26–0034: NRC Regulatory Pathways and Licensing Readiness for Near Term Large Light-Water Reactor Deployment, dated March 9, 2026.	ML25351A230.
NRC Agreement State Program Policy Statement, Revision to Policy Statement; Correction, dated October 18, 2017.	82 FR 48535.
AP1000 Design Certification, Final Rule, dated January 27, 2006	71 FR 4464.
AP1000 Design Certification Amendment, Final Rule, dated December 30, 2011	76 FR 82079.
Extending the Duration of the AP1000 Design Certification, Direct Final Rule and Issuance of Environmental Assessment, dated September 22, 2021.	86 FR 52593.
Revising the Duration of Design Certifications, Direct Final Rule, dated July 2, 2025	90 FR 28869.
Westinghouse Electric Company LLC; AP1000 Design Certification Renewal; Exemption, Notice; Issuance, dated July 2, 2026.	91 FR 40596.
Licenses, Certifications, and Approvals for Nuclear Power Plants, Final Rule, dated August 28, 2007	72 FR 49427.
Policy Statement on Severe Reactor Accidents Regarding Future Designs and Existing Plants, Policy Statement, dated August 8, 1985.	50 FR 32138.
Executive Order 12866, ''Regulatory Planning and Review,'' October 4, 1993	58 FR 51735.
Executive Order 14154, ''Unleashing American Energy,'' January 29, 2025	90 FR 8353.
Executive Order 14192, ''Unleashing Prosperity Through Deregulation,'' February 6, 2025	90 FR 9065.
Executive Order 14215, ''Ensuring Accountability for All Agencies,'' February 24, 2025	90 FR 10447.
Executive Order 14267, ''Reducing Anti-Competitive Regulatory Barriers,'' April 15, 2025	90 FR 15629.
Executive Order 14270, ''Zero-Based Regulatory Budgeting to Unleash American Energy,'' April 15, 2025	90 FR 15643.
Executive Order 14300, ''Ordering the Reform of the Nuclear Regulatory Commission,'' May 29, 2025	90 FR 22587.
Presidential Memorandum, ''Plain Language in Government Writing,'' June 10, 1998	63 FR 31885.

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2026–2377. In

[1] The regulatory history of the NRC's design certification reviews is a package of documents that is available in the NRC's Public Document Room and NRC Library: Reactor Regulatory History on Design Certification Rules, April 26, 2000. This history spans the period during which the NRC simultaneously developed the regulatory standards for reviewing these designs and the form and content of the rules that certified the designs. This document predates this rulemaking and therefore does not contain a regulatory history for this rulemaking.

addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC–2026–2377); (2) click the ''Subscribe'' button; and (3) enter an email address and click on the ''Subscribe'' button.

XVII. Procedures for Access to Proprietary and Security-Related Information for Preparation of Comments on the Direct Final Rule

This section contains instructions regarding how the non-publicly available documents related to this rule, and specifically the information contained in Enclosure 2 of the March 27, 2026, letter from Westinghouse, ''AP1000 Design Certification Renewal Request,'' may be accessed by interested persons who wish to comment on the design certification renewal. These documents contain proprietary information and security-related information.

Interested persons who desire access to proprietary information or security-related information on the AP1000 design certification extension should first request access to that information from Westinghouse Electric Company LLC, the design certification applicant. A request for access should be submitted to the NRC if the applicant does not either grant or deny access by the 10-day deadline described in the following section.

Submitting a Request to the NRC for Access

Within 10 days after publication of this direct final rule, any individual or entity who believes access to proprietary information or security-related information is necessary in order to submit comments on this rule may request access to such information. Requests for access to proprietary information or security-related information submitted more than 10 days after publication of this document will not be considered absent a showing of good cause for the late filing explaining why the request could not have been filed earlier.

The requestor shall submit a letter requesting permission to access proprietary information or security-related information to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Attention: Rulemakings and Adjudications Staff, Washington, DC 20555–0001. The email address for the Office of the Secretary is *Rulemaking.Comments@nrc.gov.* The requestor must send a copy of the request to the design certification applicant at the same time as the original transmission to the NRC using the same method of transmission. Requests to the applicant must be sent to Zachary S. Harper, Manager, Licensing Engineering, Westinghouse Electric Company LLC, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

The request must include the following information:

(1) The name of this design certification, AP1000 Design Certification; the rulemaking identification number, RIN 3150–AL70; the rulemaking docket number, NRC–2026–2377; and the **Federal Register** citation for this rule.

(2) The name, address, and email of the requestor.

(3) The identity of the individual(s) to whom access is to be provided, including the identity of any expert, consultant, or assistant who will aid the requestor in evaluating the information.

(4) The requestor's need for the proprietary information or security-related information in order to prepare meaningful comments on the design certification extension must be demonstrated. Each of the following areas must be addressed with specificity:

(a) The specific issue or subject matter on which the requestor wishes to comment.

(b) An explanation why information which is publicly available is insufficient to provide the basis for developing meaningful comment on the AP1000 design certification extension rule with respect to the issue or subject matter described in paragraph 4.a. of this section.

(c) The technical competence (demonstrable knowledge, skill, training or education) of the requestor to effectively utilize the requested information to provide the basis for meaningful comment. Technical competence may be shown by reliance on a qualified expert, consultant, or assistant who satisfies these criteria.

(d) A chronology and discussion of the requestor's attempts to obtain the information from the design certification applicant, and the final communication from the requestor to the applicant and the applicant's response, if any was provided, with respect to the request for access to proprietary information or security-related information must be submitted.

Based on an evaluation of the information submitted under paragraph (4) of this section, as applicable, the NRC will determine within 10 days of receipt of the request whether the requestor has established a legitimate need for access to proprietary information or security-related information.

Determination of Legitimate Need for Access

If the NRC determines that the requestor has established a legitimate need for access to proprietary information or security-related information, the NRC will notify the requestor in writing that access to proprietary information or security-related information has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit by each individual who will be granted access.

Filing of Comments on the AP1000 Design Certification Renewal Rule Based on Non-Public Information

Any comments on this final rule that are based upon the disclosed proprietary information or security-related information must be filed by the requestor no later than 25 days after receipt of (or access to) that information, or the close of the public comment period, whichever is later. The commenter must comply with all NRC requirements regarding the submission of proprietary information and security-related information to the NRC when submitting comments to the NRC (including marking and transmission requirements).

Review of Denials of Access

If the request for access to proprietary information or security-related information is denied by the NRC after a determination on requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

The requestor may challenge the NRC staff's adverse determination by filing a challenge within five days of receipt of that determination with the NRC's Executive Director for Operations under 10 CFR 9.29(d).

XVIII. Incorporation by Reference—Reasonable Availability to Interested Parties

The NRC is incorporating by reference a document submitted by Westinghouse that updates the AP1000 design certification to Revision 20. As discussed in the ''Discussion'' section of this document, DCD Revision 20 includes updates made to the AP1000 design to represent a current,

construction-validated design. The NRC is required by law to obtain approval for incorporation by reference from the Office of the Federal Register.

The Office of the Federal Register's requirements for incorporation by reference are set forth in 1 CFR part 51. These regulations require an agency to include in a direct final rule a discussion of the ways that the materials the agency incorporates by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties. The discussion in this section complies with the requirement for direct final rules as set forth in 1 CFR 51.5(b)(2).

The NRC considers ''interested parties'' to include all potential NRC stakeholders, not only the individuals and entities regulated or otherwise subject to the NRC's regulatory oversight. These NRC stakeholders are not a homogeneous group but vary with respect to the considerations for determining reasonable availability. Therefore, the NRC distinguishes between different classes of interested parties for the purposes of determining whether the material is ''reasonably available.'' The NRC considers the following to be classes of interested parties in NRC rulemakings with regard to the material to be incorporated by reference:

- Individuals and small entities regulated or otherwise subject to the NRC's regulatory oversight (this class also includes applicants and potential applicants for licenses and other NRC regulatory approvals) and who are subject to the material to be incorporated by reference by rulemaking. In this context, ''small entities'' has the same meaning as a ''small entity'' under 10 CFR 2.810.
- Large entities otherwise subject to the NRC's regulatory oversight (this class also includes applicants and potential applicants for licenses and other NRC regulatory approvals) and who are subject to the material to be incorporated by reference by rulemaking. In this context, ''large entities'' are those that do not qualify as a ''small entity'' under 10 CFR 2.810.
- Non-governmental organizations with institutional interests in the matters regulated by the NRC.
- Other Federal agencies, States, local governmental bodies (within the meaning of 10 CFR 2.315(c)).
- Federally-recognized and State-recognized [2] Indian Tribes.
- Members of the general public (*i.e.,* individual, unaffiliated members of the public who are not regulated or otherwise subject to the NRC's regulatory oversight) who may wish to gain access to the materials which the NRC incorporates by reference by rulemaking in order to participate in the rulemaking process.

The NRC makes the materials incorporated by reference available for inspection to all interested parties, by appointment, at the NRC Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301–415–7000; email: *Library.Resource@nrc.gov.* In addition, as described in the ''Availability of Documents'' section of this document, documents related to this direct final rule are available online in the NRC's Agencywide Documents Access and Management System (ADAMS) Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.*

The NRC concludes that the materials the NRC is incorporating by reference in this final rule are reasonably available to all interested parties because the materials are available to all interested parties in multiple ways and in a manner consistent with their interest in the materials.

List of Subjects in 10 CFR Part 52

Administrative practice and procedure, Antitrust, Combined license, Early site permit, Emergency planning, Fees, Incorporation by reference, Inspection, Issue finality, Limited work authorization, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Penalties, Reporting and recordkeeping requirements, Standard design, Standard design certification.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 52:

PART 52—LICENSES, CERTIFICATIONS, AND APPROVALS FOR NUCLEAR POWER PLANTS

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

Authority: Atomic Energy Act of 1954, secs. 103, 104, 147, 149, 161, 181, 182, 183, 185, 186, 189, 223, 234 (42 U.S.C. 2133, 2134, 2167, 2169, 2201, 2231, 2232, 2233, 2235, 2236, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 44 U.S.C. 3504 note.

■ 2. In appendix D to part 52:
■ a. Revise Section III.A;
■ b. In Section III.B, add a sentence to the end of the paragraph;
■ c. In Section IV.A.3, remove the text ''the AP1000 DCD'' and add, in its place, the text ''the generic DCD incorporated by reference under section III.A of this appendix (the AP1000 DCD Revision 19 or AP1000 DCD Revision 20)''; and
■ d. Revise Sections V.A, VI.B.1 and 7, VII, and VIII.B.6.

The revisions and addition read as follows:

Appendix D to Part 52—Design Certification Rule for the AP1000 Design

* * * * *

III. Scope and Contents

A. Tier 1, Tier 2 (including the investment protection short-term availability controls in Section 16.3), and the generic TSs in both the AP1000 Design Control Document, Revision 19, (Public Version) (AP1000 DCD Revision 19), APP–GW–GL–702, dated June 13, 2011, and the amendments thereto in DCP_NRC_003343, Supplemental Information to Support the AP1000 Design Certification Extension (Non-proprietary), and APP–GW–GL–705 Rev. 0, copyright 2021 (Supplemental Information); and in the AP1000 Design Control Document, Revision 20, (Public Version) (AP1000 DCD Revision 20), APP–GW–GL–702, Revision 2, dated 2026, are approved for incorporation by reference by the Director of the Office of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. Copies of either generic DCD may be obtained from Zachary S. Harper, Manager, Licensing Engineering, Westinghouse Electric Company, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066, telephone (412) 374–5093. Copies of the generic DCDs and Supplemental Information are also available for examination and copying at the NRC's PDR, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. Copies are available, by appointment, for examination at the NRC Library, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852, telephone (301) 415–5610, email *Library.Resource@nrc.gov.* The generic DCDs and Supplemental Information can also be viewed online in the NRC Library at *www.nrc.gov/reading-rm/adams.html* by searching under ADAMS Accession Nos. ML11171A500 (AP1000 DCD Revision 19), ML21081A023 (Supplemental Information), and ML26086A412 (AP1000 DCD Revision 20). If you do not have access to ADAMS or if you have problems accessing documents located in ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, at 301–415–3747, or by email at *PDR.Resource@nrc.gov.* Copies of the AP1000 materials are available in the ADAMS Public

[2] State-recognized Indian Tribes are not within the scope of 10 CFR 2.315(c). However, for purposes of the NRC's compliance with 1 CFR 51.5, ''interested parties'' includes a broad set of stakeholders, including State-recognized Indian Tribes.

Documents Collection. All approved material is available for inspection 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.html* or email *fr.inspection@nara.gov.*

B. * * * Applicants and licensees may reference either the AP1000 DCD Revision 19, APP–GW–GL–702, dated June 13, 2011, and the amendments thereto in DCP_NRC_003343, Supplemental Information to Support the AP1000 Design Certification Extension (Non-proprietary), and APP–GW–GL–705 Rev. 0, copyright 2021 (Supplemental Information), or the AP1000 DCD Revision 20, APP–GW–GL–702, Revision 2, dated 2026.

* * * * *

V. Applicable Regulations

A.

Except as indicated in paragraphs A.2, A.3, and B of this section, the regulations that apply to the AP1000 design, in DCD Revision 15, are in 10 CFR parts 20, 50, 73, and 100, codified as of January 23, 2006, that are applicable and technically relevant, as described in the FSER (NUREG–1793) and Supplement No. 1.

2. Except as indicated in paragraphs A.1, A.3, and B of this section, the regulations that apply to those portions of the AP1000 design, in DCD Revision 19, approved by Amendment 1 are in 10 CFR parts 20, 50, 73, and 100, codified as of December 30, 2011, that are applicable and technically relevant, as described in the Supplement No. 2 of the FSER (NUREG–1793).

3. Except as indicated in paragraphs A.1, A.2, and B of this section, the regulations that apply to those portions of the AP1000 design, in DCD Revision 20, are in 10 CFR parts 20, 50, 52, 73, and 100, codified as of December 28, 2026, that are applicable and technically relevant, as described in the safety evaluation for the renewal of this design certification (renewal FSER) (ADAMS Accession No. ML26225A350).

* * * * *

VI. Issue Resolution

* * * * *

B. * * * 1. All nuclear safety issues, except for the generic TS and other operational requirements, associated with the information in the FSER, Supplement Nos. 1 and 2, the Verification Evaluation Report (ADAMS Accession No. ML21131A221), and, if applicable, the renewal FSER; Tier 1 and Tier 2 (including referenced information, which the context indicates is intended as requirements, and the investment protection short-term availability controls in Section 16.3 of the DCD) as amended by Supplemental Information; and the rulemaking records for initial certification, Amendment 1, the duration extension of the AP1000 design, and the renewal;

* * * * *

7. All environmental issues concerning severe accident mitigation design alternatives associated with the information in the NRC's EA for the AP1000 design, Appendix 1B of Revision 15 of the generic DCD, the NRC's final EA for Amendment 1 to the AP1000 design, Appendix 1B of Revision 19 of the generic DCD, the NRC's final EA relating to the extension of the AP1000 standard design certification, the NRC's final EA relating to the renewal of the AP1000 standard design certification, and Appendix 1B of Revision 20 of the generic DCD, for plants referencing this appendix whose site parameters are within those specified in the severe accident mitigation design alternatives evaluation. Future applications relying on the AP1000 DCD Revision 20 under appendix D to part 52 will need to inflate the appropriate cost parameters (*e.g.,* the dollar-per-person-rem value and undiscounted cost parameters).

* * * * *

VII. Duration of This Appendix

This appendix may be referenced for a period of 40 years from December 28, 2026, except as provided for in 10 CFR 52.55(b) and 52.57(b). This appendix remains valid for an applicant or licensee who references this appendix until the application is withdrawn or the license expires, including any period of extended operation under a renewed license.

VIII. Processes for Changes and Departures

* * * * *

B. * * *

6. a. An applicant who references the AP1000 design certification rule may depart from Tier 2 * information, which is designated with italicized text or brackets and an asterisk in the AP1000 design control document, without NRC approval, except for departures that:

(1) Involve a deviation from a code or standard credited in the plant-specific DCD for establishing the criteria for the design or construction of a structure, system, or component (SSC) important to safety;

(2) Result in a change to a design process described in the plant-specific DCD that is material to implementation of an industry standard or endorsed regulatory guidance;

(3) (i) Result in a change to the fuel criteria evaluation process, the fuel principal design requirements, or the nuclear design of the fuel or the reactivity control system that is material to a fuel or reactivity control system design function; or

(ii) Result in any change to the maximum fuel rod average burn-up limits or the small break LOCA analysis information in DCD Subsections 15.6.5.4B.2.2 or 15.6.5.4B.2.3;

(4) Adversely affect the containment debris limits or debris screen design criteria;

(5) Change the Reactor Coolant Pump (RCP) type from a canned motor to a different type of RCP;

(6) Result in a change to the Passive Residual Heat Removal Heat Exchanger natural circulation test (first plant test), the Core Makeup Tank Heated Recirculation Tests (first three plants test), or the Automatic Depressurization System Blowdown Test (first three plants test) that is material to the test objectives or test performance criteria;

(7) Involve structural materials or analytical or design methods, including design codes and analytical assumptions, that deviate from those credited in the plant-specific DCD for critical sections;

(8) Result in a change to the design of the steel faceplates, internal trusses, tie bars, or headed studs of the steel-concrete (SC) module walls in the Nuclear Island or the Shield Building, including SC-to-reinforced concrete (RC) connections; or

(9) Result in an increase in the demand to capacity (D/C) ratio of a critical section of the structure. The licensee must determine the D/C ratio under this condition for each critical section structural member including, but not limited to, wall segments, wall sections, concrete panels, slabs, or basemat sections, affected by a departure by:

(i) Using the Tier 2 * information in the DCD Section 3.8 or Appendix 3H table that directly states the D/C ratio or states the area of steel provided and the area of steel required for the affected structural member; or

(ii) Providing the same total area of steel across the entire critical section using any combination of rebar sizes and spacing allowed by the design basis codes used in the DCD as the total area of steel specified in DCD Section 3.8 and Appendix 3H tables marked Tier 2 *.

b. For a departure from Tier 2 * information that does not require prior NRC approval, the licensee must comply with the requirements for Tier 2 departures in paragraph B.5 of this section. The departure or change to Tier 2 * information must remain Tier 2 * information in the plant-specific DCD.

c. Departures from Tier 2 * information that are made under paragraph B.6 of this section do not require an exemption from this appendix.

* * * * *

Dated: October 5, 2026.

For the Nuclear Regulatory Commission.

Michael King,

Executive Director for Operations.

[FR Doc. 2026–21030 Filed 10–13–26; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–2289; Project Identifier MCAI–2025–01592–T; Amendment 39–23482; AD 2026–20–09]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–700–2A12 airplanes. This AD was prompted by

reports of low clearance in the right wing between the fuel line flexible coupling and the harness support bracket clip-nut, between the fuel line flexible coupling and hydraulic system, and between the hydraulic system and fuel vent tube. This AD requires rectifying the low clearance condition between the fuel line flexible coupling and the harness support bracket clip-nut, rectifying the low clearance condition between the fuel line flexible coupling and the hydraulic system, and doing an inspection for adequate clearance between the hydraulic system and the fuel vent tube and applicable on-conditions actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 18, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 18, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–2289; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.*
- 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–2026–2289.

FOR FURTHER INFORMATION CONTACT: Joseph Catanzaro, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD–700–2A12 airplanes. The NPRM was published in the **Federal Register** on March 4, 2026 (91 FR 10522). The NPRM was prompted by Transport Canada AD CF–2025–49, dated October 1, 2025 (Transport Canada AD CF–2025–49) (also referred to as the MCAI), issued by Transport Canada, which is the aviation authority for Canada. The MCAI states there have been reports of low clearance in the right wing between the fuel line flexible coupling and the harness support bracket clip-nut located in bay 3, between the fuel line flexible coupling and hydraulic system 3 line located in bay 18, and between the hydraulic system 3 lines and fuel vent tube located in bay 20. These low clearance conditions, if not addressed, may result in an ignition source developing in the fuel tank in the event of a lightning strike.

In the NPRM, the FAA proposed to require rectifying the low clearance condition between the fuel line flexible coupling and the harness support bracket clip-nut, rectifying the low clearance condition between the fuel line flexible coupling and the hydraulic system, and doing an inspection for adequate clearance between the hydraulic system and the fuel vent tube and applicable on-conditions actions, as specified in Transport Canada AD CF–2025–49. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–2289.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from five individuals who supported the NPRM without change.

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

Request To Clarify Why an Emergency AD Was Not Issued

Commenter #1 requested that the FAA clarify its determination that the unsafe condition does not meet the criteria for an emergency AD, given the potential interaction between fuel transfer systems, vibration-induced wear, and adjacent hydraulic and electrical components within the affected wing structure. Additionally, the commenter asked (1) if the low clearance condition could contribute to fuel starvation scenarios under certain operational conditions; (2) if interim inspections, operational limitations, or manufacturer service bulletins should be implemented while the rulemaking process proceeds; (3) if a shortened compliance period or immediate corrective action would better mitigate the identified risk; (4) if additional technical analysis regarding system interaction between fuel, hydraulic, and electrical components should be included in the final rulemaking record.

The FAA issues an emergency AD when an unsafe condition exists that requires immediate adoption, and the risk to the flying public justifies forgoing notice and comment prior to adopting an emergency AD. In developing this rulemaking, the FAA evaluated the compliance times and all the available information provided by Transport Canada and the manufacturer. The FAA has no additional data that would support reducing the compliance time below that specified in Transport Canada AD CF–2025–49, or issuing an emergency AD to address the unsafe condition.

Further, the FAA provides the following additional information:

(1) The low clearance condition would not contribute to fuel starvation. There is no potential fouling condition of the fuel vent line and, therefore, no effect on the fuel system operation.

(2) The corrective actions and compliance times in Transport Canada AD CF–2025–49 are adequate for addressing the unsafe condition. Therefore, no interim actions, operational limitations, or additional service bulletins need to be mandated. However, operators are permitted to accomplish the requirements of this AD at an earlier time, or may voluntarily adopt service information, operational limitations, or additional inspections to address the unsafe condition.

(3) Neither a shorter compliance time nor immediate corrective action are necessary to address the unsafe condition. Based on the risk evaluation conducted by the manufacturer, the corrective actions and compliance times in Transport Canada AD CF–2025–49 are sufficient for mitigating the identified risk.

(4) There is no system failure associated with this unsafe condition; therefore, no technical analysis regarding system interaction between the fuel, hydraulic, and electrical components needs to be included in the rulemaking docket.

Request To Reopen the Comment Period or Revise the Proposed AD

Commenter #2 requested that the FAA either (1) re-open the comment period and add to the AD docket all materials incorporated by reference and the basis for the cost assumptions and warranty offset, or (2) revise the proposed AD to add the operative standard and un-offset cost estimate. The commenter stated that the FAA did not provide adequate information for the public to meaningfully evaluate and comment on the proposed requirements and costs of compliance. The commenter further stated if the FAA cannot provide these elements, the proposed AD cannot be evaluated for comment or supported as a matter of reasoned decision-making and should be withdrawn and reissued with a complete record.

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

Further, the FAA notes that this AD incorporates by reference Transport Canada AD CF–2025–49, not the manufacturer service information referenced in Transport Canada AD CF–2025–49 (*i.e.,* non-IBR material). The FAA posted Transport Canada AD CF–2025–49 to the AD docket when the NPRM was published in the **Federal Register**. The non-IBR material may only be posted before the final rule's publication if it is already publicly available or if there is written consent from the owner of that material. Additionally, affected operators that must comply with the AD may obtain the non-IBR material directly from the manufacturer during the comment period through their normal course of business.

Further, the FAA based the estimated Costs of Compliance with this AD on information provided by the manufacturer. The number of estimated work hours and warranty terms are included in the manufacturer service bulletin, which is posted to the rulemaking docket upon publication of the final rule. The estimated parts cost was provided by the manufacturer. The FAA notes that no comments were received regarding the IBR material or estimated costs from any of the affected operators.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

Transport Canada AD CF–2025–49 specifies procedures for rectifying the low clearance condition between the fuel line flexible coupling and the harness support bracket clip-nut located in bay 3 of the right wing by replacing the clip-nut on the harness bracket in the right-hand wing between rib 3 and rib 4, rectifying the low clearance condition between the fuel line flexible coupling and the hydraulic system 3 line located in bay 18 of the right wing by replacing fuel tube assemblies in the right-hand wing between rib 17 and rib 20, doing an inspection for adequate clearance between the hydraulic system 3 lines and the fuel vent tube located in bay 20 of the right wing, and applicable on-conditions actions. On-condition actions include rectifying any low clearance condition found (*i.e.,* replace the hydraulic system support brackets in the right-hand wing between rib 19 and rib 21).

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

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
9 work-hours × $85 per hour = $765	$1,928	$2,693	$161,580

* Includes the replacement of the clip-nut, replacement of the fuel tube assemblies, and inspection for adequate clearance between the hydraulic system 3 lines and the fuel vent tube.

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
14 work-hours × $85 per hour = $1,190	$4,582	$5,772

* Replacement of the hydraulic system support brackets.

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 adding the following new airworthiness directive:

2026–20–09 Bombardier, Inc.: Amendment 39–23482; Docket No. FAA–2026–2289; Project Identifier MCAI–2025–01592–T.

(a) Effective Date

This airworthiness directive (AD) is effective November 18, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–2A12 airplanes, certificated in any category, as identified in Transport Canada AD CF–2025–49, dated October 1, 2025 (Transport Canada AD CF–2025–49).

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by reports of low clearance in the right wing between the fuel line flexible coupling and the harness support bracket clip-nut located in bay 3, between the fuel line flexible coupling and hydraulic system 3 line located in bay 18, and between the hydraulic system 3 lines and fuel vent tube located in bay 20. The FAA is issuing this AD to address low clearance conditions. The unsafe condition, if not addressed, could result in an ignition source developing in the fuel tank in the event of a lightning strike.

(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, Transport Canada AD CF–2025–49.

(h) Exception to Transport Canada AD CF–2025–49

(1) Where Transport Canada AD CF–2025–49 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2025–49 refers to hours air time, this AD requires using flight hours.

(i) No Reporting Requirement

Although the material referenced in Transport Canada AD CF–2025–49 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, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (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, International Validation Branch, FAA; or Transport Canada; or Bombardier, Inc.'s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Additional Information

For more information about this AD, contact Joseph Catanzaro, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *9-avs-nyaco-cos@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) Transport Canada AD CF–2025–49, dated October 1, 2025.

(ii) [Reserved]

(3) For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.*

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

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

Issued on September 25, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–21010 Filed 10–13–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–2452; Airspace Docket No. 25–ASO–16]

RIN 2120–AA66

Amendment of Domestic Very High Frequency Omnidirectional Range (VOR) Federal Airways V–16, V–35, V–37, V–53, V–133, V–136, V–143, V–259, V–310, V–364, V–409, V–415, V–454, and V–605; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends domestic Very High Frequency Omnidirectional Range (VOR) Federal Airways V–16, V–35, V–37, V–53, V–133, V–136, V–143, V–259, V–310, V–364, V–409, V–415, V–454, and V–605. The FAA is taking this action due to the decommissioning of the Charlotte, NC (CLT), VOR/Distance Measuring Equipment (VOR/DME); Foothills, SC (ODF), VOR/DME; Holston Mountain, TN (HMV), VOR/Tactical Air Navigation (VORTAC); and the relocation of the Spartanburg, SC (SPA), VORTAC.

DATES: Effective date 0901 UTC, December 24, 2026. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of the notice of proposed rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at *www.regulations.gov* using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from *www.federalregister.gov*.

FAA Order JO 7400.11M, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/*. You may also contact the Airspace Regulation Group, Operational Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Ashley Toth, Airspace Regulation Group, Operational Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the route structure to maintain the efficient flow of air traffic within the National Airspace System (NAS).

History

This action is due to the decommissioning of the Charlotte, NC (CLT), VOR/DME; Foothills, SC (ODF), VOR/DME; Holston Mountain, TN (HMV), VORTAC; and the relocation of the Spartanburg, SC (SPA), VORTAC on December 24, 2026. The Charlotte VOR/DME, Foothills VOR/DME, and Holston Mountain VORTAC were candidate navigational aids (NAVAID) identified for discontinuance by the FAA's VOR MON program and listed in the Final Policy Statement, ''Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR Minimum Operational Network),'' published in the **Federal Register** on July 26, 2016 (81 FR 48694), under Docket No. FAA–2011–1082.

The FAA published an NPRM for Docket No. FAA–2026–2452 in the **Federal Register** (91 FR 10979; March 6, 2026), proposing to amend VOR Federal Airways V–16, V–35, V–37, V–53, V–133, V–136, V–143, V–259, V–310, V–364, V–409, V–415, V–454, and V–605 in the eastern United States. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. Two public comments were received. One comment was in support of the proposal. The second comment objected generally to the decommissioning of VORs and NAVAIDs. However, that topic is outside the scope of this action, which does not itself direct the decommissioning of any NAVAIDs, but rather responds to decommissionings by making necessary modifications to affected routes.

Subsequently, the FAA published a supplemental notice of proposed rulemaking (SNPRM) for Docket No. FAA–2026–2452 in the **Federal Register** (91 FR 46023; July 22, 2026), proposing additional amendments to VOR Federal Airways V–53, V–364, V–415, and V–605 in the eastern United States. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received, but it was outside the scope of this action as it pertained generally to the decommissioning of VORs. As explained, this action does not direct any decommissionings, but only responds to them as necessary.

Differences From the NPRM and SNPRM

In both the NPRM and SNPRM, the proposed amended legal description of VOR Federal Airway V–16 stated that the airspace within Restricted Areas R–5002A, R–5002C, R–5002D, and R–5002F is excluded ''during their times of use.'' To maintain consistency with the legal description language preexisting this rule, the FAA amended the legal description to state that the airspace within Restricted Areas R–5002A, R–5002C, R–5002D, and R–5002F is excluded ''when active.'' This does not represent a substantive change to the proposed amendments. Accordingly, the FAA finds good cause that recirculating the proposal for additional notice and comment is unnecessary.

Incorporation by Reference

Domestic VOR Federal Airways are published in paragraph 6010(a) of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11M, dated July 30, 2026, and effective September 15, 2026. These updates will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11M, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Rule

This action amends 14 CFR part 71 by amending domestic VOR Federal Airways V–16, V–35, V–37, V–53, V–133, V–136, V–143, V–259, V–310, V–364, V–409, V–415, V–454, and V–605. This action is due to the

decommissioning of the Charlotte, NC (CLT), VOR/DME; Foothills, SC (ODF), VOR/DME; Holston Mountain, TN (HMV), VORTAC; and the relocation of the Spartanburg, SC (SPA), VORTAC.

V–16: Prior to this final rule, V–16 extended between the Los Angeles, CA (LAX), VORTAC and the Holly Springs, MS (HLI), VORTAC; between the Shelbyville, TN (SYI), VOR/DME and the Pulaski, VA (PSK), VORTAC; between the Lynchburg, VA (LYH), VOR/DME and the Richmond, VA (RIC), VORTAC; and between the Smyrna, DE (ENO), VORTAC and the intersection of the Calverton, NY (CCC), VOR/DME 044° and Madison, CT (MAD), VOR/DME 142° radials (CREAM Fix). The airspace within Mexico and the airspace below 2,000 feet mean sea level (MSL) outside the United States was excluded. The airspace within Restricted Areas R–5002A, R–5002C, R–5002D, and R–5002F was excluded during their times of use.

The FAA removed the airway segments between the intersection of the Volunteer, TN (VXV), VORTAC 069° and the Snowbird, TN (SOT) VORTAC 329° radials (WHINS Fix) and the Pulaski VORTAC due to the decommissioning of the Holston Mountain VORTAC. As amended, the airway extends between the Los Angeles VORTAC and the Holly Springs VORTAC; between the Shelbyville VOR/DME and the WHINS Fix; between the Lynchburg VOR/DME and the Richmond VORTAC; and between the Smyrna VORTAC and the CREAM Fix. The airspace within Mexico and the airspace below 2,000 feet MSL outside the United States remains excluded. The airspace within Restricted Areas R–5002A, R–5002C, R–5002D, and R–5002F remains excluded when active.

V–35: Prior to this final rule, V–35 extended between the Lee County, FL (RSW), VORTAC and the St. Petersburg, FL (PIE), VORTAC; between the intersection of the Dublin, GA (DBN), VORTAC 309° and the Athens, GA (AHN), VOR/DME 195° radials (SINCA Fix) and the Morgantown, WV (MGW), VOR/DME; and between the Philipsburg, PA (PSB), VORTAC and the Stonyfork, PA (SFK), VOR/DME.

The FAA removed the airway segments between the Sugarloaf Mountain, NC (SUG), VORTAC and the Glade Spring, VA (GZG), VOR/DME due to the decommissioning of the Holston Mountain VORTAC. As amended, the airway extends between the Lee County VORTAC and the St. Petersburg VORTAC; between the SINCA Fix and the Sugarloaf Mountain VORTAC; between the Glade Spring VOR/DME and the Morgantown VOR/DME; and between the Philipsburg VORTAC and the Stonyfork VOR/DME.

V–37: Prior to this final rule, V–37 extended between the Craig, FL (CRG), VORTAC and the Ellwood City, PA (EWC), VOR/DME.

The FAA removed the airway segments between the intersection of the Columbia, SC (CAE), VORTAC 004° and the Chesterfield, SC (CTF), VOR/DME 240°T radials (BLOTTS Fix) and the Pulaski VORTAC due to the decommissioning of the Charlotte VOR/DME. As amended, the airway extends between the Craig VORTAC and the BLOTTS Fix, and between the Pulaski VORTAC and the Ellwood City VOR/DME.

V–53: Prior to this final rule, V–53 extended between the Charleston, SC (CHS), VORTAC and the Holston Mountain VORTAC; and between the Lexington, KY (HYK), VOR/DME and the Brickyard, IN (VHP), VORTAC. The airspace within R–3401B was excluded when active.

The FAA removed the airway segment between the Columbia VORTAC and the Holston Mountain VORTAC due to the decommissioning of the Holston Mountain VORTAC. As amended, the airway extends between the Charleston VORTAC and the Columbia VORTAC, and between the Lexington VOR/DME and the Brickyard VORTAC. The airspace within R–3401B remains excluded when active.

V–133: Prior to this final rule, V–133 extended between the intersection of the Charlotte VOR/DME 305° and Barretts Mountain, NC (BZM), VOR/DME 197° radials (LINCO Fix) and the Charleston VOR/DME; between the Saginaw, MI (MBS), VOR/DME and the Houghton, MI (CMX), VOR/DME; and between the International Falls, MN (INL), VOR/DME and the Red Lake, ON, Canada, VOR. The airspace within Canada was excluded.

Due to the decommissioning of the Charlotte VOR/DME, the radials that made up the LINCO Fix changed to the intersection of the Barretts Mountain VOR/DME 197° and the Sugarloaf Mountain VORTAC 087° radials, preserving its location. The FAA updated the route description of VOR Federal Airway V–133 with the new radials defining the LINCO Fix. As amended, the airway extends between the intersection of the Sugarloaf Mountain VORTAC 087° and the Barretts Mountain VOR/DME 197° radials (LINCO Fix) and the Charleston VOR/DME; between the Saginaw VOR/DME and the Houghton VOR/DME; and between the International Falls VOR/DME and the Red Lake VOR. The airspace within Canada remains excluded.

V–136: Prior to this final rule, V–136 extended between the Hinch Mountain, TN (HCH), VOR/DME and the Grand Strand, SC (CRE), VORTAC.

The FAA removed the airway segments between the Snowbird VORTAC and the Pulaski VORTAC due to the decommissioning of the Holston Mountain VORTAC. As amended, the airway extends between the Hinch Mountain VOR/DME and the Snowbird VORTAC; and between the Pulaski VORTAC and the Grand Strand VORTAC.

V–143: Prior to this final rule, V–143 extended between the intersection of the Charlotte VOR/DME 034° and the Greensboro, NC (GSO), VORTAC 228° radials (GIZMO Fix) and the Yardley, PA (ARD), VOR/DME.

Due to the decommissioning of the Charlotte VOR/DME, the radials that made up the GIZMO Fix changed to the intersection of the Barretts Mountain VOR/DME 124° and Greensboro VORTAC 228° radials, preserving its location. The FAA updated the route description of VOR Federal Airway V–143 with the new radials defining the GIZMO Fix. As amended, the airway extends between the intersection of the Barretts Mountain VOR/DME 124° and Greensboro VORTAC 228° radials (GIZMO Fix) and the Yardley VOR/DME.

V–259: Prior to this final rule, V–259 extended between the Grand Strand VORTAC and the intersection of the Chesterfield VOR/DME 314° and Fayetteville, NC (FAY), VOR/DME 267° radials (HUSTN Fix); and between the intersection of the Charlotte VOR/DME 006° and Barretts Mountain VOR/DME 137° radials (MOPED Fix) and the Holston Mountain VORTAC.

The FAA removed the airway segments between the MOPED Fix and the Holston Mountain VORTAC due to the decommissioning of the Charlotte VOR/DME and the Holston Mountain VORTAC. As amended, the airway extends between the Grand Strand VORTAC and the HUSTN Fix.

V–310: Prior to this final rule, V–310 extended between the Louisville, KY (IIU), VORTAC and the Elizabeth City, NC (ECG), VOR/DME.

The FAA removed the airway segments between the London, KY (LOZ), VOR/DME and the Greensboro VORTAC due to the decommissioning of the Holston Mountain VORTAC. As amended, the airway extends between the Louisville VORTAC and the London VOR/DME; and between the Greensboro VORTAC and the Elizabeth City VOR/DME.

V–364: Prior to this final rule, V–364 extended between the intersection of the Charlotte VOR/DME 305° and the Sugarloaf Mountain VORTAC 087° radials (LINCO Fix) and the Holston Mountain VORTAC.

Due to the decommissioning of the Charlotte VOR/DME, the radials that made up the LINCO Fix changed to the intersection of the Barretts Mountain VOR/DME 197° and the Sugarloaf Mountain VORTAC 087° radials, preserving its location. The FAA updated the route description of VOR Federal Airway V–364 with the new radials defining the LINCO Fix. Additionally, the FAA removed the airway segments between the Sugarloaf Mountain VORTAC and the Holston Mountain VORTAC due to the decommissioning of the Holston Mountain VORTAC. As amended, the airway extends between the intersection of the Barretts Mountain VOR/DME 197° and the Sugarloaf Mountain VORTAC 087° radials (LINCO Fix) and the Sugarloaf Mountain VORTAC.

V–409: Prior to this final rule, V–409 extended between the Charlotte VOR/DME and the Raleigh/Durham, NC (RDU), VORTAC.

The FAA removed the airway segment between the Charlotte VOR/DME and the intersection of the Charlotte VOR/DME 088° and Liberty, NC (LIB), VORTAC 228° radials (LOCAS Fix) due to the decommissioning of the Charlotte VOR/DME. Additionally, due to the decommissioning of the Charlotte VOR/DME, the radials that made up the LOCAS Fix changed to the intersection of the Chesterfield VOR/DME 346° and the Liberty VORTAC 228° radials, preserving its location. The FAA updated the route description of VOR Federal Airway V–409 with the new radials defining the LOCAS Fix. As amended, the airway extends between the intersection of the Chesterfield VOR/DME 346° and the Liberty VORTAC 228° radials (LOCAS Fix) and the Raleigh/Durham VORTAC.

V–415: Prior to this final rule, V–415 extended between the Montgomery, AL (MGM), VORTAC and the intersection of the Montgomery VORTAC 029° and Gadsden, AL (GAD), VOR/DME 124° radials (HEFIN Fix); and between the intersection of the Rome, GA (RMG), VORTAC 060° and Foothills VOR/DME 258° radials (NELLO Fix) and the intersection of the Spartanburg, SC (SPA), VORTAC 101° and Charlotte VOR/DME 229° radials (LOCKS Fix).

The FAA removed the airway segments between, and including, the NELLO Fix and the LOCKS Fix due to the decommissioning of the Charlotte VOR/DME and the Foothills VOR/DME. As amended, the airway extends between the Montgomery VORTAC and the HEFIN Fix.

V–454: Prior to this final rule, V–454 extended between the Brookley, AL (BFM), VORTAC and the Monroeville, AL (MVC), VORTAC; and between the intersection of the Charlotte VOR/DME 034° and the Liberty VORTAC 253° radials and the Liberty VORTAC.

Due to the decommissioning of the Charlotte VOR/DME, the radials that made up the GIZMO Fix changed to the intersection of the Barretts Mountain VOR/DME 124° and the Liberty VORTAC 253° radials, preserving its location. The FAA updated the route description of VOR Federal Airway V–454 with the new radials that define the GIZMO Fix. As amended, the airway extends between the Brookley VORTAC and the Monroeville VORTAC; and between the intersection of the Barretts Mountain VOR/DME 124° and the Liberty VORTAC 253° radials and the Liberty VORTAC.

V–605: Prior to this final rule, V–605 extended between the Holston Mountain VORTAC and the Spartanburg VORTAC. In the route description of VOR Federal Airway V–605, between the Holston Mountain VORTAC and the Spartanburg VORTAC, is a turn point listed as the intersection of the Holston Mountain 171° and Spartanburg VORTAC 358° radials (GENOD Fix).

Due to the decommissioning of the Holston Mountain VORTAC and the relocation of the Spartanburg VORTAC, the radials that made up the GENOD Fix changed to the intersection of the Barretts Mountain VOR/DME 241° and the Spartanburg VORTAC 001° radials, preserving its location. The FAA updated the route description of VOR Federal Airway V–605 with the new radials that define the GENOD Fix. The FAA removed the airway segment between the GENOD Fix and the Holston Mountain VORTAC due to the decommissioning of the Holston Mountain VORTAC. Additionally, the FAA corrected the legal description of the airway to show the direction of the airway from south to north. As amended, the airway extends between the Spartanburg VORTAC and the GENOD Fix.

The NAVAID radials listed in the ATS route description regulatory text of this final rule are stated in degrees True north.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Order 2100.6B, ''Rulemaking and Guidance Procedure'' (March 10, 2025); and (3) is expected to result in, at most, de minimis costs from compliance with applicable operating requirements or minor flight rerouting for operators choosing to navigate around the controlled airspace. Since these amendments are routine and the expected impact to operators is de minimis, the FAA certifies that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this rulemaking action of amending domestic VOR Federal Airways V–16, V–35, V–37, V–53, V–133, V–136, V–143, V–259, V–310, V–364, V–409, V–415, V–454, and V–605 due to the decommissioning of the Charlotte, NC (CLT), VOR/DME; Foothills, SC (ODF), VOR/DME; Holston Mountain, TN (HMV), VORTAC; and the relocation of the Spartanburg, SC (SPA), VORTAC qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and in accordance with FAA Order 1050.1G, *FAA National Environmental Policy Act Implementing Procedures,* paragraph B–2.5(a), which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); and paragraph B–2.5(b), which categorically excludes from further environmental impact review ''Actions regarding establishment of jet routes and Federal airways (see 14 CFR 71.15, *Designation of jet routes and VOR Federal airways*) . . .'' As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with the FAA's NEPA implementation policy and procedures regarding extraordinary circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an

environmental assessment or environmental impact statement.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11M, Airspace Designations and Reporting Points, dated July 30, 2026, and effective September 15, 2026, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–16 [Amended]

From Los Angeles, CA; Paradise, CA; Palm Springs, CA; Blythe, CA; Buckeye, AZ; Phoenix, AZ; INT Phoenix 155° and Stanfield, AZ, 105° radials; Tucson, AZ; San Simon, AZ; INT San Simon 119° and Columbus, NM, 277° radials; Columbus; El Paso, TX; Salt Flat, TX; Wink, TX; INT Wink 066° and Big Spring, TX, 260° radials; Big Spring; Abilene, TX; Bowie, TX; Bonham, TX; Paris, TX; Texarkana, AR; Pine Bluff, AR; Marvell, AR; to Holly Springs, MS. From Shelbyville, TN; Hinch Mountain, TN; Volunteer, TN; to INT Volunteer 069° and Snowbird, TN, 329° radials. From Lynchburg, VA; Flat Rock, VA; to Richmond, VA. From Smyrna, DE; Cedar Lake, NJ; Coyle, NJ; INT Coyle 036° and Kennedy, NY, 209° radials; Kennedy; INT Kennedy 040° and Calverton, NY, 261° radials; Calverton; to INT Calverton 044° and Madison, CT, 142° radials. The airspace within Mexico and the airspace below 2,000 feet MSL outside the United States is excluded. The airspace within Restricted Areas R–5002A, R–5002C, R–5002D, and R–5002F is excluded when active.

* * * * *

V–35 [Amended]

From Lee County, FL; INT Lee County 326° and St. Petersburg, FL, 152° radials; to St. Petersburg. From INT Dublin, GA, 309° and Athens, GA, 195° radials; Athens; Electric City, SC; to Sugarloaf Mountain, NC. From Glade Spring, VA; Charleston, WV; INT Charleston 051° and Elkins, WV, 264° radials; Clarksburg, WV; to Morgantown, WV. From Philipsburg, PA; to Stonyfork, PA.

* * * * *

V–37 [Amended]

From Craig, FL; Brunswick, GA; INT Brunswick 014° and Savannah, GA, 177° radials; Savannah; Allendale, SC; Columbia, SC; to INT Columbia 004° and Chesterfield, SC, 240° radials. From Pulaski, VA; Elkins, WV; Clarksburg, WV; INT Clarksburg 359° and Ellwood City, PA, 185° radials; to Ellwood City.

* * * * *

V–53 [Amended]

From Charleston, SC to Columbia, SC. From Lexington, KY; Louisville, KY; INT Louisville 333° and Brickyard, IN, 170° radials; to Brickyard. The airspace within R–3401B is excluded when active.

* * * * *

V–133 [Amended]

From INT Sugarloaf Mountain, NC, 087° and Barretts Mountain, NC, 197° radials; Barretts Mountain; to Charleston, WV. From Saginaw, MI; Traverse City, MI; Escanaba, MI; Sawyer, MI; to Houghton, MI. From International Falls, MN; to Red Lake, ON, Canada. The airspace within Canada is excluded.

* * * * *

V–136 [Amended]

From Hinch Mountain, TN; INT Hinch Mountain 100° and Volunteer, TN, 243° radials; Volunteer; to Snowbird, TN. From Pulaski, VA; INT Pulaski 094° and South Boston, VA, 295° radials; South Boston; Raleigh-Durham, NC; Fayetteville, NC; to Grand Strand, SC.

* * * * *

V–143 [Amended]

From INT Barretts Mountain, NC, 124° and Greensboro, NC, 228° radials; Greensboro; Lynchburg, VA; Montebello, VA; INT Montebello 031° and Martinsburg, WV, 216° radials; Martinsburg; Lancaster, PA; Pottstown, PA; to Yardley, PA.

* * * * *

V–259 [Amended]

From Grand Strand, SC; Florence, SC; Chesterfield, SC; to INT Chesterfield 314° and Fayetteville, NC, 267° radials.

* * * * *

V–310 [Amended]

From Louisville, KY, to London, KY. From Greensboro, NC; INT Greensboro 105° and Raleigh-Durham, NC, 275° radials; Raleigh-Durham; Tar River, NC; to Elizabeth City, NC.

* * * * *

V–364 [Amended]

From INT Barretts Mountain, NC, 197° and Sugarloaf Mountain, NC, 087° radials; to Sugarloaf Mountain.

* * * * *

V–409 [Amended]

From INT Chesterfield, SC, 346° and Liberty, NC, 228° radials; Liberty; to Raleigh-Durham, NC.

* * * * *

V–415 [Amended]

From Montgomery, AL, to INT Montgomery 029° and Gadsden, AL, 124° radials.

* * * * *

V–454 [Amended]

From Brookley, AL; to Monroeville, AL. From INT Barretts Mountain, NC, 124° and Liberty, NC, 253° radials; to Liberty.

* * * * *

V–605 [Amended]

From Spartanburg, SC, to INT Spartanburg 001° radials and Barretts Mountain, NC, 241° radials.

* * * * *

Issued in Washington, DC, on October 7, 2026.

Brian Eric Konie,

Acting Manager, Airspace Regulation Group.

[FR Doc. 2026–20987 Filed 10–13–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2026–12475; Airspace Docket No. 26–ASO–14]

RIN 2120–AA66

Amendment of Boundaries for Restricted Areas R–5301, R–5302B, and R–5302C; NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends geographic coordinates for boundary points listed in the airspace descriptions for restricted areas R–5301, R–5302B, and R–5302C to correct minor discrepancies that resulted in gaps and overlaps between the areas. This action does not expand any external boundaries or change any altitudes, times of designation, or activities conducted within the restricted areas.

DATES: Effective date 0901 UTC, December 24, 2026.

ADDRESSES: A copy of this final rule and all background material may be viewed online at *www.regulations.gov* using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document

may also be downloaded from *www.federalregister.gov.*

FOR FURTHER INFORMATION CONTACT: Ashley Toth, Airspace Regulation Group, Operational Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for this Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the coordinates for restricted areas R–5301, R–5302B, and R–5302C in North Carolina to close small gaps and eliminate overlaps between the restricted areas.

Background

The FAA recently conducted a review of restricted areas R–5301, R–5302B, and R–5302C, revealing minor discrepancies in the points defining the areas. The FAA identified small gaps and overlap points based on the coordinates used in the boundary descriptions, which necessitates this amendment to accurately align the restricted areas. Moreover, the U.S. Marine Corps, the using agency, requested that the FAA amend the coordinates to eliminate these gaps and overlaps.

Good Cause for Bypassing Notice and Comment

Under 5 U.S.C. 553, federal agencies engaged in informal rulemaking must provide the public with a notice of proposed rulemaking and an opportunity for public participation. However, 5 U.S.C. 553(b)(B) exempts a rule from these requirements ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' Courts have construed these exceptions narrowly, but have nonetheless accepted determinations of good cause that notice and comment 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.'' *See Mack Trucks, Inc.* v. *EPA,* 682 F.3d 87, 94 (D.C. Cir. 2012). This action consists of minor technical amendments only. It does not affect the external boundaries or change the altitudes, time of designation, operating requirements, or activities conducted in the restricted areas. Therefore, the FAA finds good cause that notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

The Rule

This action amends 14 CFR part 73 by updating the coordinates used in the boundary descriptions to accurately align restricted areas R–5301, R–5302B, and R–5302C, eliminating gaps and overlaps. The first coordinate listed in R–5301 is changed from ''lat. 36°04′56″ N, long. 76°16′47″ W'' to ''lat. 36°04′56″ N, long. 76°16′48″ W''. Two tie-in coordinates are added to R–5302B, ''lat. 36°04′23″ N, long. 076°20′59″ W'' to ''lat. 36°04′56″ N, long. 076°16′48″ W'', to eliminate overlap and provide coincidence with R–5301. Finally, an additional tie-in coordinate is added to R–5302B and R–5302C, ''lat. 36°00′01″ N, long. 76°14′29″ W'', to eliminate overlap and provide coincidence with R–5302A.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Order 2100.6B, ''Rulemaking and Guidance Procedures'' (March 10, 2025); and (3) is anticipated to have a minimal economic impact, as it only affects air traffic procedures and air navigation, resulting in at most de minimis costs from minor rerouting of flights. Since this is a routine matter that only affects air traffic procedures with de minimis impact on operators, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action of making an administrative change of updating the coordinates used in the boundary descriptions to accurately align restricted areas R–5301, R–5302B, and R–5302C, NC, eliminating gaps and overlaps, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and in accordance with FAA Order 1050.1G, *FAA National Environmental Policy Act Implementing Procedures,* paragraph B–2.5 (d) Modification of the technical description of special use airspace (SUA) that does not alter the dimensions, altitudes, or times of designation of the airspace (such as changes in designation of the controlling or using agency, or correction of typographical errors). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with Appendix B, paragraph B–1 of FAA Order 1050.1G regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact statement.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for 14 CFR Part 73 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 73.53 North Carolina (NC) [Amended]

■ 2. Section 73.53 is amended as follows:

* * * * *

R–5301 Harvey Point, NC [Amended]

Boundaries. Beginning at lat. 36°04′56″ N, long. 76°16′48″ W; to lat. 36°04′23″ N, long. 76°20′59″ W; to lat. 36°06′58″ N, long. 76°20′58″ W; thence clockwise via a 3 nautical mile arc centered at lat. 36°04′01″ N, long. 76°20′19″ W; to the point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. USMC, MCAS Cherry Point CERAP.

Using agency. USMC, Commanding Officer, MCAS Cherry Point, NC.

* * * * *

R–5302B Albemarle Sound, NC [Amended]

Boundaries. Beginning at lat. 36°04′59″ N, long. 76°16′29″ W; to lat. 36°04′01″ N, long. 76°05′59″ W; to lat. 36°00′01″ N, long. 76°05′59″ W; to lat. 36°00′01″ N, long. 76°12′59″ W; to lat. 36°00′01″ N, long. 76°14′29″ W; to lat. 36°00′04″ N, long. 76°24′17″ W; thence clockwise via a 4 nautical mile arc centered at lat. 36°02′01″ N, long. 76°19′59″ W; to lat. 36°03′56″ N, long. 76°24′18″ W; to lat. 36°04′23″ N, long. 076°20′59″ W; to lat. 36°04′56″ N, long. 076°16′48″ W; to the point of beginning.

Designated altitudes. 100 feet AGL to 14,000 feet MSL.

Time of designation. By NOTAM at least 24 hours in advance.

Controlling agency. USMC, MCAS Cherry Point CERAP.

Using agency. USMC, Commanding Officer, MCAS Cherry Point, NC.

R–5302C Albemarle Sound, NC [Amended]

Boundaries. Beginning at lat. 36°00′01″ N, long. 76°12′59″ W; to lat. 35°58′50″ N, long. 76°16′58″ W; thence clockwise via a 4 nautical mile arc centered at lat. 36°02′01″ N, long. 76°19′59″ W; to lat. 36°00′04″ N, long. 76°24′17″ W; to lat. 36°00′01″ N, long. 76°14′29″ W; to the point of beginning.

Designated altitudes. 100 feet AGL to 3,000 feet MSL.

Time of designation. By NOTAM at least 24 hours in advance.

Controlling agency. USMC, MCAS Cherry Point CERAP.

Using agency. USMC, Commanding Officer, MCAS Cherry Point, NC.

* * * * *

Issued in Washington, DC, on October 8, 2026.

Brian Eric Konie,

Acting Manager, Airspace Regulation Group.

[FR Doc. 2026–20974 Filed 10–13–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA–2026–F–2048]

Food Additives Permitted in Feed and Drinking Water of Animals; Chromium Propionate

AGENCY: Food and Drug Administration, HHS.

ACTION: Final Amendment; Order.

SUMMARY: The Food and Drug Administration (FDA, we, or the Agency) is amending the regulations for food additives permitted in feed and drinking water of animals to provide for the safe use of chromium propionate as a source of chromium in food for laying hens and breeder chickens. This action is in response to a food additive petition filed by Kemin Industries, Inc.

DATES: This amendment is effective October 14, 2026. See section V, Objections and Hearing Requests, for further information on the filing of objections. Either electronic or written objections and requests for a hearing on the final amendment must be submitted by November 13, 2026.

ADDRESSES: You may submit objections and requests for a hearing as follows. Please note that late, untimely filed objections will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 13, 2026. Objections 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 objections in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting objections. Objections submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your objection will be made public, you are solely responsible for ensuring that your objection 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 objection, that information will be posted on *https://www.regulations.gov.*
- If you want to submit an objection with confidential information that you do not wish to be made available to the public, submit the objection 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 objections submitted to the Dockets Management Staff, FDA will post your objection, 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–F–2048 for ''Food Additives Permitted in Feed and Drinking Water of Animals; Chromium propionate.'' Received objections, 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 an objection with confidential information that you do not wish to be made publicly available, submit your objections only as a written/paper submission. You should submit two copies in 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 objections. 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 objections 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: Lauren LaPlace, Center for Veterinary Medicine, Food and Drug Administration, 5001 Campus Dr.,

College Park, MD 20740, 301–796–1987, *Lauren.LaPlace@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In a document published in the **Federal Register** of March 4, 2026 (91 FR 10525), FDA announced that we had filed a food additive petition (animal use) (FAP 2325) submitted by Kemin Industries, Inc., 1900 Scott Avenue, Des Moines, IA 50317. The petition proposed that the regulations for food additives permitted in feed and drinking water of animals be amended to provide for the safe use of chromium propionate as a source of chromium in food for laying hens and breeder chickens.

II. Conclusion

FDA concludes that the data establish the safety and utility of chromium propionate as a source of chromium in food for laying hens and breeder chickens and that the food additive regulations should be amended as set forth in this document.

III. Public Disclosure

In accordance with § 571.1(h) (21 CFR 571.1(h)), the petition and documents we considered and relied upon in reaching our decision to approve the petition will be made available for public disclosure (see **FOR FURTHER INFORMATION CONTACT**). As provided in § 571.1(h), we will delete from the documents any materials that are not available for public disclosure.

IV. Analysis of Environmental Impact

The Agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. FDA's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Staff (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday.

V. Objections and Hearing Requests

If you will be adversely affected by one or more provisions of this regulation, you may file with the Dockets Management Staff (see **ADDRESSES**) either electronic or written objections. You must separately number each objection, and within each numbered objection you must specify with particularity the provision(s) to which you object, and the grounds for your objection. Within each numbered objection, you must specifically state whether you are requesting a hearing on the particular provision that you specify in that numbered objection. If you do not request a hearing for any particular objection, you waive the right to a hearing on that objection. If you request a hearing, your objection must include a detailed description and analysis of the specific factual information you intend to present in support of the objection in the event that a hearing is held. If you do not include such a description and analysis for any particular objection, you waive the right to a hearing on the objection.

List of Subjects in 21 CFR Part 573

Animal feeds, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 573 is amended as follows:

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

■ 1. The authority citation for part 573 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348.

■ 2. In § 573.304, revise paragraphs (b)(1), (d)(3)(i), and (e)(2)(ii)(A) to read as follows:

§ 573.304 Chromium propionate.

* * * * *

(b) * * *

(1) In complete feed for broiler chickens, laying hens, breeder chickens, and growing turkeys at a level not to exceed 0.2 milligrams (mg) of chromium from chromium propionate per kilogram feed.

* * * * *

(d) * * *

(3) * * *

(i) A level of 0.2 ppm in complete feed for broiler chickens, laying hens, breeder chickens, and growing turkeys.

* * * * *

(e) * * *

(2) * * *

(ii) * * *

(A) For feed for broiler chickens, laying hens, breeder chickens, and growing turkeys, ''Chromium from all sources of supplemental chromium cannot exceed 0.2 parts per million of the complete feed.''

* * * * *

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–20979 Filed 10–13–26; 8:45 am]

BILLING CODE 4164–01–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans to prescribe the spreads component of the interest assumption under the asset allocation regulation for plans with valuation dates of October 31, 2026–January 30, 2027. These interest assumptions are used for valuing benefits under terminating single-employer plans and for other purposes.

DATES: Effective October 31, 2026.

FOR FURTHER INFORMATION CONTACT: Jose Singer-Freeman (*singer-freeman.jose@pbgc.gov*), Attorney, Legislative and Regulatory Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101, 202–229–5432. If you are deaf or hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes actuarial assumptions—including an interest assumption—for valuing benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974 (ERISA). The interest assumption is also posted on PBGC's website (*www.pbgc.gov*).

PBGC uses the interest assumption in § 4044.54 to determine the present value of annuities in an involuntary or distress termination of a single-employer plan under the asset allocation regulation. The assumptions in part 4044 of PBGC's regulations are also used in other situations where it is appropriate for liabilities to align with private sector group annuity prices. For example, PBGC's regulations on Notice, Collection, and Redetermination of Withdrawal Liability (29 CFR part 4219) and Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) provide that these assumptions are used to value liabilities for purposes of determining withdrawn employers' reallocation liability in the event of a mass withdrawal from a multiemployer

plan. Multiemployer plans that receive special financial assistance under the regulation on Special Financial Assistance by PBGC (29 CFR part 4262) must, as a condition of receiving special financial assistance, use the interest assumption to determine withdrawal liability for a prescribed period. Additionally, plan sponsors are required to use some, or all of these assumptions for specified purposes (*e.g.,* reporting benefit liabilities in filings required under PBGC's regulation on Annual Financial and Actuarial Information Reporting (29 CFR part 4010) or determining certain amounts to transfer to PBGC's Missing Participants Program on behalf of a missing participant of a terminating defined benefit plan under PBGC's regulation on Missing Participants (29 CFR part 4050)) and may use them for other purposes (*e.g.,* to ensure that plan spinoffs comply with section 414(l) of the Internal Revenue Code).

Part 4044 of PBGC's regulations provides that the interest assumption for part 4044 purposes is a yield curve (*i.e.,* the ''4044 yield curve'') that is based on a blend of two publicly available bond yield curves that is adjusted to the extent necessary so that the resulting liabilities align with group annuity prices. The adjustments are referred to as ''spreads.'' PBGC determines and publishes spreads quarterly based on survey data on pricing of private-sector group annuities. PBGC posts the 4044 yield curve on its website at *www.pbgc.gov* each month shortly after its underlying data becomes available. In addition, practitioners are able to determine the 4044 yield curve as of the end of any month using the publicly available bond yield curves and the spreads specified in the regulation.

This rule amends the regulation to specify the spreads used to determine the 4044 yield curve as of the last days of October, November, and December of 2026 (*i.e.,* the ''fourth quarter 2026 spreads''). Due to space constraints, table 1 to paragraph (e) shows spreads only for the most recent four quarters. Historical spreads are available on *www.pbgc.gov,* along with more recent spreads.

Need for Immediate Guidance

PBGC has determined that notice of, and public comment on, this rule are impracticable, unnecessary, and contrary to the public interest. PBGC routinely updates the spreads component of the interest assumption in the asset allocation regulation so that the 4044 yield curve may be determined as soon as the underlying bond yield curves become available. These amendments are merely technical; they ensure that use of PBGC's interest assumption continues to yield liabilities in line with group annuity prices. Accordingly, PBGC finds that the public interest is best served by issuing this rule expeditiously, without an opportunity for notice and comment, and that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

For the reasons stated in the preamble, PBGC amends 29 CFR part 4044 as follows.

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 2. In § 4044.54, revise table 1 to paragraph (e) to read as follows:

§ 4044.54 Interest assumptions.

* * * * *

(e) * * *

(3) * * *

TABLE 1 TO PARAGRAPH (e)—SPREADS

Maturity point	First quarter 2026 spreads (percent)	Second quarter 2026 spreads (percent)	Third quarter 2026 spreads (percent)	Fourth quarter 2026 spreads (percent)
0.5	0.56	0.63	0.71	0.78
1.0	0.56	0.63	0.71	0.78
1.5	0.56	0.62	0.70	0.77
2.0	0.56	0.62	0.70	0.77
2.5	0.55	0.62	0.69	0.77
3.0	0.55	0.62	0.69	0.77
3.5	0.54	0.60	0.68	0.75
4.0	0.54	0.60	0.68	0.75
4.5	0.53	0.59	0.66	0.73
5.0	0.53	0.59	0.66	0.73
5.5	0.52	0.57	0.64	0.71
6.0	0.52	0.57	0.64	0.71
6.5	0.50	0.54	0.61	0.68
7.0	0.50	0.54	0.61	0.68
7.5	0.48	0.52	0.59	0.64
8.0	0.48	0.52	0.59	0.64
8.5	0.45	0.49	0.55	0.61
9.0	0.45	0.49	0.55	0.61
9.5	0.43	0.46	0.52	0.57
10.0	0.43	0.46	0.52	0.57
10.5	0.40	0.43	0.48	0.53
11.0	0.40	0.43	0.48	0.53
11.5	0.37	0.39	0.44	0.49
12.0	0.37	0.39	0.44	0.49
12.5	0.34	0.36	0.40	0.44

TABLE 1 TO PARAGRAPH (e)—SPREADS—Continued

Maturity point	First quarter 2026 spreads (percent)	Second quarter 2026 spreads (percent)	Third quarter 2026 spreads (percent)	Fourth quarter 2026 spreads (percent)
13.0	0.34	0.36	0.40	0.44
13.5	0.31	0.32	0.36	0.39
14.0	0.31	0.32	0.36	0.39
14.5	0.28	0.28	0.32	0.35
15.0	0.28	0.28	0.32	0.35
15.5	0.25	0.24	0.28	0.30
16.0	0.25	0.24	0.28	0.30
16.5	0.22	0.21	0.23	0.26
17.0	0.22	0.21	0.23	0.26
17.5	0.19	0.17	0.19	0.21
18.0	0.19	0.17	0.19	0.21
18.5	0.16	0.13	0.15	0.16
19.0	0.16	0.13	0.15	0.16
19.5	0.13	0.10	0.11	0.12
20.0	0.13	0.10	0.11	0.12
20.5	0.11	0.07	0.08	0.08
21.0	0.11	0.07	0.08	0.08
21.5	0.08	0.04	0.04	0.04
22.0	0.08	0.04	0.04	0.04
22.5	0.06	0.01	0.01	0.01
23.0	0.06	0.01	0.01	0.01
23.5	0.04	−0.02	−0.02	−0.03
24.0	0.04	−0.02	−0.02	−0.03
24.5	0.02	−0.04	−0.05	−0.06
25.0	0.02	−0.04	−0.05	−0.06
25.5	0.00	−0.06	−0.07	−0.08
26.0	0.00	−0.06	−0.07	−0.08
26.5	−0.01	−0.08	−0.09	−0.10
27.0	−0.01	−0.08	−0.09	−0.10
27.5	−0.02	−0.09	−0.10	−0.12
28.0	−0.02	−0.09	−0.10	−0.12
28.5	−0.03	−0.10	−0.11	−0.12
29.0	−0.03	−0.10	−0.11	−0.12
29.5	−0.03	−0.10	−0.11	−0.13
30.0	−0.03	−0.10	−0.11	−0.13

Joseph Krettek,

Assistant General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2026–21019 Filed 10–13–26; 8:45 am]

BILLING CODE 7709–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 98

[EPA–HQ–OAR–2025- 0186; FRL–12720.2–01–OAR]

RIN 2060–AX07

Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for Reporting Year 2025 to March 10, 2027

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule; request for comment.

SUMMARY: The Environmental Protection Agency (EPA) is taking interim final action to extend the reporting deadline under the Greenhouse Gas Reporting Rule for reporting year 2025 data from October 30, 2026, to March 10, 2027. This final action only changes the reporting deadline for annual greenhouse gas reports for reporting year 2025 and makes no other changes to the rule. The EPA is requesting comments on all aspects of this interim final rule.

DATES: This interim final rule is effective on October 14, 2026. Comments on this rule must be received on or by November 30, 2026.

Public Hearing. If anyone contacts the EPA requesting a public hearing on or before October 19, 2026, the Agency will hold a virtual public hearing. See **SUPPLEMENTARY INFORMATION** section for information on requesting and registering for a public hearing.

ADDRESSES: You may send comments, identified by Docket Id. No. EPA–HQ–OAR–2025–0186, by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov* (our preferred method). Follow the online instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2025–0186 in the subject line of the message.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2025–0186, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand/Courier Delivery:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m. to 4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. for this rule. Comments received may be posted without change to *www.regulations.gov,* including any personal information provided. For detailed instructions on

sending comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jennifer Bohman, Emissions Data and Assessments Branch, Natural Resources Division, Office of Clean Air Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 343–9548; email address: *GHGReporting@epa.gov.* For technical information, please go to the Greenhouse Gas Reporting Program (GHGRP) website, *www.epa.gov/ghgreporting.*

SUPPLEMENTARY INFORMATION:

Participation in virtual public hearing. To request a virtual public hearing, contact the public hearing team at (888) 372–8699 or by email at *NRDpublichearing@epa.gov.* If requested, the hearing will be held via virtual platform on October 29, 2026. The EPA will provide further information about the hearing on its website (*https://www.epa.gov/ghgreporting*) if a hearing is requested.

The EPA will begin pre-registering speakers for the hearing no later than one business day after a request has been received. To register to speak at the virtual hearing, please use the online registration form available at *https://www.epa.gov/ghgreporting* or contact the public hearing team at (888) 372–8699 or by email at *NRDpublichearing@epa.gov.* The last day to pre-register to speak at the hearing will be October 26, 2026. Prior to the hearing, the EPA will post a general agenda that will list pre-registered speakers at: *https://www.epa.gov/ghgreporting.*

The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearings to run either ahead of schedule or behind schedule. The EPA may close the hearing 15 minutes after the last pre-registered speaker has testified if there are no additional speakers. Each commenter will have four minutes to provide oral testimony. The EPA encourages commenters to submit a copy of their oral testimony as written comments electronically to the rulemaking docket. The EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral testimony and supporting information presented at the public hearing.

Please note that any updates made to any aspect of the hearing will be posted online at *https://www.epa.gov/ghgreporting.* While the EPA expects the hearing to go forward as set forth above, please monitor our website or contact the public hearing team at (888) 372–8699 or by email at *NRDpublichearing@epa.gov* to determine if there are any updates. The EPA does not intend to publish a document in the **Federal Register** announcing updates.

If you require special accommodation such as audio description, please pre-register for the hearing with the public hearing team and describe your needs by October 21, 2026. The EPA may not be able to arrange accommodations without advance notice.

Docket. The EPA has established a docket for this rulemaking under Docket ID No. EPA–HQ–OAR–2025–0186. All documents in the docket are listed at *https://www.regulations.gov.* Although listed, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The EPA does not place certain other material, such as copyrighted material, on the internet; this material is publicly available only as Portable Document Format (PDF) versions and accessible only on EPA computers in the docket office reading room. The public cannot download certain databases and physical items from the docket but may request these items by contacting the docket office by telephone at (202) 566–1744. The docket office has 10 business days to respond to such requests. Except for these items, publicly available docket materials are available electronically at *https://www.regulations.gov.*

Written Comments. Direct your comments to Docket ID No. EPA–HQ–OAR–2025–0186. The EPA's policy is that the public docket will contain all comments received without change and made available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be CBI or other information for which a statute restricts disclosure. Do not submit electronically to *https://www.regulations.gov* any information that you consider to be CBI or other information for which a statute restricts disclosure. You should submit this type of information as described in the *Submitting CBI* section of this preamble.

The EPA may publish any comment received to its public docket. A written comment must accompany multimedia submissions (audio, video, *etc.*). The EPA considers the written comment to be the official comment, and it should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

The *https://www.regulations.gov* website allows you to submit your comment anonymously, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any digital storage media you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

Submitting CBI. Do not submit information containing CBI to the EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on any digital storage media that you mail to the EPA, mark the outside of the digital storage media as CBI and then identify electronically within the digital storage media the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI directly to the public docket through the procedures outlined in the *Instructions* section above. If you include other information whose disclosure is restricted by statute in your comment, clearly mark your submission as including that information. If you submit any digital storage media that does not contain CBI, mark the outside of the digital storage media clearly that

it does not contain CBI and note the docket ID. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2. Information whose disclosure is otherwise restricted by statute will be processed by the EPA Docket Center in accordance with the applicable statute.

Our preferred method to receive CBI is for it to be transmitted electronically using email attachments, File Transfer Protocol (FTP), or other online file sharing services (*e.g.,* Dropbox, OneDrive, Google Drive). Electronic submissions must be transmitted directly to the Office of Clean Air Programs (OCAP) CBI Office at the email address *ocapcbi@epa.gov,* and as described above, should include clear CBI markings and note the docket ID. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble to receive instructions.

Acronyms and Abbreviations. The following acronyms and abbreviations are used in this document.

CAA Clean Air Act
CBI confidential business information
CFR Code of Federal Regulations
CH_4 methane
CO_2 carbon dioxide
e-GGRT electronic Greenhouse Gas Reporting Tool
EPA U.S. Environmental Protection Agency
ET Eastern time
E.O. Executive Order
FR Federal Register
GHG greenhouse gas
GHGRP Greenhouse Gas Reporting Program
HCFC hydrochlorofluorocarbon
HFC hydrofluorocarbon
$MTCO_{2e}$ metric tons of CO_2 equivalent
N_2O nitrous oxide
NAICS North American Industry Classification System
OAR Office of Air and Radiation
OMB Office of Management and Budget
RFA Regulatory Flexibility Act
U.S. United States
UMRA Unfunded Mandates Reform Act of 1995

Contents

I. General Information
A. Executive Summary
B. Does this action apply to me?
C. Where can I get a copy of this document and other related information?
II. Background
A. What is the statutory authority for this action?
B. Description of Final Regulatory Amendments and Rationale
III. Request for Comment
IV. Statutory and Executive Orders
A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
B. Executive Order 14192: Unleashing Prosperity Through Deregulation
C. Paperwork Reduction Act (PRA)
D. Regulatory Flexibility Act (RFA)
E. Unfunded Mandates Reform Act (UMRA)
F. Executive Order 13132: Federalism
G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use
J. National Technology Transfer and Advancement Act (NTTAA)
K. Congressional Review Act (CRA)
L. Determination Under CAA Section 307(d)
M. Judicial Review

I. General Information

A. Executive Summary

The Greenhouse Gas Reporting Program (GHGRP, codified at 40 CFR part 98) applies to certain industrial facilities that emit greenhouse gases (GHG) (primarily facilities emitting at least 25,000 metric tons of carbon dioxide equivalents ($MTCO_2e$)), upstream suppliers of fossil fuels and industrial GHGs (such as carbon dioxide (CO_2) and hydrofluorocarbons (HFCs)), and industries that capture and sequester CO_2 as a means of reducing CO_2 emissions. Under the GHGRP, approximately 8,200 facilities, suppliers, and CO_2 injection sites submit data each year. Facilities calculate emissions using methodologies that are specified under the regulations and report data to the EPA using the electronic Greenhouse Gas Reporting Tool (e-GGRT). Annual reports covering emissions from the prior calendar year are due to the EPA by March 31st of each year. Once data are submitted, the EPA conducts a multi-step verification process to ensure reported data are accurate, complete, and consistent. If potential errors are identified, the EPA will notify the reporter, who can resolve the issue either by providing an acceptable response describing why the flagged issue is not an error or by correcting the flagged issue and resubmitting their annual GHG report.

On September 16, 2025, the EPA issued a proposed rule that reconsidered the GHGRP (90 FR 44591, here in after referred to as the ''GHGRP Reconsideration Proposal''). Among other things, the EPA proposed that no industries would need to submit annual GHG reports for calendar year 2025. The EPA also proposed to extend the deadline for submitting the calendar year 2025 report (*i.e.,* the reporting year 2025 reporting deadline) from March 31, 2026, to June 10, 2026. The EPA subsequently received over 50,000 comments on the GHGRP Reconsideration Proposal. On February 27, 2026, the EPA issued a final rule that extended the reporting deadline (hereinafter ''deadline'') for the GHGRP for reporting year 2025 from March 31, 2026, to October 30, 2026 (91 FR 9712). In this action, the EPA is further extending the deadline for reporting year 2025 to March 10, 2027, to allow the EPA additional time to consider comments on the GHGRP Reconsideration Proposal and to take any final action before the further extended reporting year 2025 deadline.

B. Does this action apply to me?

This interim final regulation affects entities that submit annual GHG reports pursuant to the GHGRP (40 CFR part 98). Entities affected by this action are owners or operators of facilities that are direct emitters or suppliers of GHGs or that sequester CO_2 underground. Regulated categories and entities include, but are not limited to, those listed in Table 1 of this preamble:

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY

Category	North American Industry Classification Cystem (NAICS)	Examples of facilities that may be subject to 40 CFR part 98
General Stationary Fuel Combustion Sources.	.....	Facilities operating boilers, process heaters, incinerators, turbines, and internal combustion engines.

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY—Continued

Category	North American Industry Classification Cystem (NAICS)	Examples of facilities that may be subject to 40 CFR part 98
	211	Extractors of crude petroleum and natural gas.
	321	Manufacturers of lumber and wood products.
	322	Pulp and paper mills.
	325	Chemical manufacturers.
	324	Petroleum refineries, and manufacturers of coal products.
	316, 326, 339	Manufacturers of rubber and miscellaneous plastic products.
	331	Steel works, blast furnaces.
	332	Electroplating, plating, polishing, anodizing, and coloring.
	336	Manufacturers of motor vehicle parts and accessories.
	221	Electric, gas, and sanitary services.
	622	Health services.
	611	Educational services.
Electric Power Generation	2211	Generation facilities that produce electric energy.
Adipic Acid Production	325199	All other basic organic chemical manufacturing: Adipic acid manufacturing.
Aluminum Production	331313	Primary aluminum production facilities.
Ammonia Manufacturing	325311	Anhydrous ammonia manufacturing facilities.
Calcium Carbide Production	325180	Other basic inorganic chemical manufacturing: calcium carbide manufacturing.
Carbon Dioxide Enhanced Oil Recovery Projects.	211120	Oil and gas extraction projects using carbon dioxide enhanced oil recovery.
Caprolactam, Glyoxal, and Glyoxylic Acid Production.	325199	All other basic organic chemical manufacturing.
Cement Production	327310	Cement manufacturing.
Ceramics Manufacturing	327110	Pottery, ceramics, and plumbing fixture manufacturing.
	327120	Clay building material and refractories manufacturing.
Coke Calcining	299901	Coke; coke, petroleum; coke, calcined petroleum.
Electronics Manufacturing	334111	Microcomputers manufacturing facilities.
	334413	Semiconductor, photovoltaic (PV) (solid-state) device manufacturing facilities.
	334419	Liquid crystal display (LCD) unit screens manufacturing facilities; Microelectromechanical (MEMS) manufacturing facilities.
Electrical Equipment Manufacture or Refurbishment.	33531	Power transmission and distribution switchgear and specialty transformers manufacturing facilities.
Electricity generation units that report through 40 CFR part 75.	221112	Electric power generation, fossil fuel (*e.g.,* coal, oil, gas).
Electrical Equipment Use	221121	Electric bulk power transmission and control facilities.
Electrical transmission and distribution equipment manufacture or refurbishment.	33361	Engine, Turbine, and Power Transmission Equipment Manufacturing.
Ferroalloy Production	331110	Ferroalloys manufacturing.
Fluorinated Greenhouse Gas Production	325120	Industrial gases manufacturing facilities.
Geologic Sequestration	NA	CO_2 geologic sequestration sites.
Glass Production	327211	Flat glass manufacturing facilities.
	327213	Glass container manufacturing facilities.
	327212	Other pressed and blown glass and glassware manufacturing facilities.
Hydrochlorofluorocarbon (HCFC)–22 Production.	325120	Industrial gas manufacturing: HCFC gases manufacturing.
Hydrofluorocarbon (HFC)–23 destruction processes that are not collocated with a HCFC–22 production facility and that destroy more than 2.14 metric tons of HFC–23 per year.	325120	Industrial gas manufacturing: HFC gases manufacturing.
Hydrogen Production	325120	Hydrogen manufacturing facilities.
Industrial Waste Landfill	562212	Solid waste landfill.
Industrial Wastewater Treatment	221310	Water treatment plants.
Injection of Carbon Dioxide	211	Oil and gas extraction.
Iron and Steel Production	333110	Integrated iron and steel mills, steel companies, sinter plants, blast furnaces, basic oxygen process furnace (BOPF) shops.
Lead Production	331	Primary metal manufacturing.
Lime Manufacturing	327410	Lime production.
Magnesium Production	331410	Nonferrous metal (except aluminum) smelting and refining: Magnesium refining, primary.
Nitric Acid Production	325311	Nitrogenous fertilizer manufacturing: Nitric acid manufacturing.
Petroleum and Natural Gas Systems	486210	Pipeline transportation of natural gas.
	221210	Natural gas distribution facilities.
	211120	Crude petroleum extraction.
	211130	Natural gas extraction.
Petrochemical Production	324110	Petrochemicals made in petroleum refineries.
Petroleum Refineries	324110	Petroleum refineries.
Phosphoric Acid Production	325312	Phosphatic fertilizer manufacturing.

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY—Continued

Category	North American Industry Classification Cystem (NAICS)	Examples of facilities that may be subject to 40 CFR part 98
Pulp and Paper Manufacturing	322110	Pulp mills.
	322120	Paper mills.
	322130	Paperboard mills.
Miscellaneous Uses of Carbonate	Facilities included elsewhere	
Municipal Solid Waste Landfills	562212	Solid waste landfills.
	221320	Sewage treatment facilities.
Silicon Carbide Production	327910	Silicon carbide abrasives manufacturing.
Soda Ash Production	325180	Other basic inorganic chemical manufacturing: Soda ash manufacturing.
Suppliers of Carbon Dioxide	325120	Industrial gas manufacturing facilities.
Suppliers of Industrial Greenhouse Gases.	325120	Industrial greenhouse gas manufacturing facilities.
Suppliers of Coal-based Liquid Fuels	211130	Coal liquefaction at mine sites.
Suppliers of Natural Gas and Natural Gas Liquids.	221210	Natural gas distribution facilities.
	211112	Natural gas liquid extraction facilities.
Suppliers of Petroleum Products	324110	Petroleum refineries.
Titanium Dioxide Production	325180	Other basic inorganic chemical manufacturing: Titanium dioxide manufacturing.
Underground Coal Mines	212115	Underground coal mining.
Zinc Production	331410	Nonferrous metal (except aluminum) smelting and refining: Zinc refining, primary.
Importers and Exporters of Pre-charged Equipment and Closed-Cell Foams.	423730	Air-conditioning equipment (except room units) merchant wholesalers.
	333415	Air-conditioning equipment (except motor vehicle) manufacturing.
	423620	Air-conditioners, room, merchant wholesalers.
	449210	Electronics and Appliance retailers.
	326150	Polyurethane foam products manufacturing.
	335313	Circuit breakers, power, manufacturing.
	423610	Circuit breakers and related equipment merchant wholesalers.

Table 1 of this preamble is not intended to be exhaustive but rather provides a guide for readers regarding entities likely affected by this action. This table lists the types of entities that could potentially be affected by this action. Other types of entities than those listed in the table could also be subject to this action. Many entities that are affected by 40 CFR part 98 have GHG emissions from multiple source categories listed in Table 1 of this preamble. If you have questions regarding the applicability of this action to a particular facility, consult the **FOR FURTHER INFORMATION CONTACT** section.

C. Where can I get a copy of this document and other related information?

In addition to being available in the docket (Docket ID No. EPA–HQ–OAR–2025–0186), an electronic copy of this action will be available on the internet at *https://www.epa.gov/ghgreporting.*

II. Background

A. What is the statutory authority for this action?

The EPA is extending the regulatory deadline of the GHGRP for reporting year 2025, which was promulgated pursuant to Clean Air Act (CAA) section 114 and under the authority provided in CAA section 136 for certain segments of the petroleum and natural gas source category (subpart W).

The EPA's authority for the rulemaking procedures followed in this interim final rule is provided by Administrative Procedure Act (APA) section 553(b)(B), 5 U.S.C. 553(b)(B), which allows an agency to forego prior notice and comment ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' This interim final rule is being issued without prior notice or opportunity for public comment because the EPA finds that prior notice and comment would be impracticable and contrary to the public interest under the current circumstances.

As discussed in section II.B of this preamble, this interim final rule amends the GHGRP to extend the reporting year 2025 deadline from October 30, 2026, to March 10, 2027, to allow the EPA additional time to consider comments on the GHGRP Reconsideration Proposal and to take any final action on that proposal. The EPA finds that it is impracticable and contrary to the public interest for the Agency to provide notice and comment prior to issuing this interim final rule because there is not adequate time for the notice-and-comment process prior to the October 30, 2026 deadline that this interim final rule extends.

Additionally, in a typical reporting year the Agency allows six weeks for reporters to work within the e-GGRT system to prepare and submit reports. Should the EPA later take final action on the GHGRP Reconsideration Proposal by retaining all or many existing reporting obligations, this revised deadline would allow regulated entities sufficient time to react to that final decision and work in the e-GGRT system to prepare and submit reports. Conversely, should the EPA later take final action on the GHGRP Reconsideration Proposal by finalizing all or most of the proposed rescissions and revisions, this revised deadline would allow regulated entities sufficient time to adjust their compliance efforts and avoid wasted time and effort.

As previously stated, the EPA notes that extending the reporting deadline will also allow the Agency time if needed to prepare and release the e-GGRT system in advance of the revised

RY2025 reporting deadline. In addition, the EPA notes that the GHGRP requires facilities to submit reports electronically in a format specified by the Administrator.[1] The EPA developed the e-GGRT for facilities to use to prepare and submit reports in accordance with this requirement. The e-GGRT system performs thousands of internal electronic validation and consistency checks, and appropriately safeguards information, including controlled unclassified information such as protects sensitive business information/confidential business information (SBI/CBI). Typically, the EPA would release e-GGRT six weeks in advance of the deadline so that facilities would have ample time to prepare and electronically submit reports prior to the deadline. As there is not adequate time for the EPA to have the electronic reporting tool prepared in time for the October 30, 2026, reporting year 2025 deadline that this rule extends, this also supports EPA's finding that it is impracticable and contrary to the public interest for the Agency to provide notice and comment prior to issuing this interim final rule.

Furthermore, this action serves the public benefit by reducing risk of harm to regulated entities from inadvertently or hastily reporting erroneous or unnecessary information that could later be made public. This extension also ensures that entities subject to the GHGRP could benefit from any burden reduction revisions that the EPA may make for the 2025 reporting year in any separate final action following the GHGRP Reconsideration Proposal and/or have adequate time to prepare and submit reporting year 2025 reports.

This final rule is effective immediately upon publication. Section 553(d)(1) of the Administrative Procedure Act, 5 U.S.C. 553(d)(1), provides that final rules shall not become effective until 30 days after publication in the **Federal Register** ''except . . . a substantive rule which grants or recognizes an exemption or relieves a restriction.'' The purpose of this provision is to ''give affected parties a reasonable time to adjust their behavior before the final rule takes effect.'' *Omnipoint Corp.* v. *Fed. Commc'n Comm'n,* 78 F.3d 620, 630 (D.C. Cir. 1996); see also *United States* v. *Gavrilovic,* 551 F.2d 1099, 1104 (8th Cir. 1977). However, when the agency grants or recognizes an exemption or relieves a restriction, affected parties do not need a reasonable time to adjust because the effect is not adverse. Absent this action, regulated entities would have insufficient time to prepare and submit annual reports in the e-GGRT system, and by extending the deadline, this action relieves that restriction. Therefore, the normal 30-day minimum period between this action's dates of publication and effectiveness is not required. Accordingly, the EPA is making this rule effective immediately upon publication.

B. Description of Final Regulatory Amendments and Rationale

In this final action, the EPA is amending subpart A (General Provisions) at 40 CFR 98.3(b)(6) to extend the reporting year 2025 deadline to March 10, 2027. As explained in the GHGRP Reconsideration Proposal, the deadline is set in the regulation, and the only way that the EPA can alter the deadline for any year is through a regulatory amendment. This extension only applies to the reporting year 2025 deadline. This action will further extend the reporting year 2025 deadline to allow the EPA additional time to consider comments on the GHGRP Reconsideration Proposal and to take any final action before the further extended reporting year 2025 deadline of March 10, 2027. This extension ensures that entities subject to the GHGRP could benefit from any burden reduction revisions that the EPA may make for the 2025 reporting year in any separate final actions following the GHGRP Reconsideration Proposal and/or have adequate time to prepare and submit reporting year 2025 reports. Additionally, at this point the EPA cannot have the electronic reporting tool prepared in time for the October 30, 2026, reporting year 2025 deadline, consistent with the GHGRP requirements that facilities submit reports electronically in a format specified by the Administrator.[2]

III. Request for Comment

As explained in section II.A of this preamble, the EPA finds good cause to issue this interim final rule without prior notice or opportunity for public comment. However, the EPA is providing an opportunity for the public to comment on the EPA's action to extend the deadline under the GHGRP for reporting year 2025 data from October 30, 2026, to March 10, 2027. The EPA intends to review comments received and consider whether this action should be revised, if appropriate, in response to comments received. If the EPA takes additional action on this interim final rule, as described in Section IV.L of this preamble, the Administrator has determined that subsequent final action will be subject to the requirements of CAA section 307(d), pursuant to section 307(d)(1)(V).

IV. Statutory and Executive Order Reviews

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

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

This action is a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, it was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to OMB recommendations have been documented in the docket.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is considered an Executive Order 14192 deregulatory action. This final rule provides burden reduction by extending the reporting deadline to March 10, 2027.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection requirements contained in the existing regulation and has assigned OMB control number 2060–0629, OMB control number 2060–0748, and OMB control number 2060–0751. This interim final rule extends the deadline for submitting annual GHG reports for reporting year 2025 data from October 30, 2026, to March 10, 2027.

D. Regulatory Flexibility Act (RFA)

I certify that this final action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the EPA concludes that the impact of concern for this rule is any significant adverse economic impact on small entities and that the agency is certifying that this rule will not have a significant economic impact on a substantial number of small entities because the rule relieves regulatory burden on the small entities subject to the rule. This action relieves regulatory burden, as it extends the reporting year 2025 deadline and provides entities more time to prepare annual GHG reports for that reporting year. We have therefore concluded that this action will relieve regulatory burden for all directly regulated small entities.

[1] 40 CFR 98.5.

[2] 40 CFR 98.5.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538 and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local, or Tribal governments. Requirements for the private sector do not exceed $100 million in any one year.

F. Executive Order 13132: Federalism

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

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

This action does not have Tribal implications as specified in Executive Order 13175. The rule does not result in any changes to the requirements of Part 98 other than extending the deadline for submitting annual GHG reports for reporting year 2025 data from October 30, 2026, to March 10, 2027. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action solely extends the reporting year 2025 deadline.

Therefore, this action is not subject to Executive Order 13045, because it does not concern an environmental health risk or safety risk. Since this action does not concern human health, EPA's Policy on Children's Health also does not apply.

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

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. This action solely moves a reporting deadline from October 30, 2026, to March 10, 2027, and makes no changes that affect the supply, distribution, or use of energy.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

K. Congressional Review Act (CRA)

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

L. Determination Under CAA Section 307(d)

Pursuant to CAA section 307(d)(1)(V), the Administrator has determined that any subsequent final action on this interim final rule will be subject to the provisions of CAA section 307(d). Section 307(d)(1)(V) of the CAA provides that the provisions of CAA section 307(d) apply to ''such other actions as the Administrator may determine.''

M. Judicial Review

Under CAA section 307(b)(1), any petition for review of this final rule must be filed in the U.S. Court of Appeals for the District of Columbia Circuit by December 14, 2026. This rulemaking revises the submission deadline for submitting annual GHG reports for reporting year 2025, which applies to owners and operators of facilities and suppliers for all source categories of 40 CFR part 98. These facilities and suppliers are located across the United States and therefore this rulemaking is ''nationally applicable'' within the meaning of CAA section 307(b)(1). Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements.

List of Subjects in 40 CFR Part 98

Environmental protection, Administrative practice and procedure, Greenhouse gases, Reporting and recordkeeping requirements.

Lee Zeldin,

Administrator.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 98 as follows:

PART 98—MANDATORY GREENHOUSE GAS REPORTING

■ 1. The authority citation for part 98 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart A—General Provision

■ 2. Amend § 98.3 by revising paragraph (b)(6) to read as follows:

§ 98.3 What are the general monitoring, reporting, recordkeeping and verification requirements of this part?

* * * * *

(b) * * *

(6) The annual GHG report for reporting year 2025 must be submitted no later than March 10, 2027.

* * * * *

[FR Doc. 2026–20982 Filed 10–13–26; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register

Vol. 91, No. 197

Wednesday, October 14, 2026

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

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 214

[CIS No. 2870–26; DHS Docket No. USCIS–2026–0529]

RIN 1615–AD26

Removing Deference to Prior USCIS Determinations of Eligibility

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), proposes to remove 8 CFR 214.1(c)(5), which generally provides that USCIS gives deference to a prior approval involving the same facts when adjudicating a request to extend a petition for an alien's employment or stay. This change would better align DHS regulations with the statute, which places the burden of proving eligibility for all immigration benefits on the petitioner, applicant, or beneficiary; strengthen adjudicatory review; and support agency priorities to improve the integrity of the immigration system and better protect the interests of U.S. workers.

DATES: Written comments on the notice of proposed rulemaking (NPRM) must be submitted on or before November 13, 2026. The electronic Federal Docket Management System will accept comments before midnight Eastern time at the end of that day.

ADDRESSES: You may submit comments on the entirety of this proposed rulemaking package, identified by DHS Docket No. USCIS–2026–0529 through the Federal eRulemaking Portal: *https://www.regulations.gov.* In accordance with 5 U.S.C. 553(b)(4), the summary of this rule found above may also be found at *https://www.regulations.gov.* Follow the website instructions for submitting comments.

Comments submitted in a manner other than via *https://www.regulations.gov,* including emails or letters sent to DHS or USCIS officials, will not be considered comments on the proposed rule and may not receive a response from DHS. Please note that DHS and USCIS cannot accept any comments that are hand-delivered or couriered. In addition, DHS and USCIS cannot accept comments contained on any form of digital media storage devices, such as CDs/DVDs and USB drives. USCIS is also not accepting mailed comments at this time. If you cannot submit your comment by using *https://www.regulations.gov,* please contact the Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, by telephone at (240) 721–3000 for alternate instructions.

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

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Public Participation
II. Background
  A. Purpose and Summary of the Proposed Regulatory Action
  B. Legal Authority
  C. Extensions of Stay and Petition Validity
  D. History of Deference in USCIS Adjudications
III. Discussion of Proposed Rule
  A. Restoring the Proper Allocation of the Burden of Proof
  B. Enhancing USCIS Officer Fact-Finding Authority
  C. Strengthening Program Integrity
  D. Reconsideration of the Deference Policy
  E. Reliance Interests and Alternatives Considered
IV. Statutory and Regulatory Requirements
  A. Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 14192 (Unleashing Prosperity Through Deregulation)
  1. Summary
  2. Background and Purpose
  3. Population
  4. Cost-Benefit Analysis
  B. Regulatory Flexibility Act
  1. Initial Regulatory Flexibility Analysis
  C. Unfunded Mandates Reform Act
  D. Executive Order 13132 (Federalism)
  E. Executive Order 12988 (Civil Justice Reform)
  F. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)
  G. National Environmental Policy Act
  H. Paperwork Reduction Act

Table of Abbreviations

CFR—Code of Federal Regulations
DHS—U.S. Department of Homeland Security
FR—Federal Register
HSA—Homeland Security Act of 2002
INA—Immigration and Nationality Act
NEPA—National Environmental Policy Act
NOID—Notice of Intent to Deny
NPRM—Notice of Proposed Rulemaking
OMB—Office of Management and Budget
PRA—Paperwork Reduction Act of 1995
RFA—Regulatory Flexibility Act of 1980
RFE—Request for Evidence
RIA—Regulatory Impact Analysis
RIN—Regulation Identifier Number
SBA—U.S. Small Business Administration
Secretary—Secretary of Homeland Security
UMRA—Unfunded Mandates Reform Act 1995
U.S.C.—United States Code
USCIS—U.S. Citizenship and Immigration Services

I. Public Participation

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

Instructions: If you submit a comment, you must include the agency name (U.S. Citizenship and Immigration Services) and the DHS Docket No. USCIS–2026–0529 for this rulemaking. Please note all submissions will be posted, without change, to the Federal eRulemaking 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 you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy and Security Notice available at *https://www.regulations.gov.*

Docket: For access to the docket and to read background documents or comments received, go to *https://www.regulations.gov,* referencing DHS Docket No. USCIS–2026–0529. You may also sign up for email alerts on the online docket to be notified when comments are posted or a final rule is published.

II. Background

A. Purpose and Summary of the Proposed Regulatory Action

The purpose of this proposed rule is to remove 8 CFR 214.1(c)(5). That regulation instructs USCIS officers to give deference to a prior determination of a petitioner's, applicant's, or beneficiary's eligibility when adjudicating a request filed on Form I–129, Petition for a Nonimmigrant Worker, involving the same parties and the same underlying facts.[1] This requirement most often applies when a petitioning employer seeks to extend a petition for an alien's employment or authorized stay in the United States under the same previously approved nonimmigrant worker classification. Under the current regulation, USCIS must generally defer to the prior determination of eligibility for the nonimmigrant worker classification unless there was a material error, a material change, or new material information. 8 CFR 214.1(c)(5).

When DHS promulgated 8 CFR 214.1(c)(5), the agency stated that petitioners would ''continue to have the burden to present all required and relevant evidence'' to establish eligibility for the requested nonimmigrant worker classification notwithstanding the prior approval. *See Modernizing H–1B Requirements, Providing Flexibility in the F–1 Program, and Program Improvements Affecting Other Nonimmigrant Workers,* 89 FR 103054, 103093 (Dec. 18, 2024). The agency also stated that ''deference does not equate to a lack of USCIS review of the petition.'' *Id.*

DHS now believes, however, that the practical effect of the deference regulation is inconsistent with those statements. In particular, the deference regulation and policy effectively shift the burden from the petitioner to the USCIS officer to justify departing from a prior approval. DHS is also concerned that the deference policy has had the practical effect of encouraging USCIS officers to prioritize consistency with prior approvals and efficiency in adjudication of extension requests rather than fully exploring all facts and evidence to ensure continued eligibility for the nonimmigrant worker benefit. As a result, DHS believes that some petitioners have interpreted the deference policy as reducing their obligation to demonstrate continued eligibility for the requested nonimmigrant worker classification when seeking an extension of a prior approval. Overall, the deference regulation and policy risk undermining program integrity by potentially reducing scrutiny of extension requests of nonimmigrant worker classifications, thereby potentially perpetuating erroneous prior approvals and creating an environment in which fraudulent and meritless petitions are less likely to be detected before approval. *See* Section III of this preamble.

Therefore, DHS proposes to remove 8 CFR 214.1(c)(5). DHS believes that this change would better align DHS regulations and USCIS adjudicatory practice with the agency's longstanding interpretation of the Immigration and Nationality Act (INA or Act), which places the burden of proof in establishing eligibility for all immigration benefits on the petitioner. *See* INA sec. 291, 8 U.S.C. 1361; *Matter of Chawathe,* 25 I. & N. Dec. 369, 375 n.7 (USCIS AAO, 2010) (''The burden of proving eligibility for the benefit sought remains entirely with the applicant''). Removing the deference requirement would also help to ensure that USCIS officers fully review the facts and evidence in every case to ensure continued eligibility. Overall, DHS believes that this change would promote more complete adjudications, strengthen program integrity in the adjudication of nonimmigrant worker benefits, reduce the risk of perpetuating erroneous approvals, and support the Administration's broader efforts to better protect U.S. workers and more faithfully enforce the immigration laws enacted by Congress.[2]

B. Legal Authority

The Secretary of Homeland Security (Secretary)'s authority for these proposed regulatory amendments is found in various sections of the INA, 8 U.S.C. 1101 *et seq.,* and the Homeland Security Act of 2002 (HSA), Public Law 107–296, 116 Stat. 2135, 6 U.S.C. 101 *et seq*. General authority for issuing this proposed rule is found in section 103(a) of the INA, 8 U.S.C. 1103(a), which authorizes the Secretary to administer and enforce the immigration and nationality laws and establish such regulations as the Secretary deems necessary for carrying out such authority, as well as section 102 of the HSA, 6 U.S.C. 112, which vests all of the functions of DHS in the Secretary and authorizes the Secretary to issue regulations.[3] Further authority for these proposed regulatory amendments is found in:

- Section 214(a)(1) of the INA, 8 U.S.C. 1184(a)(1), which authorizes the Secretary to prescribe, by regulation, the time and conditions of the admission of nonimmigrants;
- Section 214(c)(1) of the INA, 8 U.S.C. 1184(c)(1), which, *inter alia,* authorizes the Secretary to prescribe how an importing employer may petition for nonimmigrant workers, as well as the form of the petition and the information that an importing employer must provide in the petition;
- Section 235(d)(3) of the INA, 8 U.S.C. 1225(d)(3), which authorizes ''any immigration officer . . . to administer oaths and to take and consider evidence of or from any person

[1] For most nonimmigrant classifications that use Form I–129, the filer is referred to as the ''petitioner.'' However, for some classifications (for example, the E and TN classifications), the filer is referred to as the ''applicant.'' For simplicity, references in this preamble to a ''petitioner'' also include an ''applicant,'' and references to a ''petition'' also include an ''application.''

[2] *See, e.g.,* The White House, ''President Trump Is Delivering for American Workers'' (Sept. 1, 2025), *https://www.whitehouse.gov/articles/2025/09/president-trump-is-delivering-for-american-workers/;* The White House, ''The Trump Effect: Higher Pay for American Workers'' (June 6, 2025), *https://www.whitehouse.gov/articles/2025/06/trump-effect-higher-pay-for-american-workers/;* The White House, ''Trump Administration Celebrates Successes for America's Workers'' (Aug. 26, 2025), *https://www.whitehouse.gov/articles/2025/08/trump-administration-celebrates-successes-for-americas-workers/;* The White House, ''America First Trade Policy'' (Jan. 20, 2025), *https://www.whitehouse.gov/presidential-actions/2025/01/america-first-trade-policy;* The White House, ''Report to the President on the America First Trade Policy: Executive Summary'' (Apr. 3, 2025), *https://www.whitehouse.gov/fact-sheets/2025/04/report-to-the-president-on-the-america-first-trade-policy-executive-summary.*

[3] Although several provisions of the INA discussed in this NPRM refer exclusively to the ''Attorney General,'' such provisions are now to be read as referring to the Secretary of Homeland Security by operation of the HSA. *See* 6 U.S.C. 202(3), 251, 271(b), 542 note, 557; 8 U.S.C. 1103(a)(1), (g), 1551 note; *Nielsen* v. *Preap,* 586 U.S. 392, 397 n.2 (2019).

touching the privilege of any alien or person he believes or suspects to be an alien to enter, reenter, transit through, or reside in the United States or concerning any matter which is material and relevant to the enforcement of [the INA] and the administration of [DHS]'';

• Section 287(b) of the INA, 8 U.S.C. 1357(b), which authorizes the taking and consideration of evidence ''concerning any matter which is material or relevant to the enforcement of [the INA] and the administration of [DHS]'';

• Section 402 of the HSA, 6 U.S.C. 202, which charges the Secretary with ''[e]stablishing and administering rules [4] . . . governing the granting of visas or other forms of permission . . . to enter the United States'' and ''[e]stablishing national immigration enforcement policies and priorities''; *see also* HSA sec. 428, 6 U.S.C. 236; and

• Section 451(a)(3) and (b) of the HSA, 6 U.S.C. 271(a)(3) and (b), transferring to USCIS the authority to adjudicate petitions for nonimmigrant status, establish policies for performing that function, and set national immigration services policies and priorities.

C. Extensions of Stay and Petition Validity

Many aliens come to the United States under a nonimmigrant visa classification. Some of these classifications permit aliens to be employed or otherwise provide services in the United States for temporary periods. *See* INA secs. 101(a)(15) and 214, 8 U.S.C. 1101(a)(15) and 1184. Each classification for purposes of employment or otherwise performing services in the United States has its own eligibility requirements and requirements related to the period of admission or status, maintenance of status, the ability to change jobs or employers, and the ability to extend nonimmigrant status. *Id.*

For certain nonimmigrant visa classifications, a petitioner seeking the services of an alien beyond the previously granted period of admission may file an extension of stay request on Form I–129, Petition for Nonimmigrant Worker.[5] 8 CFR 214.1(c)(1). An extension of stay is ordinarily only granted if the alien is still in, and has maintained, his or her nonimmigrant status at the time the request is filed. 8 CFR 214.1(c)(6). When requesting an extension of stay on Form I–129, the petitioner must submit evidence that the alien maintained his or her status along with all other initial evidence specified in the regulations and in accordance with form instructions. *See* 8 CFR 214.1(c)(1), (6); Form I–129 Instructions, Instructions for Petition for Nonimmigrant Worker, *https://www.uscis.gov/sites/default/files/document/forms/i-129instr.pdf* (Sept. 9, 2026).

An extension of stay request is often submitted together with a request for an extension of petition validity, which is a request to allow the alien to continue to work for his or her current employer in the same nonimmigrant classification.[6] The petition extension and extension of stay request are filed on Form I–129 along with evidence of continued eligibility for the nonimmigrant classification, and all other initial evidence specified in the regulations and in accordance with form instructions.[7]

A request for an extension of petition validity follows a previous finding of eligibility for the nonimmigrant classification. Although there is a previous finding of eligibility, the burden of proof in any immigration request—including a request for an extension of petition validity—remains on the petitioner. *See* INA sec. 291, 8 U.S.C. 1361.[8] Officers are not bound to approve subsequent petitions seeking immigration benefits where eligibility has not been demonstrated, merely because of a prior approval.[9] The prior approval may have been erroneous, in which case giving deference to that prior determination of eligibility because the adjudicating officer was not aware of the error may perpetuate unmeritorious approvals. Even if the prior approval was not erroneous, the burden of proof remains on the petitioner to establish eligibility in each benefit request. USCIS decides each matter according to the evidence of record on a case-by-case basis.[10]

Despite these well-established principles, the regulation at 8 CFR 214.1(c)(5) instructs USCIS officers to give deference to a prior determination of eligibility when adjudicating a request filed on Form I–129 involving the same parties and the same underlying facts unless the officer determines that there was a material error involved with a prior approval, a material change in circumstances or eligibility requirements, or new, material information that adversely impacts eligibility. As discussed in Section III. of this preamble, DHS believes that the deference regulation is in tension with the statutory requirement that the petitioner must bear the burden to demonstrate eligibility for an immigration benefit, and it may unduly limit adjudicating officers' inherent fact-finding authority in certain cases.

D. History of Deference in USCIS Adjudications

While the codification of deference was relatively recent, USCIS has had a history of implementing and rescinding deference through a series of policy actions beginning in 2004. First, in April 2004, USCIS issued a memorandum discussing the significance of prior USCIS adjudications. *See* USCIS, ''The Significance of a Prior CIS Approval of a Nonimmigrant Petition in the Context

---

[4] Section 102(e) of the HSA, 6 U.S.C. 112(e), provides that ''the issuance of regulations by the Secretary shall be governed by the provisions of chapter 5 of title 5, except as specifically provided in this chapter, in laws granting regulatory authorities that are transferred by this chapter, and in laws enacted after November 25, 2002.''

[5] The petitioner must file Form I–129 to request an extension of stay for E–1, E–2, E–3, H–1B, H–1B1, H–2A, H–2B, H–3, L–1, O–1, O–2, P–1, P–2, P–3, P–1S, P–2S, P–3S, Q–1, R–1, or TN nonimmigrant workers. For dependents of such workers, extension of stay requests may be filed on Form I–539, Application to Extend/Change Nonimmigrant Status.

[6] USCIS Policy Manual, Volume 2, Part A, Chapter 4 ''Extension of Stay, Change of Status, and Extension of Petition Validity, *https://www.uscis.gov/policy-manual/volume-2-part-a-chapter-4* (last visited July 13, 2026) (''The burden of proof to establish eligibility for an immigration benefit always falls solely on the benefit requestor. The burden of proof never shifts to USCIS.'').

[7] Typically, determinations on extensions of petition validity are made by USCIS when adjudicating the Form I–129; however, in certain circumstances, U.S. Customs and Border Protection and U.S. Department of State may also make a determination on eligibility for an extension of petition validity.

[8] *See also Matter of Chawathe,* 25 I&N Dec. 369 (AAO 2010); *Matter of Skirball Cultural Center,* 25 I&N Dec. 799 (AAO 2012); *Matter of Simieo Solutions, LLC,* 26 I. & N. Dec. 542 (AAO 2015); *Love Korean Church* v. *Chertoff,* 549 F.3d 749 (9th Cir. 2008); *Shanti, Inc.* v. *Reno,* 36 F.Supp.2d 1151 (D. Minn. 1999); *Mo* v. *USCIS,* 719 F.Supp.3d 21 (D.D.C. 2024); *Borushevskyi* v. *USCIS,* 664 F.Supp.3d 117 (D.D.C. 2023); *Web Saigon US LLC* v. *USCIS,* 541 F.Supp.3d 1160 (D. Ore. 2021); *Battineni* v. *Mayorkas,* 752 F.Supp.3d 195 (D.D.C. 2024); *Krasniqi* v. *Dibbins,* 558 F.Supp.3d 168 (D. N.J. 2021); 8 CFR 103.2(b)(1) (''An applicant or petitioner must establish that he or she is eligible for the requested benefit at the time of filing the benefit request and must continue to be eligible through adjudication.'').

[9] USCIS Policy Manual, Volume 2, Part A, Chapter 4 ''Extension of Stay, Change of Status, and Extension of Petition Validity, *https://www.uscis.gov/policy-manual/volume-2-part-a-chapter-4* (last visited July 13, 2026); *Matter of Church Scientology Intl,* 19 I&N Dec. 593, 597 (Commissioner 1988).

[10] 8 CFR 103.2(b)(1) (''An applicant or petitioner must establish that he or she is eligible for the requested benefit at the time of filing the benefit request and must continue to be eligible through adjudication.''); USCIS Policy Manual, Volume 2, Part A, Chapter 4, ''Extension of Stay, Change of Status, and Extension of Petition Validity,'' *https://www.uscis.gov/policy-manual/volume-2-part-a-chapter-4* (last visited July 13, 2026).

of a Subsequent Determination Regarding Eligibility for Extension of Petition Validity,'' HQPRD 72/11.3 (Apr. 23, 2004). This memorandum, while recognizing USCIS' authority to question prior determinations and that each matter must be decided according to the evidence of record on a case-by-case basis, first set out the policy instructing adjudications officers to give deference to a prior determination of eligibility in matters relating to an extension of nonimmigrant petition validity involving the same parties (petitioner and beneficiary) and the same underlying facts, unless there was material error, a substantial change in circumstances, or new material information.

In October 2017, USCIS issued a memorandum which rescinded the 2004 guidance, expressing concerns that the 2004 memorandum improperly shifted the burden from the petitioner to USCIS. *See* USCIS, ''Rescission of Guidance Regarding Deference to Prior Determinations of Eligibility in the Adjudication of Petitions for Extension of Nonimmigrant Status,'' PM–602–0151 (Oct. 23, 2017). In the 2017 memorandum, USCIS also expressed concerns that the deference policy unduly limited adjudicating officers' inherent fact-finding authority in certain cases.

In April 2021, USCIS reinstituted its deference policy and incorporated it into the USCIS Policy Manual. *See* USCIS Policy Manual, Volume 2, Part A, Chapter 4 ''Extension of Stay, Change of Status, and Extension of Petition Validity.'' The policy manual acknowledges that officers are not required to approve subsequent petitions where eligibility has not been demonstrated strictly because of a prior approval but stressed that they should defer to prior determinations involving the same parties and underlying facts. According to the policy manual, if an officer determines that deference to a prior approval is not appropriate, the officer must acknowledge the previous approval(s) in the denial, Request for Evidence (RFE), or Notice of Intent to Deny (NOID) and articulate the reason for not deferring to the previous determination (for example, due to a material error, change in circumstances, or new adverse material information). *See id.* Officers must provide the petitioner with an opportunity to respond to the new information consistent with 8 CFR 103.2(b)(16)(i). *See id.*

In December 2024, DHS codified its deference policy at 8 CFR 214.1(c)(5) through the final rule *Modernizing H–1B Requirements, Providing Flexibility in the F–1 Program, and Program Improvements Affecting Other Nonimmigrant Workers,* 89 FR 103054 (Dec. 18, 2024) (Modernization Final Rule). Current 8 CFR 214.1(c)(5) states that when adjudicating a Form I–129, Petition for Nonimmigrant Worker, involving the same parties and the same underlying facts, USCIS gives deference to its prior determination of eligibility unless there is a material error, a material change, or new material information that adversely impacts eligibility.

III. Discussion of Proposed Rule

DHS proposes to remove its regulation at 8 CFR 214.1(c)(5), and the deference policy, which instructs USCIS officers to give deference to a prior determination of the petitioner's or beneficiary's eligibility when adjudicating a request filed on Form I–129 involving the same parties and the same underlying facts, unless there was a material error, a material change, or new material information that adversely impacts eligibility.[11] This proposed change would apply to all benefit requests filed using Form I–129, Petition for a Nonimmigrant Worker. This proposal would not prohibit USCIS officers from considering a prior approval where relevant. Rather, it would remove the requirement that officers begin from a position of deference to the prior approval. DHS believes that this change would better ensure that officers fully consider all relevant facts and evidence to ensure continued eligibility, and adjudicate each petition or request on a case-by-case basis to determine whether the petitioner has met its burden of proof to demonstrate continued eligibility for the benefit. Overall, DHS believes that removing deference would enhance program integrity and thereby better protect the interests of U.S. workers, consistent with this Administration's priorities.

A. Restoring the Proper Allocation of the Burden of Proof

Removing deference would better align DHS regulations with the agency's longstanding interpretation of section 291 of the INA, 8 U.S.C. 1361, which places the burden of proof on the petitioner or applicant to establish eligibility for each immigration benefit sought. *See also Matter of Chawathe,* 25 I. & N. Dec. 369, 375 n.7 (USCIS AAO, 2010) (''The burden of proving eligibility for the benefit sought remains entirely with the applicant.''). Although an agency may establish reasonable evidentiary presumptions, *see e.g., Reno* v. *Flores,* 507 U.S. 292, 313 (1993), any such presumption must be consistent with the statutory text and scheme, *see Lin* v. *U.S. Dep't of Justice,* 494 F.3d 296, 308 (2d Cir. 2007) (en banc). Whether or not the deference regulation is consonant with the statute, DHS now believes that it has the practical effect of shifting the burden of proof from the petitioner to the agency, in tension with section 291 of the INA, 8 U.S.C. 1361, with respect to the eligibility criteria that Congress intended the agency to determine for each immigration benefit sought.

When DHS promulgated 8 CFR 214.1(c)(5), the agency stated that petitioners would continue to have the burden to demonstrate continued eligibility for the requested nonimmigrant worker classification. *See* 89 FR 103094. In practice, however, the deference policy effectively shifts the burden from the petitioner to the adjudicating officer who must identify a material error or change in circumstances to justify deviating from the prior approval.[12] In effect, this creates a default position that the prior approval was correct, and the petitioner and beneficiary remain eligible for the benefit unless the officer finds that an enumerated exception to the deference policy applies (*i.e.,* that there was a material error, material change in circumstances or eligibility requirements, or new, material information that adversely impacts eligibility). This structure effectively shifts the burden from the petitioner to

[11] If this proposed rule becomes final, USCIS would make corresponding changes to the current policy guidance on deference. *See* USCIS Policy Manual, Volume 2, Part A, Chapter 4 ''Extension of Stay, Change of Status, and Extension of Petition Validity,'' *https://www.uscis.gov/policy-manual/volume-2-part-a-chapter-4* (last visited July 13, 2026).

[12] Indeed, DHS also explained in the preamble of the Modernization Final Rule that under the deference regulation, USCIS officers must give ''close scrutiny before deviating from a prior approval involving the same parties and same underlying facts.'' 89 FR 103094. USCIS implementing guidance also imposes several requirements on adjudicating officers who determine that deference is not appropriate, including acknowledging the previous approval, articulating the reasons for not deferring to that prior determination, obtaining supervisory approval before deviating from the prior approval, and giving the petitioner an opportunity to respond. *See* USCIS Policy Manual, Volume 2, Part A, Chapter 4, ''Extension of Stay, Change of Status, and Extension of Petition Validity,'' *https://www.uscis.gov/policy-manual/volume-2-part-a-chapter-4* (last visited July 13, 2026). This further illustrates that the deference policy has the practical effect (if not the intent) of relaxing the petitioner's burden of proof by shifting the burden to the adjudicating officer to justify deviating from a prior approval. It also signals to officers that a less than thorough review is appropriate when adjudicating extension requests following a prior approval.

the adjudicating officer. Instead of requiring the petitioner to establish that the alien is eligible to continue to work in the United States under a nonimmigration classification, the deference regulation and policy effectively require the officer to justify why the prior approval should not control.

B. Enhancing USCIS Officer Fact-Finding Authority

Removing deference would also better ensure that USCIS officers review the facts and evidence in every case to ensure continued eligibility before approving a petition extension and granting an extension of stay request. The deference policy suggests that a less than thorough review of each case may be acceptable and gives the impression of unduly limiting adjudicating officers' inherent fact-finding authority. Some officers may view deference as a restriction on their ability to consider all the facts of the case. Rather than taking appropriate action if eligibility was not demonstrated in the petition (such as issuing an RFE), some officers may simply grant the benefit absent glaring errors or changes as a result of the deference policy.

Indeed, as shown in Table 3 *infra,* the RFE rate increased by 2.9 percent more than the RFE rate for the comparison group after the deference policy was rescinded in 2017. DHS acknowledges that other changes unrelated to deference may have, in part, contributed to this increased RFE rate. However, DHS believes that it is reasonable to conclude that the rescission of the deference policy was one of the contributing factors for this increased RFE rate. This increase is consistent with DHS's concern that the deference policy has had the effect of discouraging some officers from requesting additional evidence even in cases where the petitioner has not established eligibility for the nonimmigrant worker classification in connection with the current request.

An adjudicating officer's fact-finding authority should not be constrained by any prior petition approval. Instead, officers should thoroughly review a petition for eligibility and request additional documentation as appropriate based on the merits of each case, consistent with USCIS policy regarding requests for evidence, notices of intent to deny, and the adjudication of petitions for nonimmigrant benefits. Because deference may be viewed as a default position upon beginning review of certain filings, the deference policy may, in some cases, have had the unintended effect of limiting the ability of officers to conduct a thorough review of the facts and limiting assessment of eligibility in each case. While officers may, of course, reach the same conclusion as in a prior decision, they should not be compelled to do so as a default starting point.[13]

In addition, deference increases the risk of officers not discovering material errors in prior adjudications. Although the deference policy allows officers to deviate from the prior decision if there was a material error, if officers limited their review of the cases before them because of an assumption that the prior decision was correct, it would necessarily limit the discovery of material error. Deferring to a determination of eligibility for nonimmigrant worker classification that was made potentially up to several years before the adjudication of the petition extension, and that may be based on inaccurate or outdated facts or adjudicated under regulations which have changed since the original approval was issued, is inconsistent with this Administration's efforts to strengthen the integrity of the nonimmigrant worker system.

USCIS does not believe additional officer training or clarification on how to apply deference would sufficiently address these concerns. As discussed earlier in this preamble, USCIS has a history of applying deference over several years. Prior to its codification in the regulations in 2024, the deference policy was in place at USCIS from 2004 until its rescission in 2017 and was reinstituted in 2021. Therefore, USCIS officers generally have had training and operational guidance on how to adjudicate petitions with the deference policy in place. Training, however, is not the issue or solution. Rather, any deference requirement itself conveys a fundamental tension with an officer's obligation to conduct a fulsome review to ensure that the petitioner met its burden before granting a nonimmigrant worker benefit. Indeed, the deference policy was based in part on a desire to increase efficiency by reducing the officer's need to revisit prior determinations of eligibility. That efficiency, however, has had the unintended effect of discouraging officers from thoroughly reviewing a case when adjudicating extension requests for nonimmigrant worker classifications. DHS now believes that the deference policy is inconsistent with ensuring that officers fully evaluate eligibility in every case, which is necessary to protect the integrity of the immigration benefits system and the interests of U.S. workers by ensuring that petitioners and beneficiaries are eligible for the requested nonimmigrant worker benefit.

C. Strengthening Program Integrity

DHS also believes that deference may undermine program integrity, including by creating opportunities for unscrupulous petitioners to submit fraudulent or misleading petitions for nonimmigrant worker benefits. For example, an unscrupulous filer might submit a petition of questionable merit, hoping that if it is approved, the approval can be used as an anchor for later filings involving similar facts, related beneficiaries, or the same employer. They may even file multiple of these types of petitions and use the fact pattern that is the most advantageous or that is the most quickly approved. Similarly, a petitioner might overstate the beneficiary's role, compensation, or qualifications in the first filing, expecting that once approved, future filings will receive less scrutiny. Further, petitioners may be less forthcoming about changes affecting their business operations or the proffered position (such as reduced operations, loss of contracts, altered job duties, or other compliance issues) if they believe a prior approval is binding. If deference is expected, the petitioner may be incentivized to file extensions without fully disclosing those changes.

Indeed, USCIS data provides some support for the concern that deference may undermine program integrity by reducing scrutiny in some cases and contributing to an environment in which misleading, non-compliant, or fraudulent extensions of nonimmigrant worker petitions are more likely to be approved. For example, the data demonstrate higher percentages of fraud and non-compliance identified in the

[13] DHS data also show that historical denial rates did not statistically differ during periods when the deference policy was in effect compared to when it was not in effect. One possible reason for this is that even when deference did not apply, petitioners may have been able to overcome issues raised in an RFE or NOID by submitting additional evidence or information. DHS believes, however, that the impact of the deference policy on officers' fact-finding authority is best reflected in RFE rates rather than approval or denial rates. The ultimate adjudicative decision reached by the officer is not reflective of the extent to which an officer's fact-finding authority may have been restricted during the adjudicative review process. Rather, the variations in RFE rates during periods when deference applied versus the RFE rate when deference did not apply strongly suggests that deference has had the effect of discouraging some officers from requesting additional evidence. Policies that discourage officers from issuing RFEs, even when the officer determines that the petitioner has not yet established eligibility, undermine the integrity of the lawful immigration system and are inconsistent with enhancing an officer's fact-finding authority, regardless of the ultimate adjudicative decision.

H–1B and L–1A programs since the time when USCIS reinstituted its deference policy and incorporated it into the USCIS Policy Manual.[14] Specifically, for H–1B extension cases from FY 2022 through FY 2025, the overall combined percentage of non-compliance and/or fraud among H–1B sites visited during USCIS administrative and targeted site visits was 22.39 percent. In comparison, when USCIS had a policy of no deference, the overall combined percentage of H–1B non-compliance and/or fraud among H–1B sites visited during FY 2018 through FY 2020 was 16.77 percent.[15] For L–1A extension cases, the overall combined percentage of non-compliance and/or fraud among L–1A sites visited during USCIS administrative and targeted site visits from FY 2022 through FY 2025 was 24.46 percent. In comparison, the overall combined percentage of L–1A non-compliance and/or fraud among L–1A sites visited from FY 2018 through FY 2020 was 18.37 percent.[16]

In other words, during the years that USCIS had a policy of deference, the combined percentage of non-compliance and/or fraud among sites visited in the H–1B and L–1A programs was higher than in the years that USCIS did not have a policy of deference. This trend reflected in a subset of H–1B and L–1A extension filings supports the concern that deference undermines program integrity in potentially limiting USCIS' ability to thoroughly review an extension petition on a case-by-case basis, which in turn may incentivize frivolous or fraudulent filings that falsely assert no material change. While DHS acknowledges that other factors besides or in addition to deference may have led to this higher percentage of identifying fraud or non-compliance, it is reasonable to conclude that deference was one of the contributing factors.

Removing deference would potentially disincentivize fraudulent filings and help restore the integrity of the lawful immigration system. This, in turn, would also better protect U.S. workers by ensuring that petitions for nonimmigrant workers are only approved if eligibility is established by the petitioner based on evidence submitted in support of each petition.

D. Reconsideration of the Deference Policy

DHS acknowledges the history of the deference policy and its recent codification at 8 CFR 214.1(c)(5) in the Modernization Final Rule. DHS also acknowledges that some of the statements in this proposed rule represent a shift from statements made in the Modernization Final Rule. In the Modernization Final Rule, some commenters voiced concern that codifying deference would constrain USCIS officers' fact-finding authority. *See* 89 FR 103093. Commenters stated that USCIS officers should not be constrained in requesting additional evidence in the adjudication process. They also stated that requiring USCIS officers to confirm all material facts before granting a benefit request would serve as a fraud detection mechanism and deterrent.

At the time, DHS disagreed with the commenters' concerns. *Id.* However, DHS has reconsidered the issue since publication of the Modernization Final Rule and now believes that codification of the deference policy may have had the unintended effect of appearing to constrain USCIS officers' fact-finding authority, leading some USCIS officers to conduct a less than fulsome review, and thus undermining the agency's efforts to detect and deter fraud.[17]

In the NPRM proposing to codify deference, DHS stated that the benefits of deference included promoting consistency and efficiency for both USCIS and its stakeholders, and creating predictability for petitioners and beneficiaries. DHS now believes that these benefits were overstated and were not adequately weighed against the negative impacts of deference. It is not clear that the codification of deference actually promoted consistency and efficiency in adjudication, and to any extent that it did, it did so at the expense of program integrity. As discussed in this preamble, deference may incentivize non-meritorious filings, give the appearance of unduly limiting adjudicators' inherent fact-finding authority, and increase the risk that erroneous prior approvals continue to serve as the basis for granting extension petitions for nonimmigrant workers. Quite simply, the deference policy is inconsistent with this Administration's focus on restoring the integrity of the legal immigration system to better protect U.S. workers by ensuring that only petitioners and beneficiaries who meet eligibility criteria and demonstrate eligibility are granted nonimmigrant worker benefits.

E. Reliance Interests and Alternatives Considered

DHS recognizes that some U.S. employers and nonimmigrant workers may assert reliance interests in the continuation of the deference policy. For example, U.S. employers that expect the continued approval of their Form I–129 petitions may have made business arrangements based on an assumption that these nonimmigrant workers would be able to continue working for them. Similarly, nonimmigrant workers may have made career and/or personal plans in the United States based on the assumption that they would be able to continue their employment and legal presence in the United States.

DHS has considered these reliance interests but believes that any such interests are limited. The deference regulation does not itself guarantee approval of an extension. Conversely, removing deference does not substantively change eligibility for the requested immigration benefit. This proposed change would not deprive U.S. employers of their ability to continue employing nonimmigrant workers, nor would it deprive nonimmigrant workers of their ability to continue working and living in the United States, so long as they are able to establish continued eligibility and obtain necessary approvals to continue such employment. Petitioners and beneficiaries do not have a legitimate expectation that an erroneous or unsupported prior approval would continue to result in future approvals.

To the extent there are legitimate reliance interests in the continuation of deference, DHS believes the negative impacts of the deference policy, as discussed in this preamble, outweigh the potential benefits to employers and aliens who may seek to rely on deference as codified at 8 CFR 214.1(c)(5). DHS believes that its interest in restoring integrity to the immigration system, including by ensuring that USCIS adjudicators conduct fulsome reviews of all benefits requests before granting a benefit, far outweighs any interest a petitioner or beneficiary may have in expecting continued approvals. This is especially true when deference increases the risk of USCIS failing to identify petitioners and beneficiaries who were not eligible for approval in the first place. DHS

[14] USCIS, Releasable Data Regarding Fraud and Noncompliance in the H–1B and L–1A Programs (Jun. 6, 2026). This data represents administrative and targeted site visits conducted exclusively on H–1B and L–1A extension petitions.

[15] USCIS excluded FY 2021 data from this subset because the deference policy was reinstated partway through FY 2021 (in April 2021) and was not in effect for more than half of that fiscal year.

[16] USCIS excluded FY 2021 data from this subset because the deference policy was reinstated partway through FY 2021 (in April 2021) and was not in effect for more than half of that fiscal year.

[17] *See FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009) (''[I]t suffices that the new policy is permissible under the statute, that there are good reasons for it, and that the agency believes it to be better, which the conscious change of course adequately indicates.'').

therefore believes that removing 8 CFR 214.1(c)(5) and ending the deference policy is necessary to ensure the integrity of the legal immigration system, which in turn better protects U.S. workers.

DHS considered an alternative to removing the deference regulation whereby DHS would revise the regulation to more clearly state that USCIS has discretion whether to apply deference. This could be accomplished by revising the regulatory text to state that USCIS ''may give deference in its discretion'' instead of ''USCIS gives deference'' as currently stated at 8 CFR 214.1(c)(5). However, DHS is not proposing this alternative because it would likely create unnecessary confusion and uncertainty for both petitioners and USCIS officers as to whether deference should be applied. Further, this alternative would not adequately address the concerns with deference discussed above in Section III.A through III.C of this preamble. Overall, DHS believes that removing deference entirely is the most practical alternative to enhance program integrity, including by ensuring that the burden remains on the petitioner to establish eligibility for the requested immigration benefit, and that USCIS adjudicators thoroughly review each nonimmigrant worker extension request on its own merits before extending the benefit.

IV. Statutory and Regulatory Requirements

A. Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 14192 (Unleashing Prosperity Through Deregulation)

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 14192 (Unleashing Prosperity Through Deregulation) directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that ''any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.''

The Office of Management and Budget (OMB) has not designated this rule as a ''significant regulatory action,'' under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it.

This proposed 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 proposed rule's primary direct purpose is to implement or interpret the immigration laws of the United States (as described in INA sec. 101(a)(17), 8 U.S.C. 1101(a)(17)) or any other function performed by the U.S. Federal Government with respect to aliens. *See* OMB Memorandum M–25–20, ''Guidance Implementing Section 3 of Executive Order 14192, titled 'Unleashing Prosperity Through Deregulation' '' (Mar. 26, 2025).

Summary of Changes

The proposed rule would remove the deference provision at 8 CFR 214.1(c)(5), which currently instructs USCIS officers to give deference to a prior determination for Form I–129 requests when the parties and underlying facts remain the same, unless there was a material error, a material change, or new material information that adversely impacts eligibility. As a result of a more thorough review of each petition, the number of requests for evidence (RFE) is expected to increase, resulting in additional time burden for petitioners to submit additional supporting documentation and evidence. The rule would also impose costs on petitioners by lengthening adjudication times and increasing uncertainty regarding continued employment. DHS estimates that the rule would produce new annual costs to petitioners of approximately $133,987 due to an increase in RFEs. In addition, the rule would impose costs on USCIS by increasing the adjudicative workload and operational costs, as officers would spend more time reassessing eligibility issues previously reviewed and may issue an increased number of RFEs, thereby increasing overall resource demands.

There are primary benefits associated with removing the deference policy. Removal would clarify and reinforce that the statutory burden of proof remains on the petitioner, not the agency. Removal would also encourage a more thorough review of each petition and its supporting evidence. Implementing a more thorough review process is expected to improve the ability to detect prior errors, inconsistencies, or indicators of fraud, and to eliminate the need to determine when deference applies. For the broader public and the immigration system, the change is expected to enhance confidence in the integrity and reliability of the adjudication process and align with agency priorities related to system integrity and protection of U.S. workers' interests. Table 1 provides a detailed summary of estimated quantifiable and unquantifiable impacts of the proposed rule.

TABLE 1—SUMMARY OF PROVISIONS AND IMPACTS OF THE PROPOSED RULE

Provision	Description of the change to provisions	Estimated costs of removing deference	Estimated benefits of removing deference
8 CFR 214.1(c)(5). Deference to a prior USCIS determination of eligibility.	Removing 8 CFR 214.1(c)(5), which instructs USCIS officers to give deference to a prior determination for Form I–129 requests when the parties and underlying facts remain the same, unless there was a material error, a material change, or new material information that adversely impacts eligibility.	Quantitative: Petitioners— ☐ As a result of a more thorough review of the petition, there may be an increase in the number of Requests for Evidence (RFE) and the associated time burden on petitioners. DHS estimates the annual increase in cost would be $133,987 to petitioners due to an increase in RFEs. DHS/USCIS— ☐ None. Qualitative: Petitioners— ☐ Petitioners may experience longer adjudication times and increased uncertainty regarding continued employment when seeking extensions of stay and petition validity. ☐ Removing deference may lead petitioners to spend additional staff, attorneys, or other resources preparing more complete and well-organized extension petitions, resulting in unquantified preparation costs. DHS/USCIS— ☐ Removal of deference may increase operational costs to USCIS because officers would spend more time assessing eligibility issues, increasing the overall adjudicative workload and reviewing process. ☐ The proposed rule may increase agency resource demands associated with adjudicative actions such as RFEs.	Quantitative: Petitioners— ☐ None. DHS/USCIS— ☐ None. Qualitative: Petitioners— ☐ None. DHS/USCIS— ☐ Removing deference would clarify and reinforce that the statutory burden of proof remains on the petitioner rather than the agency, consistent with the statute. ☐ Removing deference would reinforce DHS' authority to conduct a full, current review of the evidence in each petition, improving the ability to identify ineligibility or indicators of fraud. Public— ☐ Removing deference would increase confidence in the integrity of the adjudication process. ☐ Removing deference would ensure that only meritorious filings for nonimmigrant workers are approved and as a result, improve the integrity of the immigration system and advance policies that protect the interests of U.S. workers.

Background and Population

The purpose of this proposed rule is to remove 8 CFR 214.1(c)(5), which instructs USCIS officers to give deference to a prior determination of the petitioner's, applicant's, or beneficiary's eligibility when adjudicating a request filed using Form I–129, Petition for a Nonimmigrant Worker, involving the same parties and the same underlying facts, unless there was a material error, a material change, or new material information that adversely impacts eligibility.

The USCIS deference policy was first implemented and applied from April 2004 to October 2017. In April 2004, USCIS issued a memorandum directing officers to generally give deference to prior approvals when adjudicating petitions for extensions involving the same petitioner, the same beneficiary, and the same underlying facts. *See* USCIS, ''The Significance of a Prior CIS Approval of a Nonimmigrant Petition in the Context of a Subsequent Determination Regarding Eligibility for Extension of Petition Validity,'' HQPRD 72/11.3 (Apr. 23, 2004). While recognizing that each case must be decided on its own merits and that prior decisions could be revisited, the policy established that officers should defer to that prior determination of eligibility absent material error, substantial changed circumstances, or new material information. *Id.*

In October 2017, USCIS issued a memorandum rescinding the April 2004 guidance. *See* USCIS, ''Rescission of Guidance Regarding Deference to Prior Determinations of Eligibility in the Adjudication of Petitions for Extension of Nonimmigrant Status,'' PM–602–0151 (Oct. 23, 2017). The agency expressed concern that the deference policy improperly shifted the burden of proof away from the petitioner and unduly restricted officers' fact-finding authority. *Id.* From October 2017 to April 2021, officers were not instructed to defer to prior approvals and instead were instructed to make new determinations of eligibility without relying on earlier decisions.

USCIS reinstated the deference policy in April 2021 and incorporated it into the USCIS Policy Manual. *See* USCIS Policy Manual, Volume 2, Part A, Chapter 4 ''Extension of Stay, Change of Status, and Extension of Petition Validity.'' The manual instructs officers to generally defer to prior approvals involving the same parties and the same underlying facts, unless there was a material error in the prior decision, a material change in circumstances, or new material information that adversely impacts the petitioner's or beneficiary's eligibility. *Id.* Then, in December 2024, DHS codified the reinstated policy at 8 CFR 214.1(c)(5) in the H–1B Modernization Final Rule, requiring deference to prior determinations in such cases unless one of the exceptions applies. *See* 89 FR 103054 (Dec. 18, 2024).

Table 2 presents the total number of Form I–129 petitions for nonimmigrant workers and the subset of those petitions that are potentially eligible for deference for each fiscal year (FY) from FY 2014–FY 2025. Percentages show the petitions eligible for deference as a share of total Form I–129 petitions. In the table, ''Deference Policy Status'' informs the baseline for the proposed rule and indicates the fiscal years in which the deference policy was in effect for USCIS officers. Across FY2014 through FY2025, total Form I–129 petitions generally increased over time, reaching 7,206,852 overall. Of these, 2,168,394 petitions, or 30 percent, were eligible for deference. Eligibility generally ranged from 25 percent to 36 percent annually, with the highest share in FY2020. In the most recent period when the policy was in effect, FY2022

through FY2025, eligible petitions increased from 195,547 to 235,583, while the eligible share remained around 27 percent to 33 percent, with an average of 30 percent.

To estimate the population that would be subject to this proposed rule over the next 10 years, we use the historical average from the four most recent fiscal years, FY 2022–FY 2025, because this period reflects consistent application of the deference policy. Since this rule is intended to remove the deference policy, the baseline population should represent a period in which the policy was fully in effect. Therefore, FY 2021 is excluded from the population estimation calculation because the deference policy was reinstated partway through the year (in April 2021) and was not in effect for more than half of that fiscal year.

TABLE 2—FORM I–129 NONIMMIGRANT WORKER PETITIONS AND DEFERENCE POLICY STATUS, BY FISCAL YEAR

Deference policy status	Fiscal year	Total I–129 petitions	Petitions eligible for deference *	Percentage of petitions eligible for deference (%)
In Effect	2014	453,649	139,028	31
	2015	508,706	144,836	28
	2016	564,134	142,548	25
	2017	561,593	158,902	28
Not In Effect	2018	583,469	163,884	28
	2019	619,139	185,700	30
	2020	590,357	209,705	36
	2021	570,486	190,076	33
In Effect	2022	713,773	195,547	27
	2023	643,214	194,314	30
	2024	683,522	208,271	30
	2025	714,810	235,583	33
Total		7,206,852	2,168,394	30
4-Year Average (from FY 2022–2025)		688,830	208,429	30

Source: USCIS Chief Data and Analytics Office—(CDAO), CLAIMS3 & ELIS, PAER #21508, queried May 2026.

* Deference is generally applied to petitions requesting an extension of stay, which can be identified using Part 2, Question 2 ('Basis for Classification') on Form I-129, specifically those where box 'b' or 'c' is checked. USCIS may also apply the deference policy to petitions with box 'f' checked, depending on what amendment the petitioner is requesting and whether the change is materially substantive. However, category 'f' is not included in this analysis because those cases cannot be reliably identified and separated. As a result, the population eligible for deference may be slightly undercounted.

USCIS, ''Instructions for Petition for Nonimmigrant Worker (Form I–129).'' OMB No. 1615–0009. Expires Dec. 31, 2027, available at: *https://www.uscis.gov/sites/default/files/document/forms/i-129instr.pdf*.

Costs and Benefits of the Proposed Rule

DHS expects that the proposed rule would generate both quantified and unquantified costs and benefits, assessed relative to a baseline in which the existing deference policy remains in effect.

Quantified Costs

Quantified costs are captured as the additional time burden on petitioners resulting from more frequent RFEs. Removing the deference policy requires officers to more thoroughly assess eligibility, which may result in officers requesting additional documentation more often to independently verify eligibility for each extension request. Each RFE increases the time burden on petitioners, who must review the notice, collect and organize documents, and prepare and submit a response. To estimate the increase in RFEs attributable to removal of the deference policy, DHS uses historical data from October 1, 2013, to April 27, 2021, covering periods when the deference policy was in effect (October 1, 2013, to October 11, 2017) and when it was not in effect (October 12, 2017, to April 27, 2021).[18]

In order to isolate the effect of removal of the deference policy on the number of RFEs, DHS uses a simple difference-in-difference (DID) approach.[19] For this analysis, the DID approach compares changes in the RFE rate for the affected group (petitions affected by deference policy) during the periods when deference policy was in effect and when it was not in effect with changes in the RFE rate for the comparison group (petitions not affected by deference policy) over the same periods.

Table 3 compares RFE rates for petitions filed during periods when the deference policy was in effect and when it was not in effect, and it compares petitions affected by the deference policy (affected group) and petitions not affected by the deference policy (comparison group). The table shows that the RFE rate for the affected group increased by 4.5 percent from when the deference policy was in effect to when it was not in effect. However, this 4.5 percent increase does not account for broader changes in RFE rates that may have occurred over the same period for reasons unrelated to the deference policy. The DID approach uses the comparison group to account for those broader trends. Because the comparison group's RFE rate increased by 1.6 percent over the same period, the affected group's relative increase was

[18] Although both periods (October 1, 2013 to October 11, 2017) and (April 28, 2021 to the present) operated under a deference policy, this analysis did not include period, April 28, 2021 to the present, because the objective is to estimate the impact of the 2017 policy that removed deference, not the impact of the subsequent policy that reinstated deference.

[19] *See* Columbia University, Mailman School of Public Health, *Difference-in-Difference Estimation, https://www.publichealth.columbia.edu/research/population-health-methods/difference-difference-estimation*. Difference-in-difference (DID) is a quasi-experimental research design that makes use of longitudinal data from treatment and control groups to obtain an appropriate counterfactual to estimate a causal effect. DID is typically used to estimate the effect of a specific intervention or treatment (such as a passage of law, enactment of policy, or large-scale program implementation) by comparing the changes in outcomes over time between a population that is enrolled in a program (the intervention group) and a population that is not (the control group).

2.9 percent.[20] This method provides a better estimate of the policy-associated change than just the affected group change alone. DHS applied the same DID approach to denial rates and found no corresponding change.[21] As a result, this analysis does not indicate an expected impact on denial rates.

TABLE 3—IMPACT OF DEFERENCE POLICY ON RFE RATES: AFFECTED GROUP VS COMPARISON GROUP

Deference policy status	Period	Affected Group **		Comparison Group ***	
		All *	RFE	All *	RFE
		Number of petitions affected by deference policy	Number of RFEs for petitions affected by deference policy	Number of petitions NOT affected by deference policy	Number of RFEs for petitions NOT affected by deference policy
In Effect	10/1/2013–10/11/2017	589,272	111,561	1,224,803	384,404
(RFE Rate)		(18.9%)		(31.4%)	
Not In Effect	10/12/2017–4/27/2021	653,142	152,856	1,109,502	366,023
(RFE Rate)		(23.4%)		(33.0%)	
Difference in RFE Rate (Deference Not in Effect—In Effect)		4.5%		1.6%	
Difference in Difference (Affected-Comparison)		2.9%			

Source: USCIS CDAO, CLAIMS3 & ELIS, PAER #21508, queried May 2026.
* All: Total number of petitions in each period, including those that received RFEs and those that did not. Petitions are identified using Part 2, Question 2 ('Basis for Classification') on Form I-129, those where box 'a', 'b', 'c', 'd', or 'e' is checked. Category 'f 'is not included because other policies affected RFE rate for this category while deference policy was not in effect.
** Affected: Petitions are identified using Part 2, Question 2 ('Basis for Classification') on Form I-129, those where box 'b' or 'c' is checked.
*** Comparison: Petitions are identified using Part 2, Question 2 ('Basis for Classification') on Form I-129, those where box 'a', 'd', or 'e' is checked.

Based on the simple DID estimate, the removal of 8 CFR 214.1(c)(5) and the deference policy may increase the RFE rate by 2.9 percentage points. We apply this percentage to the estimated affected population from Table 2 (208,429) to estimate that there would be approximately 6,044 additional RFEs annually after removing the deference policy.[22] In order to estimate the opportunity cost of time for preparing an RFE response, DHS assumes that a prospective petitioner would use an HR specialist, an in-house attorney, or an outsourced attorney to prepare an RFE response.[23] DHS estimates that, on average, 63 percent of RFEs were issued for petitions concurrently filed with a Form G–28, Notice of Entry of Appearance as Attorney or Accredited Representative.[24] Table 4 presents the estimated opportunity costs of time based on the time petitioners would spend gathering and submitting evidence in response to an increase in RFEs. The opportunity cost of time is calculated by multiplying the estimated time burden of 10 minutes (0.167 hours) [25] by the compensation rate for the different methods of preparation that petitioners choose to use. DHS does not know the exact number of petitioners who would choose an in-house or an outsourced attorney but assumes it may be a 50/50 split and, therefore, provides an average of the two to estimate the opportunity cost of time. DHS estimates the annual increase in cost would be approximately $133,987 to petitioners due to the expected increase in RFEs. On average, the cost of an additional RFE would be $22.17.[26]

TABLE 4—ESTIMATED ANNUAL COSTS TO FORM I–129 PETITIONERS FROM REMOVING THE DEFERENCE POLICY

Petitioner	Affected population *	Time burden	Compensation rate **	Estimated cost
	A	B	C	D = A × B × C
HR specialist	2,236	0.167	$57.55	$21,494
In-house attorney	1,904	0.167	130.45	41,474
Outsourced attorney	1,904	0.167	223.38	71,019
Total	6,044			133,987

* Affected Population: HR specialist, 2,236 = 6,044 × (100% − 63%), Attorney 1,904 = 6044 × 63% × 0.5.
** Compensation Rate: HR specialist ($39.42), Attorney ($89.35). *See* BLS, DOL, Occupational Employment and Wage Statistics, Occupational Employment and Wages, May 2025, 13–1071 Human Resources Specialists, 23–1011 Lawyers, *https://www.bls.gov/news.release/archives/ocwage_05152026.htm* (last modified June. 1, 2026).

[20] Calculation: 4.5 percent − 1.6 percent = 2.9 percent.

[21] USCIS CDAO, CLAIMS3 & ELIS, PAER #21508, queried May 2026, USCIS Analysis.

[22] Calculation: 6,044 = 208,429 × 2.9 percent.

[23] DHS limited its analysis to HR specialists, in-house attorneys, and outsourced attorneys to present estimated costs. However, DHS understands that not all entities employ individuals with these occupations and, therefore, recognizes equivalent occupations may also prepare and submit these registrations.

[24] Source: USCIS CDAO, CLAIMS3 & ELIS, PAER #21508, queried May 2026.

[25] *Modernizing H–1B Requirements, Providing Flexibility in the F–1 Program, and Program Improvements Affecting Other Nonimmigrant Workers,* 89 FR 103054, 103177 (Dec. 18, 2024) (final rule).

[26] Calculation: $133,987 estimated annual cost to respond to RFEs/6,044 estimated increase in RFEs = $22.17 average cost per RFE.

The benefits-to-wage multiplier is calculated as follows: (Total Employee Compensation per hour) ÷ (Wages and Salaries per hour) = ($48.78 Total Employee Compensation per hour) ÷ ($33.45 Wages and Salaries per hour) = 1.46 (rounded). *See* BLS, DOL, Economic News Release, Employer Costs for Employee Compensation—December 2025, Table 1. Employer Costs for Employee Compensation by ownership [Dec. 2025] (Mar. 20, 2026), *https://www.bls.gov/news.release/archives/ecec_03202026.pdf.*

The Employer Costs for Employee Compensation measures the average cost to employers for wages and salaries and benefits per employee hour worked.

Calculation: $39.42 × 1.46 = $57.55 total wage rate for HR specialists.

Calculation: $89.35 × 1.46 = $130.45 total wage rate for In-house attorney.

Calculation: $89.35 × 2.5 = $223.38 total wage rate for Outsourced attorney.

The DHS analysis in *Exercise of Time-Limited Authority to Increase the Fiscal Year 2018 Numerical Limitation for the H–2B Temporary Non-agricultural Worker Program,* 83 FR 24905 (May 31, 2018), used a multiplier of 2.5 to convert in-house attorney wages to the cost of outsourced attorney wages.

The U.S. Immigration and Customs Enforcement rule, Final Small Entity Impact Analysis: 'Safe-Harbor Procedures for Employers Who Receive a No-Match Letter' at G–4 (Aug. 25, 2008), *https://www.regulations.gov/document/ICEB-2006-0004-0922,* also used a multiplier of 2.5 to convert in-house attorney wages to the cost of outsourced attorney based on information received in public comment to that rule. The methodology used in that analysis remains sound for using 2.5 as a multiplier for outsourced labor wages in this rule.

Note: Totals may not sum due to rounding. Calculations use unrounded values.

Unquantified Costs

Petitioners may experience longer adjudication times and increased uncertainty regarding continued employment when seeking extensions of stay and petition validity. Based on the average of the last four fiscal years (FY 2022–FY 2025), the difference in processing time between petitions with and without an RFE is 64 days; therefore, we use the additional processing time associated with petitions that receive an RFE, which is 64 calendar days.[27] These longer timelines can delay the final decision, making it difficult for workers and employers to plan project timelines, staffing levels, and work assignments. During this extended period, petitioners may face added uncertainty as to the beneficiary's longer-term employment authorization and status, which could create operational challenges for employers, such as workforce planning and project scheduling and increase stress for workers who may have to wait significantly longer for clarity on their ability to continue employment beyond that already authorized. In cases where a petition to extend the beneficiary's stay has been timely filed, if the petition remained pending when the beneficiary's status expired, the beneficiary may remain in the United States in an authorized period of stay while awaiting the adjudication of the petition filed on their behalf and may be eligible to continue to work. *See, e.g.,* 8 CFR 274a.12(b)(20). The costs to beneficiaries then would be more related to unpredictability regarding when their petition is adjudicated.

DHS recognizes that removing deference may lead petitioners to devote additional time and resources to preparing extension petitions. USCIS did not find evidence that the Form G–28 filing rate increased as a result of removing deference.[28] However, petitioners may take additional steps to ensure that submissions are complete and well-organized at the outset, instead of merely relying on a prior approval. These efforts may help petitioners satisfy their burden of proof and may reduce the likelihood of deficiencies, but they may also impose unquantified costs in the form of additional staff time, attorney time, or other preparation costs. DHS is unable to quantify this cost with the available data.

Unquantified Benefits

Removing 8 CFR 214.1(c)(5) and the deference policy would clarify and reinforce that the statutory burden of proof remains on the petitioner rather than on the agency, consistent with the statute. *See* INA sec. 291, 8 U.S.C. 1361; *Matter of Chawathe,* 25 I. & N. Dec. 369, 375 n.7 (USCIS AAO, 2010) (''The burden of proving eligibility for the benefit sought remains entirely with the applicant''). This benefits the agency by underscoring that officers are not obligated to approve subsequent petitions seeking immigration benefits where eligibility has not been demonstrated, merely because of prior approval. Removing the deference policy would also compel adjudication officers not to rely on incomplete or outdated facts, and supports more accurate, record-based decisions. Clear allocation of the burden of proof can also promote more complete, better-organized filings, and may reduce the risk of erroneous approvals of extension petitions.

Moreover, removing deference would reinforce DHS's authority to conduct a full, current review of the evidence in each petition, improving the ability to identify ineligibility or indicators of fraud. When officers need not defer to prior approvals, they can better evaluate documentation and eligibility criteria based on updated information, policies, or patterns that may not have been apparent at the time of the earlier decision. This full-scope review could help reveal discrepancies between past and current filings, highlight evolving risk indicators, and identify potential mistakes in prior decisions. This approach would strengthen program integrity by helping the agency to correct mistakes, detect emerging fraud schemes, and refine guidance and training based on issues identified through ongoing examination of repeat filers.

Removing deference would also benefit the public and the broader immigration system by reinforcing that each petition is evaluated on the current record, which could increase confidence in the integrity of adjudications. Members of the public would have more assurance that approvals are not simply carried forward from prior decisions but are based on current facts and applicable standards. At the same time, removing deference would maintain the integrity of the immigration system and advance policies that better protect the interests of U.S. workers by supporting more accurate, evidence-driven decisions and reducing the risk that outdated or erroneous prior approvals continue to serve as the basis for granting immigration benefits.

[27] Source: USCIS CDAO, CLAIMS3 & ELIS, PAER #21508, queried May 2026. Processing time is measured as the number of days between the petition receipt date and the date the initial decision is made. From FY 2022 to FY 2025, the average of the median processing times was 76 days for petitions with an RFE and 12 days for petitions without an RFE, a difference of 64 days.

[28] To assess this potential impact, DHS examined the share of petitions that were filed with a Form G–28, which indicates attorney or accredited representative involvement. The share increased for both deference-eligible petitions, the treated group, and deference non-eligible petitions, the control group, from the pre-policy period, when deference was in effect, to the policy period, when deference was not in effect. However, the increase was smaller for treated petitions than for control petitions, resulting in a difference-in-differences estimate of close to zero percentage points. This suggests that, although G–28 usage among petitions increased overall, the increase was not greater for the group affected by the no-deference policy. Therefore, DHS does not have evidence that removing deference would cause a meaningful increase in petitioners' reliance on attorneys beyond the costs already considered in the analysis.

Alternatives Considered

This proposed rule seeks to clarify and reinforce that the statutory burden of proof remains on the petitioner, encourage a more thorough review of each petition and its supporting evidence, and better protect the integrity of the legal immigration system. DHS believes that removing deference would impose relatively small additional compliance costs and that the resulting benefits it provides justify these costs. Therefore, DHS believes that removing the deference provision for extension of stay petitions would be the most effective way to achieve the goals of this rulemaking.

DHS considered an alternative to revise the deference regulation to more clearly state that USCIS has discretion whether to apply deference. DHS is not proposing this alternative because it would likely create unnecessary confusion and uncertainty for both petitioners and USCIS. Instead, DHS believes that removing deference entirely is the most practical alternative to enhance program integrity, including by ensuring that the burden remains on the petitioner to establish the nonimmigrant alien worker's eligibility to continue working in the United States, and that USCIS adjudicators thoroughly review each nonimmigrant worker extension request on its own merits before granting the benefit. DHS did not consider other alternatives. DHS welcomes public comments on this issue.

Total Quantified Costs of the Proposed Regulatory Changes

In this section, DHS presents the total quantified costs over 10-year analysis period and the corresponding annualized costs. DHS estimates the annual cost to be $133,987. As shown in Table 5, the total undiscounted cost is estimated to be $1,339,870 over the 10-year period. We estimate that, over the 10-year period and using a 3 percent discount rate, the total cost would be approximately $1,142,936, and using a 7 percent discount rate, the total cost would be about $941,069. The annualized cost is estimated to be $133,987 at both the 3 percent and 7 percent discount rates.

TABLE 5—DISCOUNTED COSTS OVER A 10-YEAR PERIOD OF ANALYSIS

10-Year undiscounted	Total estimated costs $1,339,870	
Year	Discounted at 3 percent	Discounted at 7 percent
1	$130,084	$125,221
2	126,296	117,029
3	122,617	109,373
4	119,046	102,218
5	115,578	95,531
6	112,212	89,281
7	108,944	83,440
8	105,771	77,982
9	102,690	72,880
10	99,699	68,112
10-year Total	1,142,936	941,069
Annualized	133,987	133,987

Source: USCIS Analysis.

Costs to the Federal Government

DHS is proposing to remove 8 CFR 214.1(c)(5) and the deference policy which may increase USCIS operational costs by requiring officers to assess eligibility for petitions that previously would have benefitted from deference, even when the underlying facts and circumstances remain unchanged. This additional effort would lead to greater use of adjudicative actions, particularly in the form of RFEs, which further increase agency resource demands and contribute to backlogs. Preparing and issuing RFEs, and reviewing responses to RFEs, require additional officer time, supervisory review, and administrative support, collectively raising the overall cost and time of processing.

The INA provides for the collection of fees at a level that will ensure recovery of the full costs of providing adjudication and naturalization services, including administrative costs and services provided without charge to certain applicants and petitioners.[29] Fees are established at an amount that is necessary to recover these assigned costs, such as clerical, officer, and managerial salaries and benefits, plus an amount to recover unassigned overhead (*e.g.,* facility rent, IT equipment and systems) and immigration benefits provided without a fee charge. These costs would be captured in the fees collected for the benefit request from petitioners. DHS established the current fees in its FY 2024 fee rule based on empirical cost estimates. DHS notes that if this rule, if finalized as proposed, would increase USCIS' costs, then the fee schedule adjustment would be determined at USCIS' next comprehensive biennial fee review.

B. Regulatory Flexibility Act of 1980

Initial Regulatory Flexibility Analysis

The RFA, Public Law 96–354, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, 5 U.S.C. 601 through 612, requires Federal agencies to consider the potential impact of regulations on small businesses, small governmental jurisdictions, and small organizations during the development of their rules. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.[30] An ''individual'' is not considered a small entity and costs to an individual are not considered a small entity impact for RFA purposes. In addition, the courts have held that the RFA requires an agency to perform a regulatory flexibility analysis of small entity impacts only when a rule directly

[29] *See* INA sec. 286(m), 8 U.S.C. 1356(m).

[30] A small business is defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act, 15 U.S.C. 632.

regulates small entities.[31] Consequently, indirect impacts from a rule on a small entity are not considered as costs for RFA purposes. This proposed rule would affect small entities that submit Form I–129, Petition for a Nonimmigrant Worker. Consequently, DHS has prepared an initial regulatory flexibility analysis below for public comment.

1. A Description of the Reason Why the Action by the Agency Is Being Considered

The purpose of this proposed rule is to remove 8 CFR 214.1(c)(5) and the deference policy which instructs USCIS officers to give deference to a prior determination of the petitioner's, applicant's or beneficiary's eligibility when adjudicating a request filed on Form I–129, Petition for a Nonimmigrant Worker, involving the same parties and the same underlying facts, unless there was a material error, a material change, or new material information that adversely impacts eligibility. This proposed change would better align the regulation with the statute, which places the burden of proof in establishing eligibility on the petitioner.

2. A Statement of the Objectives of, and Legal Basis for, the Proposed Rule

DHS's objectives and legal authority for this proposed rule are discussed earlier in the preamble.

3. A Description and, Where Feasible, an Estimate of the Number of Small Entities to Which the Proposed Changes Would Apply

For this analysis, DHS used internal data for employers filing H–1B extension petitions for FY 2025.[32] The proposed rule would affect extension petitions filed on Form I–129 for multiple nonimmigrant classifications. For purposes of this analysis, DHS relied on H–1B petitioner data as the best available source of employer-level information. Form I–129 is used for several nonimmigrant worker classifications; however, DHS does not have sufficiently reliable employer-level data for all non-H–1B classifications to conduct a comparable small entity analysis across all Form I–129 petitioners. H–1B petitions account for more than 75 percent of all Form I–129 filings and include employer-level data that allow DHS to evaluate petitioner size. Because H–1B filings constitute the majority of Form I–129 petitions and provide the most reliable available data for assessing small entity impacts, DHS used H–1B petitioner data as a reasonable proxy for the broader Form I–129 petitioner population. DHS merged the internal employer data with the Small Business Administration (SBA) table of size standards [33] to identify small entities.

To determine whether an entity is small for purposes of the RFA, DHS first identified the entity's North American Industry Classification System (NAICS) code and then used SBA guidelines to classify the revenue or employee count threshold for each entity. Some entities were classified as small based on their annual revenue, and some by their number of employees. However, DHS was unable to match approximately 36 percent of petitions to the SBA table of size standards because internal USCIS data did not contain the necessary information.

Using FY 2025 internal data on actual filings of H–1B extensions petitions, there were 165,347 petitions filed. DHS recognized 25,621 unique entities and was able to classify 16,447 as either small entities or not small entities. DHS determined that 57 percent of the total 16,447 classified unique entities that filed Form I–129 extensions under the H–1B classification were small entities. *See* Table 6.

TABLE 6—NUMBER OF SMALL ENTITIES FILING H–1B CAP-SUBJECT PETITIONS, FY 2025

Unique entities classified	Number of small entities	Proportion of population (%)
16,447	9,453	57

Source: USCIS CDAO, CLAIMS3 and ELIS, queried 4/2026, TRK #21030.

Table 7 presents the top 10 NAICS codes, ranked by the number of H–1B extension petitions filed by small entities for FY2025. The table shows the size standards for each NAICS code in millions of dollars or by number of employees. Top 10 categories for small entities include: Professional, scientific, and technical services (54), Manufacturing (33), Educational services (61), and Pharmaceutical preparation manufacturing (32).

TABLE 7—TOP 10 NAICS CODE FOR SMALL ENTITIES FILING H–1B EXTENSIONS PETITIONS, FY2025

NAICS code	NAICS code description	Size standards in millions of dollars	Size standards in number of employees
541511	Custom Computer Programming Services	34	
541512	Computer Systems Design Services	34	
541330	Engineering Services	25.5	
541519	Other Computer Related Services	34	
334413	Semiconductor and Related Device Manufacturing		1,250
541714	Research and Development in Biotechnology (except Nanobiotechnology)		1,000
611110	Elementary and Secondary Schools	20	
325412	Pharmaceutical Preparation Manufacturing		1,300

[31] *See* U.S. Small Business Administration (SBA), ''A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act.'' at 22 (Aug. 2017), *https://advocacy.sba.gov/wp-content/uploads/2019/06/How-to-Comply-with-the-RFA.pdf.* In *Aeronautical Repair Station Association, Inc.* v. *FAA,* the D.C. Circuit made clear that an entity is not ''subject to'' a regulation unless the regulation ''imposes responsibilities directly on'' the entity. 494 F.3d 161, 177 (D.C. Cir. 2007); *see also Mid-Tex Elec. Coop., Inc.* v. *FERC,* 773 F.2d 327, 342 (D.C. Cir. 1985) (holding that the RFA's requirements apply only to ''small entities that would be directly regulated'' by a challenged rule).

[32] USCIS CDAO, CLAIMS3 and ELIS, queried 4/2026, TRK #21030.

[33] SBA, ''Table of Size Standards'' (Mar. 17, 2023), *https://www.sba.gov/document/support-table-size-standards.*

TABLE 7—TOP 10 NAICS CODE FOR SMALL ENTITIES FILING H–1B EXTENSIONS PETITIONS, FY2025—Continued

NAICS code	NAICS code description	Size standards in millions of dollars	Size standards in number of employees
541715	Research and Development in Physical, Engineering, and Life Sciences (except Nanotechnology and Biotechnology).		1,000
541211	Offices of Certified Public Accountants	26.5	

The unquantifiable cost of this rule is the increased uncertainty and potential operational disruption associated with longer adjudication times for extension petitions that receive an RFE. Based on FY 2022 through FY 2025 data, petitions with an RFE took an average of 64 additional calendar days to process, which may affect employer planning for staffing, project timelines, and work assignments, as well as workers' uncertainty regarding their longer-term employment authorization and status.

The quantifiable cost is the opportunity cost of employer time spent preparing and submitting additional RFEs resulting from the expected increase in RFEs. As discussed in the ''Quantified Costs'' section of the RIA, DHS estimates that the annual increase in costs to petitioners would be $133,987 across all affected employers for preparing additional supporting documentation and evidence to re-establish eligibility for an estimated 6,044 additional RFEs. DHS identified 22,748 unique employers affected by this rule. DHS estimates the cost per RFE by dividing the total estimated annual cost of $133,987 by the estimated increase in RFEs attributable to this rule, 6044, resulting in an estimated cost of approximately $22 per RFE. Because the median number of petitions filed by small entities is one,[34] a small entity that receives an RFE due to the removal of deference would need to spend time submitting additional supporting documentation and evidence and would incur an estimated cost of approximately $22. As shown in Table 3, the RFE rate during the period when the deference policy was not in effect was 23.4 percent. DHS therefore estimates that approximately 23.4 percent, or 3,637, of the small entities potentially affected by the rule would incur costs as a result of this rule. The estimated cost would be approximately $22 per affected small entity. Therefore, although the rule may affect a substantial number of small entities, DHS does not expect the economic impact on affected small entities to be significant. DHS welcomes public comments on this analysis, particularly those comments that would provide further insight into the quantified costs of this proposed rule.

4. A Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule, Including an Estimate of the Classes of Small Entities That Will Be Subject to the Requirement and the Types of Professional Skills Necessary for Preparation of the Report or Record

The proposed rule would increase compliance requirements primarily by increasing the number of RFEs associated with extension of stay petitions, because officers would no longer apply deference to prior approvals and would instead more thoroughly examine eligibility for each request. As a result, certain petitioners would need to review RFE notices more frequently, collect and organize additional supporting documentation, and maintain more robust records of prior approvals and ongoing eligibility. DHS anticipates that these activities would generally be carried out by an HR specialist, an in-house attorney, or an outsourced attorney, who would be responsible for analyzing the RFEs, assembling the required documentation, and preparing timely, complete responses on behalf of the petitioner.

5. An Identification of All Relevant Federal Rules, to the Extent Practical, That May Duplicate, Overlap, or Conflict With the Proposed Rule

DHS is unaware of any duplicative, overlapping, or conflicting Federal rules, but invites the public to provide comments and information regarding any such rules.

6. A Description of Any Significant Alternatives to the Proposed Rule That Accomplish the Stated Objectives of Applicable Statutes and That Minimize Any Significant Economic Impact of the Proposed Rule on Small Entities

DHS did not consider any alternatives to the proposed rule other than revising the regulatory text to more clearly state that USCIS has discretion whether to apply deference. However, this alternative would not accomplish the stated objectives of this proposed rule. DHS believes that removing deference would impose relatively small additional compliance costs and that the resulting benefits justify these costs.

C. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (UMRA) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and Tribal governments. Title II of UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed rule, or final rule for which the agency published a proposed rule, that includes any Federal mandate that may result in 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.[35]

The inflation adjusted value of $100 million in 1995 is approximately $211 million in 2025 based on the Consumer Price Index for All Urban Consumers (CPI–U).[36] This proposed rule does not contain a Federal mandate as the term is defined under UMRA.[37] The requirements of title II of UMRA, therefore, do not apply, and DHS has not prepared a statement under UMRA.

D. Executive Order 13132 (Federalism)

This proposed rule would not have substantial direct effects on the States,

[34] USCIS CDAO, CLAIMS3 and ELIS, queried 4/2026, TRK #21030.

[35] *See* 2 U.S.C. 1532(a).

[36] *See* DOL, BLS, ''Historical Consumer Price Index for All Urban Consumers (CPI–U): U.S. city average, all items, by month,'' (last visited July 29, 2026). Calculation of inflation: (1) Calculate the average monthly CPI–U for the reference year (1995) and the current year (2025); (2) Subtract reference year CPI–U from current year CPI–U; (3) Divide the difference of the reference year CPI–U and current year CPI–U by the reference year CPI–U; (4) Multiply by 100 = [(Average monthly CPI–U for 2025 − Average monthly CPI–U for 1995) ÷ (Average monthly CPI–U for 1995)] × 100 = [(321.943 − 152.383) ÷ 152.383] = (169.560 ÷ 152.383) = 1.113 × 100 = 111.3 percent = 111 percent (rounded). Calculation of inflation-adjusted value: $100 million in 1995 dollars × 2.11= $211 million in 2025 dollars.

[37] The term ''Federal mandate'' means a Federal intergovernmental mandate or a Federal private sector mandate. *See* 2 U.S.C. 1502(1), 658(6).

on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, Federalism, it is determined that this proposed rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

E. Executive Order 12988 (Civil Justice Reform)

This proposed rule was drafted and reviewed in accordance with E.O. 12988, Civil Justice Reform. This proposed rule was written to provide a clear legal standard for affected conduct and was carefully reviewed to eliminate drafting errors and ambiguities, so as to minimize litigation and undue burden on the Federal court system. DHS has determined that this proposed rule meets the applicable standards provided in section 3 of E.O. 12988.

F. Executive Order 13175 (Consultation and Coordination With Indian Tribal Government)

This proposed rule does not have ''tribal implications'' because it will not have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Accordingly, E.O. 13175, Consultation and Coordination with Indian Tribal Governments, requires no further agency action or analysis.

G. National Environmental Policy Act

DHS and its components analyze proposed regulatory actions to determine whether the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* applies to them and, if so, what degree of analysis is required. DHS Directive 023–01 Rev. 01 ''Implementing the National Environmental Policy Act'' (Dir. 023–01 Rev. 01) and Instruction Manual 023–01–001–01 Rev. 01 (Instruction Manual) [38] establish the policies and procedures that DHS and its components use to comply with NEPA.

NEPA allows Federal agencies to establish, in their NEPA implementing procedures, categories of actions (''categorical exclusions'') that experience has shown do not, individually or cumulatively, have a significant effect on the human environment and, therefore, do not require an environmental assessment or environmental impact statement. *See* 42 U.S.C. 4336(a)(2), 4336e(1). The Instruction Manual, Appendix A lists the DHS Categorical Exclusions.[39]

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.[40] DHS is proposing to remove a regulatory provision at 8 CFR 214.1(c)(5) codifying deference to certain eligibility determinations to better align the regulation with the statute and better ensure the integrity of the immigration system, including the interests of U.S. workers. This proposed change to existing DHS regulations is strictly administrative in nature and the rule clearly fits within categorical exclusion A3(a).

Accordingly, DHS finds that the proposed amendments to current regulations clearly fits within categorical exclusion A3 established in DHS's NEPA implementing procedures as an administrative change with no change in environmental effect, is not part of a larger Federal action, and does not present extraordinary circumstances that create the potential for a significant environmental effect. *See* Instruction Manual 023–01 at V.B(2)(a)–(c).

H. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501–3512, DHS must submit to the Office of Management and Budget (OMB) for review and approval, any reporting requirements inherent in a rule, unless they are exempt. This notice of proposed rulemaking does not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act.

However, this notice of proposed rulemaking requires the use of USCIS Form I–129, Petition for a Nonimmigrant Worker. This form has previously been approved by OMB under the Paperwork Reduction Act. The OMB control number for this information collection is 1615–0009.

[38] The Instruction Manual, which contains DHS's procedures for implementing NEPA, was issued on November 6, 2014, and is available at *https://www.dhs.gov/ocrso/eed/epb/nepa* (last updated Apr. 14, 2025).

[39] *See* Appendix A, Table 1.

[40] Instruction Manual 023–01 at V.B(2)(a)–(c).

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.

Accordingly, DHS proposes to amend chapter I 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. 1806).

■ 2. Amend § 214.1 by:

■ a. Removing and reserving paragraph (c)(5).

The revision reads as follows:

§ 214.1 Requirements for admission, extension, and maintenance of status.

* * * * *

(c) * * *

(5) [Reserved]

* * * * *

Markwayne Mullin,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2026–20941 Filed 10–13–26; 8:45 am]

BILLING CODE 9111–97–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 52

[NRC–2026–2377]

RIN 3150–AL70

AP1000 Design Certification Renewal

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule and environmental assessment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to renew the AP1000 design certification and incorporate Revision 20 of the AP1000 design control document. The purpose of this rulemaking action is to update the AP1000 design to be consistent with changes made to the design during the

licensing, construction, and operation of Vogtle Electric Generating Plant, Units 3 and 4. This rulemaking incorporates AP1000 design control document Revision 20, which includes updates made to the AP1000 design to represent a current, construction-validated design. The NRC also proposes to issue an environmental assessment supporting this rule.

DATES: Submit comments by November 13, 2026.

ADDRESSES: Submit your comments, identified by Docket ID NRC–2026–2377, at *https://www.regulations.gov*. If your material cannot be submitted using *https://www.regulations.gov,* call or email the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously.

Follow the search instructions on *https://www.regulations.gov* to view public comments.

You can read a plain language description of this proposed rule at *https://www.regulations.gov/docket/NRC-2026-2377*. For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jason Carneal, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1451, email: *Jason.Carneal@nrc.gov*.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Obtaining Information and Submitting Comments
II. Rulemaking Procedure
III. Background
IV. Plain Writing
V. National Environmental Policy Act: Environmental Assessment and Proposed Finding of No Significant Impact
VI. Paperwork Reduction Act
VII. Executive Orders
VIII. Availability of Documents

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2026–2377 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–2377.
- *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, 301–415–4737, or by email to *pdr.resource@nrc.gov*. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking Website (*https://www.regulations.gov*). Please include Docket ID NRC–2026–2377 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Rulemaking Procedure

Because the NRC considers this action to be non-controversial, the NRC is publishing this proposed rule concurrently with a direct final rule in the Rules and Regulations section of this issue of the **Federal Register**. The direct final rule will become effective on December 28, 2026. However, if the NRC receives significant adverse comments by November 13, 2026, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments in a subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action in the event the direct final rule is withdrawn.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC to make a change (other than editorial) to the rule.

For procedural information and the regulatory analysis, see the direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**.

III. Background

The NRC originally approved the AP1000 design certification in a final rule published on January 27, 2006 (71 FR 4464). On December 30, 2011 (76 FR 82079), the NRC published a final rule amending appendix D, ''Design Certification Rule for the AP1000 Design,'' to part 52, ''Licenses, Certifications, and Approvals for

Nuclear Power Plants,'' of title 10 of the Code of Federal Regulations (10 CFR) to incorporate AP1000 Design Control Document (DCD), Revision 19, APP–GW–GL–702, dated June 13, 2011. On September 22, 2021 (86 FR 52593), the NRC published a direct final rule extending the duration of the AP1000 design certification by five years, with an effective date of December 6, 2021.

On July 2, 2025 (90 FR 28869), the NRC amended its regulations to replace the 15-year duration of design certifications with a 40-year duration, both for existing design certifications currently in effect and generically for future design certifications, including renewals. The NRC did not change the date of issuance or renewal for existing design certifications but changed their expiration dates based on the most recent date of issuance or renewal. The current AP1000 design certification expires on February 27, 2046.

On February 10, 2012, the NRC issued combined licenses (COLs) to Southern Nuclear Operating Company (SNC) for the Vogtle Electric Generating Plant (VEGP) Units 3 and 4 (COLs NPF–91 and NPF–92). During the licensing, construction, and operation of VEGP Units 3 and 4, SNC submitted over 180 license amendment requests (LARs) to the NRC addressing design changes, construction-discovered issues, and operational refinements. The NRC reviewed and approved these LARs through safety evaluations for each approved amendment. In addition, SNC implemented numerous Tier 2 departures under the section VIII.B.5 of appendix D to 10 CFR part 52 change process that did not require prior NRC approval. The VEGP licensing process also resolved the COL action items identified in DCD Revision 19 with site-specific design details, operational program descriptions, and as-built information. The VEGP Unit 3 entered commercial operation on July 31, 2023, and Unit 4 did so on April 29, 2024.

In SECY–26–0034, ''NRC Regulatory Pathways and Licensing Readiness for Near Term Large Light-Water Reactor Deployment,'' dated March 9, 2026, the NRC staff informed the Commission, among other things, that it anticipated submission of the Westinghouse Electric Company LLC (Westinghouse) application to update and renew the AP1000 design certification. The NRC staff also informed the Commission of its plan to incorporate the as-built changes incorporated into VEGP Units 3 and 4, previously approved safety findings, and lessons learned into a revised AP1000 design certification. The NRC's verification review determined that no new changes were incorporated into AP1000 DCD Revision 20 that require additional technical review, and that all changes incorporated into the AP1000 DCD Revision 20 were either previously reviewed and approved by the NRC or were incorporated using a process that does not require NRC approval. Therefore, the NRC is using the direct final rule process to update appendix D to 10 CFR part 52 to include AP1000 DCD Revision 20. This renewal would improve regulatory clarity, avoid unnecessary re-review, and streamline future AP1000 licensing activities by providing applicants with an updated, standardized design basis. The NRC is amending appendix D to 10 CFR part 52 to include AP1000 DCD Revision 20. The NRC is also retaining the incorporation by reference of AP1000 DCD Revision 19 in appendix D to 10 CFR part 52 because several combined license holders were licensed to AP1000 Revision 19 and the incorporation of the AP1000 DCD Revision 19 in appendix D to 10 CFR part 52 remains part of the licensing basis for those combined license holders. Applicants could reference either revision in future applications.

While 10 CFR 52.63(a) imposes restrictive limits on the types of changes that may be made while a design certification rule is in effect, 10 CFR 52.59(c) allows a design certification renewal applicant greater flexibility in seeking changes to the design certification. Thus, a design certification renewal application that includes amendments to a certified design is not required to address the criteria in 10 CFR 52.63, ''Finality of standard design certifications.'' However, if the amendment request entails such an extensive change to the design certification that an essentially new standard design is being proposed, 10 CFR 52.59(c) provides that an application for a design certification must be filed. The AP1000 amendment request does not propose an essentially new standard design.

The NRC is amending the design certification for the AP1000 standard plant design to renew the AP1000 design certification for 40 years from the effective date of the direct final rule. The NRC determined the submitted application for incorporation by reference of DCD Revision 20 into appendix D to 10 CFR part 52 is acceptable. Further, the Commission granted an exemption from 10 CFR 52.57(a) to allow renewal more than 36 months before expiration of the current design certification rule (91 FR 40596; July 2, 2026). The requirements of 10 CFR 52.55, ''Duration of certification,'' govern the duration of a design certification and the effect of timely renewal. The AP1000 design certification rule does not expire until 2046.

The NRC is amending section VIII.B.6 of appendix D to 10 CFR part 52 to incorporate the alternative change process that was previously reviewed and approved for Vogtle Units 3 and 4 into appendix D to 10 CFR part 52. The license amendments and exemptions included in AP1000 DCD Revision 20 include a previously reviewed and approved change process for Tier 2* information. On December 21, 2017, SNC submitted LAR–17–037, and an associated exemption request, seeking changes to the Vogtle Units 3 and 4 COLs to add a license condition that would apply the change process for Tier 2 information for a proposed departure from Tier 2* information provided that specific criteria are not met. If one of the criteria were met for the proposed departure, then the proposed departure would continue to require prior NRC approval. On September 20, 2018, the NRC granted the amendments and exemptions to Vogtle Units 3 and 4 that effectively replaced the Tier 2* change process with an alternative process (reflected in a license condition) that applied the Tier 2 change process along with nine additional criteria to determine whether a license amendment was required. Inclusion of this change process in section VIII.B.6 of appendix D to 10 CFR part 52 promotes regulatory efficiency by eliminating the need for unnecessary licensing actions for applicants referencing either AP1000 DCD Revision 19 or AP1000 DCD Revision 20.

IV. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885). The NRC requests comment on this proposed rule with respect to clarity and effectiveness of the language used.

V. National Environmental Policy Act: Environmental Assessment and Proposed Finding of No Significant Impact

The NRC has determined under the National Environmental Policy Act of 1969, as amended (NEPA), and the NRC's regulations in subpart A, ''National Environmental Policy Act—Regulations Implementing Section 102(2),'' of 10 CFR part 51,

''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' that this proposed rule, if issued, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The NRC's generic determination in this regard, reflected in 10 CFR 51.32(b)(1), is based upon the following considerations: (1) A design certification rule does not authorize the siting, construction, or operation of a facility referencing any particular design, but only codifies a standard design certification in a rule (extending the AP1000 design certification and incorporating changes to the design in this case); (2) the NRC will evaluate the environmental impacts and issue an environmental finding in a Record of Decision as appropriate under NEPA as part of the application for the construction and operation of a facility referencing any particular design certification rule; and (3) comments on the environmental assessment will be limited to the consideration of severe accident mitigation design alternatives as required by 10 CFR 51.30(d). The environmental assessment is available in the companion direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**. In keeping with Commission policy, that environmental assessment also updates the agency's consideration of severe accident mitigation design alternatives.

VI. Paperwork Reduction Act

This proposed rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing collections of information were approved by the Office of Management and Budget, control number 3150–0151.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid Office of Management and Budget control number.

VII. Executive Orders

The following are Executive orders that are related to this proposed rule:

A. Executive Order 12866: Regulatory Planning and Review (as amended by E.O. 14215, Ensuring Accountability for All Agencies)

The Office of Information and Regulatory Affairs (OIRA) has determined that this direct final rule is not a significant regulatory action.

B. Executive Order 14154: Unleashing American Energy

The NRC has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154.

C. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is determined to be a deregulatory action as defined by E.O. 14192. The AP1000 renewal and amendments will facilitate future reactor licensing by resolving design issues generically, which will lead to shorter and more efficient reviews yielding savings to the agency and future applicants.

D. Executive Order 14267: Reducing Anti-Competitive Regulatory Barriers

E.O. 14267 requires the NRC to identify anti-competitive regulations for recission or modification. The purpose of a design certification rule is to facilitate the licensing process for future applicants that reference the certified design. Therefore, there are no anti-competitive regulatory barriers associated with this rule.

E. Executive Order 14270: Zero-Based Regulatory Budgeting To Unleash American Energy

E.O. 14270, ''Zero-Based Regulatory Budgeting to Unleash American Energy,'' requires the NRC to insert a conditional sunset date into all new or amended NRC regulations provided the regulations are (1) promulgated under the Atomic Energy Act of 1954, as amended (AEA), the Energy Reorganization Act of 1974, as amended (ERA), or the Nuclear Waste Policy Act of 1982, as amended (NWPA); (2) not statutorily required; and (3) not part of the NRC's permitting regime. The NRC determined that the regulatory changes proposed in this rule are part of the NRC permitting regime as future licensing applicants may reference the AP1000 certified design to obtain operating licenses. Therefore, the NRC views this rulemaking to be outside the scope of E.O. 14270 and did not insert conditional sunset dates for the regulatory changes in this direct final rule.

VIII. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	Adams accession No./web link/ **Federal Register** citation
Reactor Regulatory History on Design Certification Rules, dated April 26, 2000 [1].	ML003761550 (pkg).
Westinghouse Electric Company LLC,AP1000 Design Certification Renewal Request, dated March 27, 2026.	ML26086A409.
Westinghouse Electric Company LLC, AP1000 Design Control Document, Revision 20 (Non-proprietary), DCP_NRC_260001, dated 2006.	ML26086A412.
Final Safety Evaluation Report Related to Certification of the AP1000 Standard Design, dated August 2026.	ML26225A350.
Vogtle, Units 3 and 4, Request for License Amendment and Exemption: Changes to Tier 2* Departure Evaluation Process (LAR–17–037), dated December 21, 2017.	ML17355A416.
Vogtle Electric Generating Plant, Units 3 and 4, Issuance of Amendments 142 and 141 and Granting of Exemptions RE: Changes to the Tier 2 * Departure Evaluation Process (LAR 17–037), dated September 20, 2018.	ML18235A029 (pkg).
Westinghouse Electric Company LLC, Supplemental Information to Support the AP1000 Design Certification Extension (Non-proprietary), DCP_NRC_003343, dated March 19, 2021.	ML21081A023 (pkg).
Westinghouse AP1000 Design Control Document Revision 19, dated June 13, 2011.	ML11171A500 (pkg).

Document	Adams accession No./web link/ **Federal Register** citation
Westinghouse AP1000 Revision 19 Design Certification Extension Verification Evaluation Report, dated May 11, 2021.	ML21131A221.
Environmental Assessment and Finding of No Significant Impact by the U.S. Nuclear Regulatory Commission Relating to the Certification of the AP1000 Standard Plant Design, dated January 2006.	ML053630176.
Environmental Assessment by the U.S. Nuclear Regulatory Commission Relating to the Certification of the Amendment to the AP1000 Standard Plant Design, dated January 2011.	ML112380827.
Environmental Assessment by the U.S. Nuclear Regulatory Commission Regarding Extending the Duration of the AP1000 Design Certification, dated September 2021.	ML21181A109.
NUREG–1530, Rev. 1, ''Reassessment of NRC's Dollar per Person-Rem Conversion Factor Policy'' Final Report, dated February 2022.	ML22053A025.
NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition''.	*https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/index.*
NUREG/BR–0184, ''Regulatory Analysis Technical Evaluation Handbook,'' dated January 1997.	ML050190193.
SECY–26–0034: NRC Regulatory Pathways and Licensing Readiness for Near Term Large Light-Water Reactor Deployment, dated March 9, 2026.	ML25351A230.
NRC Agreement State Program Policy Statement, Revision to Policy Statement; Correction, dated October 18, 2017.	82 FR 48535.
AP1000 Design Certification, Final Rule, dated January 27, 2006	71 FR 4464.
AP1000 Design Certification Amendment, Final Rule, dated December 30, 2011.	76 FR 82079.
Extending the Duration of the AP1000 Design Certification, Direct Final Rule and Issuance of Environmental Assessment, dated September 22, 2021.	86 FR 52593.
Revising the Duration of Design Certifications, Direct Final Rule, dated July 2, 2025.	90 FR 28869.
Westinghouse Electric Company LLC; AP1000 Design Certification Renewal; Exemption, Notice; Issuance, dated July 2, 2026.	91 FR 40596.
Licenses, Certifications, and Approvals for Nuclear Power Plants, Final Rule, dated August 28, 2007.	72 FR 49427.
Policy Statement on Severe Reactor Accidents Regarding Future Designs and Existing Plants, Policy Statement, dated August 8, 1985.	50 FR 32138.
Executive Order 12866, ''Regulatory Planning and Review,'' October 4, 1993.	58 FR 51735.
Executive Order 14154, ''Unleashing American Energy,'' January 29, 2025.	90 FR 8353.
Executive Order 14192, ''Unleashing Prosperity Through Deregulation,'' February 6, 2025.	90 FR 9065.
Executive Order 14215, ''Ensuring Accountability for All Agencies,'' February 24, 2025.	90 FR 10447.
Executive Order 14267, ''Reducing Anti-Competitive Regulatory Barriers,'' April 15, 2025.	90 FR 15629.
Executive Order 14270, ''Zero-Based Regulatory Budgeting to Unleash American Energy,'' April 15, 2025.	90 FR 15643.
Executive Order 14300, ''Ordering the Reform of the Nuclear Regulatory Commission,'' May 29, 2025.	90 FR 22587.
Presidential Memorandum, ''Plain Language in Government Writing,'' June 10, 1998.	63 FR 31885.

[1] The regulatory history of the NRC's design certification reviews is a package of documents that is available in the NRC's Public Document Room and NRC Library: Reactor Regulatory History on Design Certification Rules, April 26, 2000. This history spans the period during which the NRC simultaneously developed the regulatory standards for reviewing these designs and the form and content of the rules that certified the designs. This document predates this rulemaking and therefore does not contain a regulatory history for this rulemaking.

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2026–2377. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC–2026–2377); (2) click the ''Subscribe'' button; and (3) enter an email address and click on the ''Subscribe'' button.

List of Subjects in 10 CFR Part 52

Administrative practice and procedure, Antitrust, Combined license, Early site permit, Emergency planning, Fees, Incorporation by reference, Inspection, Issue finality, Limited work authorization, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Penalties, Reporting and recordkeeping requirements, Standard design, Standard design certification.

Dated: October 5, 2026.

For the Nuclear Regulatory Commission.

Michael King,

Executive Director for Operations.

[FR Doc. 2026–21031 Filed 10–13–26; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–11807; Project Identifier MCAI–2026–00220–R]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.A. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2024–18–01, which applies to Leonardo S.p.A. Model A119 and AW119 MKII helicopters. AD 2024–18–01 requires repetitive inspections of certain collective stick torque tube assemblies for deficiencies and corrective action, as applicable. Since the FAA issued AD 2024–18–01, an improved collective stick torque tube assembly was designed, and replacement instructions were issued. This proposed AD would require repetitive inspections of certain collective stick torque tube assemblies and, depending on the results of the inspection, replacement of affected parts. This proposed AD would also require modification of the helicopter through replacement of an affected part with a serviceable part, which would constitute terminating action for the repetitive inspections. This proposed AD would also prohibit installation of an affected part on any helicopter. The FAA is proposing this airworthiness directive (AD) to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by November 30, 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–2026–11807; 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 NPRM, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find the EASA material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Farhan Alamgir, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5393; email: *farhan.alamgir@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 **ADDRESSES**. Include ''Docket No. FAA–2026–11807; Project Identifier MCAI–2026–00220–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 Farhan Alamgir, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2024–18–01, Amendment 39–22835 (89 FR 80993, October 7, 2024), (AD 2024–18–01), for all Leonardo S.p.A. Model A119 and AW119 MKII helicopters. AD 2024–18–01 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued EASA AD 2023–0035, dated February 10, 2023 (EASA AD 2023–0035) to correct an unsafe condition identified as reports of abnormal rotations on the collective stick torque tube assemblies due to erroneous manufacturing.

AD 2024–18–01 requires repetitive inspections of certain collective stick torque tube assemblies for deficiencies and corrective action, as applicable. The FAA issued AD 2024–18–01 to address abnormal rotations on the collective torque tube assemblies.

Actions Since AD 2024–18–01 Was Issued

Since the FAA issued AD 2024–18–01, EASA superseded EASA AD 2023–0035 and issued EASA AD 2026–0045, dated March 4, 2026 (EASA AD 2026–0045) (also referred to as the MCAI). The MCAI states that since EASA AD 2023–0035 was issued, an improved collective stick torque tube assembly was designed, and replacement instructions were issued. The unsafe condition, if not addressed, could lead to reduced control of the helicopter, which could result in a forced landing, damage to the helicopter, and injury to occupants.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–11807.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2026–0045, which specifies procedures for repetitive inspections of the collective stick torque tube assembly for any relative rotation and, depending on the inspection results, replacement of the affected parts with serviceable parts. EASA AD 2026–0045 also specifies procedures for modification of the helicopter through the replacement of affected parts with serviceable parts within a specified compliance time. This replacement of an affected part with a serviceable part constitutes terminating action for the repetitive inspections. EASA AD 2026–0045 also prohibits the installation of affected parts.

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

FAA's Determination

These products have been approved by the civil aviation authority (CAA) of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on 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 2026–0045, described previously, as incorporated by reference, 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 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 2026–0045 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2026–0045 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 2026–0045 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2026–0045. Material required by EASA AD 2026–0045 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–11807 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 60 helicopters of U.S. registry.

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
Inspect collective stick torque tube assembly (per inspection).	1 work-hour × $85 per hour = $85	$0	$85	Up to $5,100.
Replace collective stick torque tube assembly	4 work-hours × $85 per hour = $340	10,000	10,340	Up to $620,400.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the costs of this proposed 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

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 that the proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2024–18–01, Amendment 39–22835 (89 FR 80993, October 7, 2024); and

■ b. Adding the following new airworthiness directive:

Leonardo S.p.A.: Docket No. FAA–2026–11807; Project Identifier MCAI–2026–00220–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by November 30, 2026.

(b) Affected ADs

This AD replaces AD 2024–18–01, Amendment 39–22835 (89 FR 80993, October 7, 2024) (AD 2024–18–01).

(c) Applicability

This AD applies to Leonardo S.p.A. Model A119 and AW119 MKII helicopters, certificated in any category, as identified in European Union Aviation Safety Agency AD 2026–0045, dated March 4, 2026 (EASA AD 2026–0045).

(d) Subject

Joint Aircraft System Component (JASC) Code 6700: Rotorcraft flight control.

(e) Unsafe Condition

This AD was prompted by occurrences of abnormal rotations on the collective stick torque tube assemblies due to erroneous manufacturing. The unsafe condition, if not detected and corrected, could lead to reduced control of the helicopter, which could result in a forced landing, damage to the helicopter, and injury to 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 2026–0045.

(h) Exceptions to EASA AD 2026–0045

(1) Where EASA AD 2026–0045 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2026–0045 refers to April 14, 2021 [the effective date of EASA AD 2021–0096], or where EASA AD 2026–0045 refers to February 24, 2023 [the effective date of EASA AD 2023–0035], this AD requires using the effective date of November 12, 2024 [the effective date of AD 2024–18–01].

(3) Where EASA AD 2026–0045 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2026–0045.

(i) No Reporting or Returning of Parts Requirement

Although the material referenced in EASA AD 2026–0045 specifies submitting certain information or returning parts to the manufacturer, this AD does not include those requirements.

(j) Alternative Methods of Compliance (AMOCs):

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

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

(k) Additional Information

For more information about this AD, contact Farhan Alamgir, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5393; email: *farhan.alamgir@faa.gov*.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2026–0045, dated March 4, 2026.

(ii) [Reserved]

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

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

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

Issued on October 8, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–20930 Filed 10–13–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–11808; Project Identifier AD–2026–00520–R]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2024–05–06, which applies to all Leonardo S.p.a Model AW169 helicopters. AD 2024–05–06 requires revising the airworthiness limitations section (ALS) of the existing helicopter maintenance manual (MM) or instructions for continued airworthiness (ICA) and the existing approved maintenance or inspection program for the helicopter. Since the FAA issued AD 2024–05–06, it was determined that incorrect material was referenced to revise the ALS. This proposed AD would require revising the ALS of the existing MM or ICA and the existing approved maintenance or inspection program. 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 30, 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–2026–11808; 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, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

• For Leonardo S.p.a. material identified in this proposed AD, contact Emanuele Bufano, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; phone: +39 0331–225074; fax: +39 0331–229046; or at: *customerportal.leonardocompany.com/en-US/*.

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

FOR FURTHER INFORMATION CONTACT: Anthony Kenward, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–4130; email: *anthony.b.kenward@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 **ADDRESSES**. Include ''Docket No. FAA–2026–11808; Project Identifier AD–2026–00520–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 revise 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 Anthony Kenward, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2024–05–06, Amendment 39–22697 (89 FR 24682, April 9, 2024) (AD 2024–05–06), for all Leonardo S.p.a. Model AW169 helicopters. AD 2024–05–06 was prompted by a determination that new or more restrictive airworthiness limitations are necessary. AD 2024–05–06 requires revising the ALS of the existing helicopter maintenance manual or ICA and the existing approved maintenance or inspection program, as applicable. The FAA issued AD 2024–05–06 to address fatigue cracking, damage, and corrosion in principal structural elements.

Actions Since AD 2024–05–06 Was Issued

Since the FAA issued AD 2024–05–06, the FAA determined that incorrect material was referenced for revising the ALS in AD 2024–05–06. Furthermore, the material that was referenced in AD 2024–05–06 was not FAA-approved. As a result, the FAA determined that an appropriate FAA-approved ALS document is needed to address the unsafe condition. This proposed AD would reference the correct document.

FAA's Determination

The 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 material referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Leonardo AW169 # AMPI Chapter 4 Issue 6, Document No. 169F0255A075, Issue A, dated October 17, 2025, which specifies procedures for revising the airworthiness limitations, tasks, and associated thresholds and intervals for various parts, and specifies new or more restrictive airworthiness limitations for certain components installed on the helicopter.

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

Proposed AD Requirements in This NPRM

This proposed AD would require revising the ALS of the existing helicopter maintenance manual or ICA and the existing approved maintenance or inspection program, as applicable.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 18 helicopters of U.S. registry.

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
Revise the ALS	1 work-hour × $85 per hour = $85	$0	$85	$1,530

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 that the proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2024–05–06, Amendment 39–22697 (89 FR 24682, April 9, 2024); and

■ b. Adding the following new airworthiness directive:

Leonardo S.p.a.: Docket No. FAA–2026–11808; Project Identifier AD–2026–00520–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by November 30, 2026.

(b) Affected ADs

This AD replaces AD 2024–05–06, Amendment 39–22697 (89 FR 24682, April 9, 2024).

(c) Applicability

This AD applies to all Leonardo S.p.a. Model AW169 helicopters, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by the determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address fatigue cracking, damage, and corrosion in principal structural elements. The unsafe condition, if not addressed, could result in failure of a part and loss of control of the helicopter.

(f) Compliance

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

(g) Required Action

Within 30 days after the effective date of this AD, revise the airworthiness limitations section of the existing maintenance manual or instructions for continued airworthiness and the existing approved maintenance or inspection program, as applicable, by incorporating into maintenance records required by 14 CFR 91.417(a)(2) or 135.439(a)(2), the requirements (airworthiness limitations) specified in Leonardo AW169 # AMPI Chapter 4 Issue 6, Document No. 169F0255A075, Issue A, dated October 17, 2025.

(h) Provisions or Alternative Requirements (Airworthiness Limitations)

After the action required by paragraph (g) of this AD has been accomplished, no alternative actions and associated thresholds and intervals, including any life limits, are allowed unless they are approved by the Manager, International Validation Branch, FAA; or European Union Aviation Safety Agency (EASA); or Leonardo S.p.a. EASA Design Organization Approval (DOA) for repair instructions and accomplishing those instructions. If approved by the DOA, the approval must include the DOA-authorized signature.

(i) Alternative Methods of Compliance (AMOCs)

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

(j) Additional Information

For more information about this AD, contact Anthony Kenward, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–4130; email: *anthony.b.kenward@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 the AD specifies otherwise.

(i) Leonardo AW169 # AMPI Chapter 4 Issue 6, Document No. 169F0225A075, Issue A, dated October 17, 2025.

(ii) [Reserved]

(3) For Leonardo S.p.a. material identified in this AD, contact Emanuele Bufano, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; phone: +39 0331–225074; fax: +39 0331–229046; or at: *customerportal.leonardocompany.com/en-US/*.

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

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

Issued on October 9, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–21012 Filed 10–13–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0204; Project Identifier AD–2024–00327–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: The FAA is withdrawing a notice of proposed rulemaking (NPRM) that proposed to adopt a new airworthiness directive (AD) that would have applied to certain The Boeing Company Model 787–8, 787–9, and

787–10 airplanes. The NPRM was prompted by reports that very high frequency (VHF) radio frequencies transfer between the active and standby windows of the tuning control panel (TCP) without flightcrew input. The uncommanded frequency changes could result in missed communications between the flightcrew and Air Traffic Control. The NPRM would have required updating the TCP operational software (OPS) and performing a software configuration check. Since issuance of the NPRM, the FAA has determined that the TCP OPS version specified in the NPRM does not correct the unsafe condition. Accordingly, the NPRM is withdrawn.

DATES: As of October 14, 2026, the proposed rule, which was published in the **Federal Register** on February 26, 2025 (90 FR 10703), is withdrawn.

ADDRESSES: *AD Docket:* You may examine the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2025–0204; 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 AD action, any comments received, and other information. The street address for Docket Operations is Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Frank Carreras, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: 206–231–3539; email: *frank.carreras@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued an NPRM that proposed to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. The NPRM was published in the **Federal Register** on February 26, 2025 (90 FR 10703). The NPRM was prompted by reports that VHF radio frequencies transfer between the active and standby windows of the TCP without flightcrew input. The uncommanded frequency changes could result in missed communications between the flightcrew and Air Traffic Control. The NPRM proposed to require updating the TCP OPS and performing a software configuration check.

The proposed actions were intended to address uncommanded frequency changes, which could result in missed communications such as amended clearances and critical instructions for changes to flight path and consequent loss of safe separation between aircraft, collision, or runway incursion.

Actions Since the NPRM Was Issued

Since issuance of the NPRM, the FAA determined that the update to the TCP OPS specified in the NPRM does not correct the unsafe condition. The manufacturer informed the FAA that, based on fleet reports, it has concluded that the OPS version specified in the NPRM does not correct the unsafe condition. Also, multiple commenters reported concerns with the reliability of the software update or experienced service difficulties after accomplishing the service information. As a result, Boeing is conducting further analysis to determine the root cause of the new reports, and the FAA may consider other rulemaking when an adequate solution is developed to address the unsafe condition.

Withdrawal of the NPRM constitutes only such action and does not preclude the FAA from further rulemaking on this issue, nor does it commit the FAA to any course of action in the future.

Comments

The FAA received comments from Boeing, The Foundation for Aviation Safety, Kenya Airways, ProTech Aero Services Limited (ProTech), and Qatar Airways (Qatar). The following presents the comments received on the NPRM and the FAA's response.

Request To Delay Issuance of the AD

Boeing requested that the FAA delay issuance of the proposed AD until the next OPS version is incorporated into the airplane production line. Boeing stated that based on additional fleet reports, the OPS version specified in the proposed AD, as referenced in Boeing Alert Requirements Bulletin B787–81205–SB230051–00 RB, Issue 001, dated May 20, 2024 (Issue 001 of Boeing Alert Requirements Bulletin B787–81205–SB230051–00 RB), does not completely address the TCP VHF uncommanded frequency change. Boeing also stated it is continuing to evaluate fleet reports to address the causes of the additional findings in the next OPS version.

The FAA agrees that the OPS version specified in the proposed AD does not correct the unsafe condition. For that reason, the FAA is withdrawing the NPRM and may consider other rulemaking when an adequate solution is developed to address the unsafe condition.

Request To Evaluate New Reports Before Issuing the AD

Qatar requested that the FAA evaluate new in-service reports before mandating the proposed AD. Qatar stated it has modified all of its affected Boeing Model 787 airplanes using Issue 001 of Boeing Alert Requirements Bulletin B787–81205–SB230051–00 RB, as proposed, but its flightcrews are reporting similar issues on the modified airplanes. Qatar believes the unsafe condition still exists on modified airplanes and has reported the events to Boeing and the parts manufacturer for further investigation and determination of the root cause.

The FAA is aware that multiple operators have reported concerns about the reliability of the software update or service difficulties after accomplishing Issue 001 of Boeing Alert Requirements Bulletin B787–81205–SB230051–00 RB. As stated previously, the FAA is withdrawing the NPRM and may consider other rulemaking when an adequate solution is developed to address the unsafe condition.

Request to Later Service Information

Kenya Airways and ProTech requested that the FAA revise paragraph (g) of proposed AD to require accomplishment of Boeing Alert Requirements Bulletin B787–81205–SB230051–00 RB, Issue 002, dated February 24, 2025 (Issue 002 of Boeing Alert Requirements Bulletin B787–81205–SB230051–00 RB) instead of Issue 001 of Boeing Alert Requirements Bulletin B787–81205–SB230051–00 RB.

The FAA disagrees. The FAA reviewed Issue 002 of Boeing Alert Requirements Bulletin B787–81205–SB230051–00 RB and noted it provides instructions for installing the same software part number identified in Issue 001 of the Boeing Alert Requirements Bulletin B787–81205–SB230051–00 RB. Therefore, the FAA has determined Issue 002 of Boeing Alert Requirements Bulletin B787–81205–SB230051–00 RB is also not adequate for addressing the unsafe condition.

Request To Clarify the Root Cause

The Foundation for Aviation Safety noted that the FAA previously issued an NPRM on March 25, 2021 (86 FR 17993, April 7, 2021) to address the unsafe condition, and then withdrew that NPRM on August 31, 2021 (86 FR 50484, September 9, 2021), because the software update in that proposed AD was not effective. Since operators are reporting that the latest software update is still not effective, the commenter asked whether the problem is specific to

the software or if there also could be an electrical manufacturing defect.

The FAA is aware that multiple operators have reported concerns with the reliability of the software update or experienced service difficulties after accomplishing Issue 001 of Boeing Alert Requirements Bulletin B787–81205–SB230051–00 RB. Boeing is conducting further analysis to determine the root cause of the new reports. The FAA may consider other rulemaking when an adequate solution is developed to address the unsafe condition.

FAA's Conclusions

Upon further consideration, the FAA has determined that the NPRM does not adequately address the identified unsafe condition. Accordingly, the NPRM is withdrawn.

Regulatory Findings

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule. This action therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

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

The Withdrawal

Accordingly, the notice of proposed rulemaking (Docket No. FAA–2025–0204), which was published in the **Federal Register** on February 26, 2025 (90 FR 10703), is withdrawn.

Issued on October 5, 2026.

Brian Knaup,

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

[FR Doc. 2026–21009 Filed 10–13–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–11809; Project Identifier MCAI–2024–00028–A]

RIN 2120–AA64

Airworthiness Directives; Baykar Piaggio Aerospace S.p.A. (Type Certificate Previously Held by Piaggio Aviation S.p.A.) 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 certain Baykar Piaggio Aerospace S.p.A. (Piaggio) Model P–180 airplanes. This proposed AD was prompted by a report of corrosion and cracks found around the head of attaching fasteners on main wing lower skin external reinforcement doublers. This proposed AD would require repetitive high frequency eddy current (HFEC) inspections of the lower skin reinforcement and, depending on findings, corrective action. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by November 30, 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–91, West Building Fifth Floor, Room W58–213, 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–2026–11809; 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 Piaggio Aerospace material identified in this proposed AD, contact Baykar Piaggio Aerospace S.p.A., P180 Customer Support, via Pionieri e Aviatori d'Italia, snc—16154 Genoa, Italy; phone: +39 331 679 74 93; email: *technicalsupport@piaggioaerospace.it.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1100 Main, Kansas City, MO 64105. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (816) 329–4059; email: *doug.rudolph@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 **ADDRESSES**. Include ''Docket No. FAA–2026–11809; Project Identifier MCAI–2024–00028–A'' 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.

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 Doug Rudolph, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2024–0006, dated January 9, 2024 (EASA AD 2024–0006) (also referred to as the MCAI), to correct an unsafe condition on certain Piaggio Model P–180 airplanes. The MCAI states a report of an occurrence of corrosion and cracks

was found around the heads of attaching fasteners on main wing lower skin external reinforcement doublers during scheduled maintenance on a Piaggio Model P–180 airplane. This condition, if not detected and corrected, could reduce the structural integrity of the main wing with consequent reduced control of the airplane. To address this unsafe condition, Piaggio issued material providing instructions for repetitive HFEC inspections of the affected parts and, depending on findings, accomplishment of corrective action.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–11809.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Piaggio Aerospace Service Bulletin 80–0494 Rev. 1, dated November 30, 2023. This material specifies procedures for repetitive HFEC inspections on the main wing lower skin external reinforcement doublers, and corrective actions for the parts with evidence of corrosion and cracks. Corrective actions include, depending on inspection findings, repairing or contacting Piaggio to obtain an approved repair design approval sheet.

The FAA also reviewed Piaggio Aerospace Service Bulletin 80–0482 Rev. 13, dated January 27, 2026. This material specifies weight and balance updates and identifies updates to the effectivity of manufacturer's serial numbers affected by the weight and balance updates.

The FAA also reviewed Subject 51–10–40, Allowable Damage, Piaggio Aerospace Structural Repair Manual, Report No. 180–MAN–0250–1106, Issue D0, dated November 2, 2021. This material specifies identifying what is considered allowable minor damage (not critical to affect flight safety or performance) to primary and secondary structures that may be corrected by a simple procedure.

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 and material referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 14 airplanes of U.S. registry.

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
HFEC inspection	50 work-hours × $85 per hour = $4,250 (per inspection).	$1,000 (per inspection)	$5,250 (per inspection)	$73,500 (per inspection).

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Corrosion removal (within the structural repair manual limits).	10 work-hours × $85 per hour = $850 (per repair).	$1,000 (per repair)	$1,850 (per repair).

The costs for any repair that would be required by the proposed AD (including repairs for corrosion found outside the limits of the structural repair manual) would vary from airplane to airplane. Therefore, the FAA has no way of determining the cost estimate for such repairs

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:

Baykar Piaggio Aerospace S.p.A. (Type Certificate Previously Held by Piaggio Aviation S.p.A.): Docket No. FAA–2026–11809; Project Identifier MCAI–2024–00028–A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by November 30, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Baykar Piaggio Aerospace S.p.A. (type certificate previously held by Piaggio Aviation S.p.A.) (Piaggio) Model P–180 airplanes, certificated in any category, manufacturer serial numbers 1032, 1036, 1037, 1039, 1040, 1043, 1063, 1065, 1074, 1079, 1089, 1106, 1108 and 1112.

(d) Subject

Joint Aircraft System Component (JASC) Code 5730, Wing, Plates/Skins.

(e) Unsafe Condition

This AD was prompted by a report of corrosion and cracks found around the heads of attaching fasteners on main wing lower skin external reinforcement doublers. The FAA is issuing this AD to address this unsafe condition. The unsafe condition, if not addressed, could reduce the structural integrity of the main wing with reduced control of the airplane.

(f) Compliance

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

(g) Definitions

For the purpose of this AD:

(1) An ''affected part'' is a main wing lower skin external reinforcement doubler, having part number (P/N) 80–212457–001 (left-hand) or P/N 80–212457–002 (right-hand).

(2) The ''material'' is Piaggio Aerospace Service Bulletin (SB) 80–0494 Rev. 1, dated November 30, 2023 (Piaggio SB 80–0494 Rev. 1).

(3) ''Group 1'' airplanes are those on which, on the effective date of this AD, Piaggio Aerospace Service Bulletin 80–0482 Rev.13, dated January 27, 2026 (Piaggio SB 80–0482 Rev. 13) is not embodied, but on which, before the effective date of this AD, Piaggio SB 80–0482 Rev. 13 has been embodied and later removed.

(4) ''Group 2'' airplanes are those on which, on the effective date of this AD, Piaggio SB 80–0482 Rev. 13 is embodied.

(5) ''Group 3'' airplanes are those on which, on the effective date of this AD, Piaggio SB 80–0482 Rev. 13 has never been embodied.

(6) The ''High Frequency Eddy Current (HFEC) inspection'' is for the affected parts (lower skin reinforcement) of an airplane in accordance with the instructions in Section 2.B.(13) of Piaggio SB 80–0494 Rev. 1.

(7) ''Repairable Corrosion'' is corrosion identified as ''repairable'' in Subject 51–10–40, Allowable Damage, Piaggio Aerospace Structural Repair Manual, Report No. 180–MAN–0250–1106, Issue D0, dated November 2, 2021, except corrosion around the heads of the attaching fasteners of affected parts.

(h) Required Actions

(1) *For Group 1 and Group 2 airplanes:* Before exceeding the compliance time and, thereafter, at intervals not to exceed the values as defined in table 1 of this AD, as applicable, accomplish an HFEC inspection, as defined in this AD.

TABLE 1 TO PARAGRAPH (H)(1)—COMPLIANCE TIMES

Group	Compliance time (hours time-in-service (TIS) or calendar time, whichever occurs first after the effective date of this AD)	Interval
1	Within 1,900 hours TIS or 46 months	1,900 hours TIS or 50 months, whichever occurs first.
2	A or B, whichever occurs later: (A) Within 220 hours TIS or 9 months (B) Within 660 hours TIS or 25 months since first embodiment of Piaggio SB 80–0482 Rev. 13.	660 hours TIS or 25 months, whichever occurs first.

(2) If, during any inspection required by paragraph (h)(1) of this AD, repairable corrosion, as defined in this AD, is detected, before next flight, accomplish a repair in accordance with the instructions of steps 2.B.(15) through (19), and C.(20) of Piaggio SB 80–0494 Rev. 1.

(3) If, during any inspection required by paragraph (h)(1) of this AD, any discrepancy other than repairable corrosion is detected on an airplane, before next flight, contact either the Manager, International Validation Branch, FAA; European Union Aviation Safety Agency (EASA); or Piaggio's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature and, within the compliance time defined therein, accomplish that repair accordingly, including any post-repair follow-on action(s), as applicable.

(4) Accomplishment of corrective actions on an airplane, as required by paragraph (h)(2) or (3) of this AD, as applicable, does not constitute terminating action for the repetitive inspections required by paragraph (h)(1) of this AD for that airplane, unless otherwise specified in the approved repair instructions.

(5) *For Group 1 airplanes:* From the effective date of this AD, it is allowed to embody Piaggio SB 80–0482 Rev. 13, on an airplane, provided that, before next flight after that modification, an HFEC inspection, as defined in this AD, and, depending on findings, corrective action(s) as required by paragraph (h)(2) or (3) of this AD, as applicable, are accomplished on that airplane. After that modification, the airplane is effectively considered to be in Group 2, and HFEC inspections must be accomplished on that airplane as required by this AD for Group 2 airplanes.

(6) *For Group 2 airplanes:* From the effective date of this AD, following removal of Piaggio SB 80–0482 Rev. 13 from an airplane, that airplane is effectively considered to be in Group 1, and HFEC inspections must be accomplished on that airplane as required by this AD for Group 1 airplanes.

(7) *For Group 3 airplanes:* From the effective date of this AD, it is allowed to embody Piaggio SB 80–0482 Rev. 13 on an airplane, provided that, within 660 hours TIS or 25 months after that modification, whichever occurs first, an HFEC inspection, as defined in this AD, and, depending on findings, corrective action(s) as required by paragraph (h)(2) or (3) of this AD, as applicable, are accomplished on that airplane. After that modification, the airplane is effectively considered to be in Group 2, and HFEC inspections must be accomplished on that airplane as required by this AD for Group 2 airplanes.

(i) Alternative Methods of Compliance (AMOCs)

The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your

request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (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 local flight standards district office/certificate holding district office.

(j) Additional Information

For more information about this AD, contact Doug Rudolph, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (816) 329–4059; email: *doug.rudolph@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 the AD specifies otherwise.

(i) Piaggio Aerospace Service Bulletin 80–0482 Rev. 13, dated January 27, 2026.

(ii) Piaggio Aerospace Service Bulletin 80–0494 Rev. 1, dated November 30, 2023.

(iii) Subject 51–10–40, Allowable Damage, Piaggio Aerospace Structural Repair Manual, Report No. 180–MAN–0250–1106, Issue D0, dated November 2, 2021.

(3) For Piaggio Aerospace material identified in this AD, contact Baykar Piaggio Aerospace S.p.A., P180 Customer Support, via Pionieri e Aviatori d'Italia, snc—16154 Genoa, Italy; phone: +39 331 679 74 93; email: *technicalsupport@piaggioaerospace.it.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1100 Main, Kansas City, MO 64105. 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 9, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–21008 Filed 10–13–26; 8:45 am]

BILLING CODE 4910–13–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2027–1; Order No. 9764]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is acknowledging a recent Postal Service filing requesting the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports. This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* November 19, 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. Proposal
III. Notice and Comment
IV. Ordering Paragraphs

I. Introduction

On October 7, 2026, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate a rulemaking proceeding to consider changes to analytical principles related to periodic reports.[1] The Petition presents a proposal to establish a methodology for the treatment of expenses for current retiree health benefits (RHB) top-up payments required under the Postal Service Reform Act (PSRA) that must be paid into the Postal Service Retiree Health Benefits Fund (PSRHBF). Petition at 1.

II. Proposal

Background. Under the PSRA, the Postal Service must make payments into the PSRHBF that are equal to '' 'the amount (if any) that Government contributions required to be paid from the Fund under section 8906(g)(2)(A) exceeded the estimated net claims costs under the enrollment of the individuals described in section 8906(g)(2)(A).''' Petition, Proposal at 1. The Office of Personnel Management (OPM) calculates these payments, referred to as top-up payments, ''based on current retirees' estimated healthcare claims costs, their health insurance premiums and contribution shares, and administrative expenses[,]'' and they ''begin accruing in FY 2026.'' *Id.*

Historically, RHB expenses ''were treated as variable to the same degree and distributed in the same manner as all postal service labor,'' which the Postal Service calls the '' 'composite labor approach.' '' *Id.* at 2. The Postal Accountability and Enhancement Act (PAEA) altered this approach because the Postal Service began accruing RHB ''in two parts: (1) RHB expenses for current retirees (a continuation of 'pay-as-you-go' expenses) and (2) annual prefunding payments for future retirees.'' *Id.* Costs were therefore divided between current-year costs, which were ''treated using the composite labor approach,'' and prior-year costs, which were ''treated as institutional.'' *Id.* at 3. After FY 2017, when RHB for future retirees should have been fully prefunded pursuant to PAEA and ''the statutorily mandated prefunding payments were no longer required[,]'' the Postal Service began to accrue normal costs, which were ''treated using the composite labor approach[,]'' and ''amortization expenses associated with the unfunded portion of the PSRHBF obligation[,]'' which were ''treated as unrelated to current-year volumes and therefore treated as institutional.'' *Id.*

After the PSRA repealed the prefunding requirement and ''cancelled the past due (amortization) payments[,]'' ''[t]he only RHB expenses to be incurred by the Postal Service going forward are payments associated with current retirees.'' *Id.* at 3–4. And these payments were only ''set to begin once OPM determined if a 'top-up' payment was due (expected no later than June 30, 2026) or if the PSRHBF [was] exhausted.'' *Id.* at 4. Thus, ''[b]eginning in FY 2026, the Postal Service began accruing expenses associated with the RHB top-up payments for current retirees.'' *Id.* OPM determined that these expenses totaled $726 million for FY 2026. *Id.*

Proposal. The Postal Service proposes to treat current RHB top-up payments as ''variable to the same degree and distributed in the same manner as all labor.'' *Id.* at 6. It states that there are ''two key aspects to examine when considering the treatment of the top-up payment expenses: The relationship between the payment schedule and the cost accrual, and the past treatment of both the funds currently in the [PSRHBF] and the RHB expenses for current retirees prior to the PAEA.'' *Id.*

Regarding the first aspect, the Postal Service states that prior to the PAEA, there was a ''time disparity between the accrual of RHB expenses and the payment schedule[ ]'' because ''RHB expenses for current retirees were

[1] Petition of the United States Postal Service to Initiate a Proceeding to Change Analytical Principles, October 7, 2026 (Petition).

recognized at the time of the cash outlay . . . as opposed to when those benefits were earned during the now-retired beneficiaries' employment.'' *Id.* Regardless of this fact, these ''payments were attributed to products on the basis of all labor.'' *Id.* The Postal Service states that this was similar to how the Commission had historically treated attributing payments to the Civil Service Retirement and Disability Fund (CSRDF) deficit, where the Commission approved a methodology that attributed ''the current-year first installment in the amortization schedule . . . using the composite labor approach.'' *Id.* at 6–7. Subsequent amortization schedule payments were similarly ''attributed using the same current-year composite labor approach[ ]'' despite stemming from prior years. *Id.* at 7.

Regarding the second aspect, the Postal Service states that top-up funds are one of several sources that make up the PSRHBF, and the relevant sources also include: (1) a surplus from the CSRDF, which contained multiple funding sources, including ''employer matching contributions, payments for unfunded liabilities associated with general pay increases, and payments for unfunded liabilities associated with annuitant [cost of living adjustments (COLAs)]'' that were attributed as they accrued and, in the case of employer matching contributions were ''included as employee benefit costs in the relevant Cost Segments[ ]'' while the ''unfunded liability payments associated with general pay raises and annuitant COLAs'' were ''partitioned into current- and prior-year expenses[ ]'' that were ''variable to the same degree and distributed in the same manner as all labor[;]'' (2) an escrow account containing the ''savings'' that resulted ''from changing the pension funding assumptions before and after the Postal Civil Service Retirement System Funding Reform Act of 2003[,]'' the expenses of which were treated as institutional; and (3) ''the prefunding payments required by the PAEA[,]'' which ''were attributed at the time of payment using the mixed approach'' discussed above. *Id.* at 7–8.

Under this backdrop, the Postal Service proposes that top-up payments be treated similarly to ''[n]early all funds'' within the PSRHBF. *Id.* at 9. According to the Postal Service, ''it is sensible'' to treat top-up payments as attributable to products, which the Postal Service states is ''consistent with past contributions such as the unfunded liability payments and prefunding payments[ ]'' as well as consistent with ''the treatment of RHB expenses for current retirees under the 'pay-as-you-go' system.'' *Id.* According to the Postal Service, ''[t]reating the top-up payments as unrelated to products, or as institutional costs, would reverse nearly three decades of [precedents] pertaining to the treatment of RHB expenses for current retirees'' and would be ''inappropriate'' because ''[t]he payments for current retirees reflect benefits earned during their employment[ ]'' and treating them as institutional would lead ''to under-attribution of expenses associated with mail classes and services[,]'' which would negatively impact its ability to accurately cost and price its ''products, services, and worksharing discounts.'' *Id.* at 9–10.

Thus, according to the Postal Service, its ''preferred approach'' for top-up payments is the composite labor methodology because it reflects prior Commission precedent ''for attributing servicewide expenses with similar characteristics[,]'' is ''consistent with past treatment and the treatment of other funds in the PSRHBF[,]'' and because ''attribution based on past volumes or labor usage is wholly inappropriate under the Postal Service's Commission-approved costing methodologies.'' *Id.* at 10. It proposes that the Commission ''approve the attribution of the top-up payments under the composite labor approach.'' *Id.* at 13.

Rationale. The Postal Service proposes returning to ''the composite labor approach for expenses associated with retiree health benefits for current retirees, thereby treating the top-up payment expenses as variable to the same degree and distributed in the same manner as all labor.'' *Id.* at 6. The Postal Service represents that this is ''a return to the Commission-approved methodology used between FY 1988 and FY 2006,'' as well as ''a continuation of the attribution of RHB expenses for current retirees generally employed between FY 1988 and FY 2016.'' *Id.*

Impact. Using a FY 2026 top-up payment of $726 million, the Postal Service provided the impact of the proposal on FY 2025 unit costs. *See id.* at 11–12, Table 4. The Postal Service represents that overall, the proposal will result in a 0.8 percent increase in total costs and a 0.85 percent increase in total volume variable and product specific costs. *Id.*

III. Notice and Comment

The Commission establishes Docket No. RM2027–1 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission's website at *https://www.prc.gov.* Interested persons may submit comments on the Petition and Proposal no later than November 19, 2026. Pursuant to 39 U.S.C. 505, Cassie D'Souza is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2027–1 for consideration of the matters raised by the Petition of the United States Postal Service to Initiate a Proceeding to Change Analytical Principles, filed October 7, 2026.

2. Comments by interested persons in this proceeding are due no later than November 19, 2026.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Cassie D'Souza to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. This Order, or abstract thereof, shall be published in the **Federal Register**.

By the Commission.

Danielle LeFlore,

Legal Assistant.

[FR Doc. 2026–21000 Filed 10–13–26; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 751

[EPA–HQ–OPPT–2026–7327; FRL–13574–01–OCSPP]

RIN 2070–AL45

Trichloroethylene (TCE); Regulation Under the Toxic Substances Control Act (TSCA); Compliance Date Extensions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is proposing to extend certain compliance dates applicable to certain entities subject to the regulation of trichloroethylene (TCE) under the Toxic Substances Control Act (TSCA) until December 31, 2027, including for certain chemical processors in meeting the prohibition compliance deadline for the processing of TCE, industrial and commercial use of TCE as a processing aid, and associated wastewater disposal; and for refrigerant manufacturers in meeting the compliance deadline for phasing down

TCE feedstock in the production of HFC–134a. This proposed compliance extension would allow for necessary and reasonable transition periods for regulated entities under TSCA section 6(d).

DATES: Comments must be received on or before November 13, 2026.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2026–7327, using the Federal eRulemaking Portal at *https://www.regulations.gov.* As required by the Administrative Procedure Act at 5 U.S.C. 553(b)(4), a plain language summary of the rule is available at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets/.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Simon Regenold, Existing Chemicals Risk Management Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–1537; email address: *TCE.TSCA@epa.gov.*

For general information contact: The TSCA Assistance Information Service Hotline, Goodwill Vision Enterprises, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (800) 471–7127 or (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this rule if you manufacture, process, distribute in commerce, use, or dispose of TCE, or products containing TCE. TSCA section 3(9) defines the term ''manufacture'' to mean ''to import into customs territory of the United States (as defined in general note 2 of the Harmonized Tariff Schedule of the United States), produce, or manufacture.'' Therefore, unless expressly stated otherwise, importers of TCE are subject to provisions regulating manufacture of TCE once the chemical enters the customs territory of the United States. Potentially affected entities may be included in the following lists of North American Industrial Classification System (NAICS) codes:

- Wood Window and Door Manufacturing (NAICS code 321911);
- Other Basic Inorganic Chemical Manufacturing (NAICS code 325180);
- Medicinal and Botanical Manufacturing (NAICS code 325411);
- All Other Miscellaneous Chemical Product and Preparation Manufacturing (NAICS code 325998);
- Rubber and Plastics Hoses and Belting Manufacturing (NAICS code 326220);
- Rubber Product Manufacturing for Mechanical Use (NAICS code 326291); and
- Storage Battery Manufacturing (NAICS code 335911).

B. What is the agency's authority for taking this action?

Under TSCA section 6(a) (15 U.S.C. 2605(a)), if EPA determines through a TSCA section 6(b) risk evaluation that a chemical substance presents an unreasonable risk of injury to health or the environment under the conditions of use, EPA must by rule apply one or more requirements listed in TSCA section 6(a) to the extent necessary so that the chemical substance or mixture no longer presents such risk under the conditions of use. EPA must specify compliance dates under TSCA section 6(d) (15 U.S.C. 2605(d)) for any TSCA section 6(a) rule. For TCE, EPA promulgated a final risk management rule under TSCA section 6(a) in 2024 (''2024 TCE Final Rule'') (Ref. 1) and an interim final rule extending compliance dates for two specific TCE conditions of use in 2025 (''2025 TCE Interim Final Rule'') (Ref. 2). Each of these TSCA section 6(a) actions include compliance dates pursuant to TSCA section 6(d). This action proposes to alter some of the compliance dates finalized in 2024 or finalized in subsequent amended rulemakings. Unless provided otherwise by law, agencies may change existing positions (*e.g.,* reconsider, revise, or rescind prior rules) provided that they acknowledge the change in position, offer a reasoned explanation for the change, and take any serious reliance interests into account. *See, e.g., FDA* v. *Wages & White Lion Invs., L.L.C.,* 145 S. Ct. 898, 917 (2025); *Encino Motorcars* v. *Navarro,* 579 U.S. 211, 221 (2016); *FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009); *Motor Vehicle Mfrs. Ass'n* v. *State Farm Mut. Auto. Ins. Co.,* 463 U.S. 29 (1983). For the reasons set out in Units II and III of this preamble, EPA is proposing to revise select compliance dates. EPA is not aware of any serious reliance interests regarding this proposal.

C. What action is the agency taking?

EPA is proposing to amend 40 CFR 751.305 and 40 CFR 751.313 to extend the prohibition compliance dates for processing TCE as a reactant/intermediate, processing for and industrial and commercial use of TCE as a processing aid in: process solvent used in battery manufacture, process solvent used in polymer fiber spinning, fluoroelastomer manufacture and Alcantara manufacture, extraction solvent used in caprolactam manufacture, precipitant used in beta-cyclodextrin manufacture (hereinafter referred to as ''industrial and commercial use of TCE as a processing aid''), and the disposal of TCE from such processing or uses to industrial pre-treatment, industrial treatment, or publicly owned treatment works from December 18, 2026, to December 31, 2027.

EPA is also proposing to amend 40 CFR 751.307 to extend the compliance timeframe for a step in the phase-out of processing TCE as an intermediate to manufacture HFC–134a. Specifically, EPA is proposing to extend the compliance deadline from June 7, 2027, to December 31, 2027, for each manufacturer of HFC–134a via processing TCE as an intermediate to process TCE at an annual volume no greater than 75 percent of the baseline.

EPA is also proposing to amend 40 CFR 751.321 to amend the compliance deadline for downstream notification, and the text required to be present in the SDS, to accurately reflect the new prohibition compliance deadline for processing TCE as a reactant/intermediate, processing for and industrial and commercial use of TCE as a processing aid, and the disposal of TCE from such processing or uses to industrial pre-treatment, industrial treatment, or publicly owned treatment works. The new text would be required to be updated 30 days after the publication of the final rule.

D. Why is the Agency taking this action?

EPA is proposing to address ongoing difficulties associated with compliance dates for the 2024 TCE Final Rule and 2025 Interim Final Rule for certain chemical processors and refrigerant manufacturers due to challenges with the implementation of the respective prohibition and phaseout, in order to provide a reasonable transition period to no longer process TCE. As detailed further in Unit III.A.1, soon after publication of the 2024 TCE Final Rule, chemical processors and chemical manufacturers explained to EPA that the prohibition on processing TCE as a

reactant/intermediate, and associated wastewater disposal, would cause significant hardships to the chemical manufacturing sector because byproduct TCE at levels above the regulatory threshold is regularly transferred between sites during the manufacture of other chemicals (Refs. 3, 4 and 5).

EPA is also concerned about the prohibition on the processing for and industrial and commercial use of TCE as a processing aid with the same compliance date, as EPA believes it may also warrant a more reasonable compliance timeframe for chemical processing. Due to the regular transfer of byproduct TCE between sites during the manufacture of other chlorinated solvents, a prohibition on processing TCE on December 18, 2026, could have significant negative impacts on the production of other chlorinated solvents in the United States (Ref. 3).

Separately, after publication of the 2024 TCE Final Rule, EPA received information from processors of TCE who manufacture HFC–134a about the continued need for high production of the refrigerant past the 2024 Final Rule's phaseout compliance dates (Ref. 6). As discussed further in Unit III.A.2, HFC–134a manufacturers now need a longer transition period so they can continue using a higher volume of TCE feedstock in order to meet demand for national security and critical infrastructure (Ref. 6). EPA's proposed amendment to the compliance deadline for downstream notification, and the text required to be present in SDSs, is being modified to accurately reflect the new prohibition compliance deadlines for processing being proposed in this action.

E. What are the incremental economic impacts?

EPA evaluated the potential incremental economic impacts and determined that these changes would have minimal impacts on the estimated costs and benefits of the existing actions and would primarily result in a delay when those costs and benefits begin accruing. Quantified costs are expected to be the same as estimated in the 2024 TCE Final Rule but will not be incurred until the proposed compliance date extensions expire. Relying on the cost estimates in section 7 of the economic analysis of the TCE Final Rule (Ref. 7), EPA estimates that the proposed extension of compliance dates would result in present value cost savings of $0.62–0.65 million (2024$ in 2026), forgone health benefits of $3,795 to $7,844 (2025$), and annualized cost savings of $ 0.04–0.06 million (2024$ in 2026, 3%–7% discount rate respectively, 20-year time horizon). EPA notes that, in the event that alternative compliance timeframes are finalized in response to comments received on this proposal, these impacts would be modified accordingly (*e.g.,* cost savings likely increase as the duration of the compliance timeframe extension increases).

II. Background

On December 17, 2024, EPA published the 2024 TCE Final Rule under TSCA section 6(a) to address unreasonable risk to human health (89 FR 102568) (FRL–8317–02–OCSPP). The 2024 TCE final rule prohibits the manufacture (including import), processing, and distribution in commerce of TCE for all uses (industrial, commercial, and consumer), while including longer compliance timeframes with reasonable worker protections for some processing and industrial and commercial uses until the prohibitions come into effect, so that TCE no longer presents an unreasonable risk to workers, occupational non-users, consumers, and bystanders.

After publication of the 2024 TCE Final Rule, EPA was made aware of a previously unidentified use of TCE as a processing aid in the manufacture of nuclear fuel and promulgated an interim final rule in September of 2025 to amend the prohibition compliance deadlines until September 15, 2028, to provide a reasonable transition period for that use (Ref. 2). EPA additionally extended the deadlines for disposal of TCE to wastewater for processors of TCE as a reactant/intermediate and certain processors and industrial and commercial users of TCE as a processing aid to December 18, 2026, to match the prohibition compliance date for these processing conditions of use.

EPA received three TSCA section 21 petitions concerning the 2024 TCE Final Rule: from American Chemistry Council (ACC) on May 29, 2025 (withdrawn September 19, 2025) (Refs. 3 and 8); from PPG Industries, Inc. on March 24, 2025 (withdrawn June 11, 2025) (Refs. 4 and 9); and from the Alliance for a Strong U.S. Battery Sector and Microporous on April 30, 2025 (withdrawn July 25, 2025) (Refs. 5 and 10). While these petitions were withdrawn, EPA recognizes the potential merits of certain requests contained in these petitions and is planning to address them in amendments to the rule through a future notice-and-comment rulemaking.

After issuing the TCE Final Rule, EPA received petitions for review that were consolidated in the U.S. Court of Appeals for the Third Circuit. EPA has since announced its intention to reconsider the TCE Final Rule.

III. Provisions of This Proposed Rule

For any TSCA section 6(a) rule, EPA must specify mandatory compliance dates that are ''as soon as practicable,'' while allowing for ''a reasonable transition period.'' 15 U.S.C. 2605(d)(1)(B) and (E). EPA acknowledges that it is proposing a change in position from the 2024 TCE Final Rule and the 2025 TCE Interim Final Rule. EPA intended that the compliance timeframes in these rules would be as soon as practicable while allowing for a reasonable transition period (see Unit I.E of the 2024 TCE Final Rule, and Unit III of the 2025 TCE Interim Final Rule). However, the Agency did not fully anticipate the challenges that certain entities are now experiencing: for chemical processors in meeting the prohibition compliance deadline for the processing of TCE, industrial and commercial use of TCE as a processing aid, and associated wastewater disposal (Unit III.A); and for refrigerant manufacturers in meeting the compliance deadline for phasing down TCE feedstock in the production of HFC–134a (Unit III.B). Accordingly, EPA proposes that the compliance dates detailed in this Unit would be more feasible and workable, and compliant with EPA's obligations under TSCA section 6(d) for TCE, than those finalized in 2024 or amended in 2025.

A. Processing TCE as a Reactant/Intermediate, Industrial and Commercial Use of TCE as a Processing Aid, and Their Associated Wastewater Disposal

EPA is proposing to amend the compliance deadline for the prohibition on processing TCE as a reactant/intermediate and the industrial and commercial use of TCE as a processing aid in certain chemical manufacturing to December 31, 2027. EPA is also proposing to amend the compliance deadline for the prohibition on the associated disposal of TCE to wastewater by processors of TCE and processors and industrial and commercial users of TCE as a processing aid to December 31, 2027.

In the 2024 TCE Final Rule, EPA finalized a prohibition on processing and distributing in commerce (including making available) of TCE as of June 16, 2025 (40 CFR 751.305(b)(2)). EPA also finalized extended phaseouts for processing of TCE as a reactant/intermediate and processing for and the industrial and commercial use of TCE as a processing aid to continue until December 2026 (40 CFR

751.305(b)(9)(i)), and an exclusion from all prohibitions and restrictions for processing (including reuse) of TCE as a byproduct when that TCE byproduct is processed within a site-limited, physically enclosed system that is part of the same overall manufacturing process from which the byproduct TCE was generated (40 CFR 751.301(c)).

After the publication of the 2024 TCE Final Rule, EPA received a Section 21 petition from the ACC regarding the exclusion on byproduct reprocessing and the wastewater disposal associated with processing TCE (Ref. 3). In response, in the 2025 TCE Interim Final Rule EPA amended the compliance deadline from September 15, 2025, to December 18, 2026, for the prohibition on disposal of TCE to wastewater for processors of TCE as a reactant/intermediate and processors for and industrial and commercial users of TCE as a processing aid for certain industrial sectors. This action aligned the disposal prohibition with the December 18, 2026, prohibition on such uses in the 2024 Final Rule. This change responded to the concerns raised to EPA that processing conditions of use also involve disposal of TCE to wastewater that inadvertently was not similarly subject to the same compliance deadline (Ref. 2).

Through the Section 21 Petition and subsequent engagement, EPA was made aware after the 2024 final rule that byproduct TCE that is present in feedstock streams is sent by railcar between facilities to be further processed. This usually occurs between facilities of the same company, where one site has chemical manufacturing capabilities that another does not (Refs. 3, 8, 11 and 13). If the prohibition on processing TCE goes into effect on December 18, 2026, then the processing of byproduct TCE that travels between sites will be prohibited, along with disposal of this byproduct TCE to wastewater. Disposal of this byproduct TCE would therefore require incineration; if all byproduct TCE that is currently reused in a different facility must be incinerated, it would cause significant implementation concerns, including exceeded permit limitations and potential facility closures. Petitioners have indicated that the inability to send unpurified chlorinated solvent product streams with byproduct TCE between facilities would significantly disrupt the national supply chain by disproportionately impacting operations in the manufacture of other chlorinated solvents which unintentionally produce TCE as a byproduct (importantly perchloroethylene, carbon tetrachloride, methylene chloride, and 1,2-dichloroethane) in the United States (Refs. 3, 8, 11 and 13). In the 2024 TCE Final Rule and 2025 TCE Interim Final Rule EPA did not anticipate these implications.

As such, EPA is proposing to amend the compliance deadline for the prohibition on processing TCE as a reactant/intermediate and the wastewater disposal associated with such processing TCE until December 31, 2027, so that regulated entities would not be held in non-compliance with the relevant requirements in the 2024 TCE Final Rule and the 2025 TCE Interim Final Rule. EPA is also proposing to amend the compliance deadline for the prohibition on industrial and commercial use of TCE as a processing aid because EPA believes, based on ACC's comments, that this condition of use also needs a longer transition period. These ongoing difficulties (see Unit I.D.2) in complying with the prohibitions and restrictions of the TCE final rule, particularly the need to transfer byproduct chemicals off site, warrant a longer reasonable transition period for this group of uses than EPA expected in 2024 or 2025. Given the two years provided for this compliance date in the 2024 TCE rule, EPA considers this extension of no more than one year to be appropriate because it is ''as soon as practicable,'' while allowing for ''a reasonable transition period'' (15 U.S.C. 2605(d)(1)(B) and (E)). Separately, EPA has initiated a rulemaking under RIN 2070–AL41 through which the Agency is reconsidering various elements of the 2024 TCE Final Rule, including various workplace exposure controls and prohibitions on certain industrial and commercial uses.

B. Processing TCE as an Intermediate for the Manufacture of HFC–134a

EPA is proposing to amend the compliance deadline for the first phaseout reduction of the processing of TCE as an intermediate for the manufacture of HFC–134a (1,1,1,2-tetrafluroethane; CASRN 811–97–2). Under the 2024 TCE Final Rule, stakeholders processing TCE to manufacture HFC–134a would have to cut the amount of TCE feedstock they use to 75% of their baseline by June 7, 2027. EPA is proposing to amend the compliance deadline so that this reduction in TCE feedstock would instead occur by December 31, 2027.

At the time of publication of the 2024 TCE Final Rule, the public comments EPA had received from the regulated community supported this phaseout schedule. After the publication of the 2024 TCE Final Rule, EPA received new information from Orbia Fluor & Energy Materials (Orbia) regarding the continued need for HFC–134a for military, industrial, and medical applications at rates higher than the 2024 TCE final rule phaseout accounted for (Refs. 6 and 12). Since the publication of the 2024 TCE Final Rule, the 2024 TCE final rule phaseout is no longer in alignment with the AIM Act phasedown because Orbia has received more allowances and anticipates receiving further allowances under the AIM Act to manufacture HFC–134a than initially anticipated (Ref. 6). The demand for HFC–134a from users in critical infrastructure and national security applications is now expected to remain significant through the early 2030s (Ref. 12).

By proposing to amend the compliance deadline for the first phasedown reduction in TCE feedstock volume to be in December instead of June 2027, EPA intends to allow time for a reasonable transition period given the changes in AIM Act allowances received for HFC–134a manufacture. This new compliance deadline will allow manufacturers of HFC–134a to meet needs from critical infrastructure and national security users while allowing for a transition that has a reasonable timeframe and will not produce unintended negative consequences. It is important to amend this compliance date because if the June 2027 date is not changed, HFC–134a manufacturers must otherwise begin curtailing their production of the refrigerant before the demand abates, negatively impacting critical infrastructure and national security application needs. Given the two and a half years provided for this compliance date in the 2024 TCE rule, EPA considers this extension of no more than 6 and a half months to be appropriate because it is ''as soon as practicable,'' while allowing for ''a reasonable transition period'' (15 U.S.C. 2605(d)(1)(B) and (E)).

Separately, EPA has initiated a rulemaking under RIN 2070–AL41 through which the Agency is reconsidering various elements of the 2024 TCE final rule, including stakeholders' larger issues with the use of TCE for HFC–134a manufacturing.

C. Downstream Notification

In keeping with the proposed new prohibition compliance deadline for processing TCE as a reactant/intermediate in chemical manufacturing, processing for and industrial and commercial use of TCE as a processing aid in certain chemical manufacturing, and the disposal of TCE

from such processing or uses to industrial pre-treatment, industrial treatment, or publicly owned treatment works, EPA also proposes to amend the downstream notification requirements of the 2024 TCE Final Rule to accurately reflect the restrictions on TCE. Accurate downstream notification is necessary to spread awareness throughout the supply chain of the restrictions on use of TCE under TSCA, as well as provide information to commercial end users about allowable uses of TCE until the prohibition compliance dates. EPA recognizes that the 2024 TCE Final Rule and 2025 Interim Final Rule compliance deadlines for updating the SDS of June 16, 2025, and December 16, 2025, respectively, have already passed and as such, manufacturers, processors, and distributors in commerce of TCE would need to update or amend their SDS shortly after doing so already. EPA proposes that 30 days from the publication of the final rule is a practicable time to update the SDS for manufacturers, processors, and distributors in commerce of TCE.

IV. Requests for Comment

EPA is requesting public comment on all aspects of this proposal. EPA notes that the proposed compliance dates may be subject to change depending on the timing of the final rulemaking and public comment.

1. EPA requests comment on the changes proposed in this action, including whether stakeholders have any serious reliance interests that may be impacted and, if so, how such interests should be accounted for in any final action.

2. EPA requests comment on a stakeholder requested alternative compliance deadline of December 18, 2028, for the TCE uses that this rule proposes to extend, and whether there is a basis that this longer deadline, compared to the proposed date of December 31, 2027, would be ''as soon as practicable,'' while allowing for ''a reasonable transition period.'' (15 U.S.C. 2605(d)(1)(B) and (E)) (Ref. 13).

3. EPA requests comment on an expedited (*e.g.,* 14 day) or immediate effective date of this extension rule because the December 18, 2026, compliance deadline is fast approaching.

V. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

1. EPA. Trichloroethylene; Regulation under the Toxic Substances Control Act; Final Rule. RIN 2070–AK83. **Federal Register** (89 FR 102568, December 17, 2024) (FRL–8317–02–OCSPP). *https://www.govinfo.gov/content/pkg/FR-2024-12-17/pdf/2024-29274.pdf.*
2. EPA. Trichloroethylene; Regulation Under the Toxic Substances Control Act (TSCA); Compliance Date Extension. RIN 2070–AL32. **Federal Register** (90 FR 44772, September 17, 2025) (FRL–8317.2–01–OCSPP). *https://www.govinfo.gov/content/pkg/FR-2025-09-17/pdf/2025-17948.pdf.*
3. Robert Simon. American Chemistry Council's Petition for Rulemaking to Reconsider Provisions of the Trichloroethylene TSCA Risk Management Rule. (89 FR 102568, December 17, 2024). May 27, 2025. *https://www.epa.gov/system/files/documents/2025-06/sec.-21-petition-acc-reconsider-tce-rm-rule-25-04529-ao-ex-1.pdf.*
4. Steven F. Faeth. TSCA Section 21 Petition to Initiate a Proceeding for the Amendment of EPA's Final Rule for Trichloroethylene (TCE) Regarding PPG's Section 6(g) Exemption. March 24, 2025. *https://www.epa.gov/system/files/documents/2025-05/tsca-section-21-petition-to-initiate-a-proceeding-for-the-amendment-of-epas-final-rule-for-trichloroethylene-tce-regarding-ppgs-section-6g-exemption.pdf.*
5. Daniel J. Feith. Alliance for a Strong U.S. Battery Sector and Microporous, LLC's Petition for Reconsideration of Exemption Conditions in the Final Trichloroethylene Ban. April 30, 2025. *https://www.epa.gov/system/files/documents/2025-05/alliance-for-a-strong-u.s.-battery-sector-and-microporous-petition-for-reconsideration-of-exemption-conditions-in-the-final-trichloroethylene-ban_1.pdf.*
6. Orbia. Letter RE: Request for TSCA Section 6(g) Exemption Rulemaking for TCE Processing as a Raw Material in HFC–134a Production at the Orbia St. Gabriel, Louisiana Facility. June 8, 2026.
7. EPA. Economic Analysis of the Final Regulation of Trichloroethylene Under TSCA Section 6(a). November 2024. *https://www.regulations.gov/document/EPA-HQ-OPPT-2020-0642-0728.*
8. Robert Simon. American Chemistry Council's Withdrawal Letter for Petition for Rulemaking to Reconsider Provisions of the Trichloroethylene TSCA Risk Management Rule, 89 FR 102568. September 19, 2025. *https://www.epa.gov/system/files/documents/2025-11/section-21_tce-rm-rule_closeout-letter-acc_10.16.2025_od-signature_er_0.pdf.*
9. EPA. Letter for PPG withdrawal for Petition to Initiate a Proceeding for the Amendment of EPA's Final Rule for Trichloroethylene (TCE) Regarding PPG's Section 6(g) Exemption. June 12, 2025. *https://www.epa.gov/system/files/documents/2025-06/section-21_tce-rm-rule_closeout-letter-ppg_06.11.2025_od-signature_er.pdf.*
10. EPA. Letter for Alliance for a Strong U.S. Battery Sector and Microporous, LLC's Withdrawal for Petition for Reconsideration of Exemption Conditions in the Final Trichloroethylene Ban. July 29, 2025. *https://www.epa.gov/system/files/documents/2025-07/epa-letter-closing-out-april-30-2025-tsca-sec.-21-petition_0.pdf.*
11. EPA. American Chemistry Council Meeting Memo. July 23, 2025. *https://www.regulations.gov/document/EPA-HQ-OPPT-2020-0642-0738.*
12. Orbia. Meeting with Orbia Fluor & Energy Materials on Risk Management under TSCA Section 6 for Trichloroethylene (TCE). May 12, 2026.
13. Sarah K. Soliman. Request for an extension of the December 18, 2026, prohibition compliance date for (1) off-site processing of feedstock streams containing trichloroethylene (TCE) and (2) disposal of wastewater containing trace levels of TCE by chemical processors under the December 2024 Toxic Substances Control Act (TSCA) risk management rule for TCE. August 24, 2026.

VI. Statutory and Executive Order Reviews

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

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

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). Any changes made in response to Executive Order 12866 review have been documented in the docket.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is expected to be an Executive Order 14192 deregulatory action because the action is expected to result in cost savings, as discussed in Unit I.E.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection activities or burden subject to OMB review and approval under the PRA, 44 U.S.C. 3501 *et seq.* However, this action defers the costs associated with paperwork and

recordkeeping burden for an existing information collection because the delayed compliance dates alter the time horizon of the collection's analysis. Burden is defined in 5 CFR 1320.3(b). OMB has previously approved the information collection activities contained in the existing regulations and associated burden under OMB Control No. 2070–0232 (EPA ICR No. 2775.02). An agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA, 5 U.S.C. 601 *et seq.* In making this determination, EPA concludes that the impact of concern for this action is any significant adverse economic impact on small entities, and the Agency is certifying that this rule will not have a significant economic impact on a substantial number of small entities because the rule relieves regulatory burden on the small entities subject to the rule. This action would extend the compliance date for the prohibition on processing TCE as a reactant/intermediate and the industrial and commercial use of TCE as a processing aid and their associated disposal until 2028, the compliance date for the first phase of the phaseout of TCE processing in the manufacture of HFC–134a until 2028, and the compliance deadline for downstream notification and the text required to be present in SDSs for TCE starting 30 days after publication of the final rule. We have therefore concluded that this action will relieve regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The costs involved in this action are estimated not to exceed $187 million in 2024$ ($100 million in 1995$, adjusted for inflation using the GDP implicit price deflator) or more in any one year. EPA estimates the annualized cost savings of extending compliance dates in this action to be $0.04–0.06 million.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999) because it will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have Tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000) because it does not have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Thus, Executive Order 13175 does not apply to this action.

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

Executive Order 13045 (62 FR 19885, April 23, 1997) directs federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

Nevertheless, as in the 2024 TCE final rule, EPA's Policy on Children's Health applies to this action. The environmental health or safety risks addressed by the 2024 TCE final rule present a disproportionate risk to children due to TCE's developmental toxicity, as described in Unit VIII.G of that rule. However, this action would not alter the requirements of the final rule promulgated in 2024 that addresses the unreasonable risks presented by TCE under its conditions of use. Rather, this action would delay when entities must comply with certain provisions in order to provide a reasonable transition period for compliance as required under TSCA section 6(d)(1)(E). Information on how the Policy was applied in the 2024 TCE final rule and on that action's health and risk assessments is available under Units II.C., II.D. and IV.A of the final rule as well as in the 2020 Risk Evaluation, and the Economic Analysis for the final rule.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution or use of energy.

J. National Technology Transfer and Advancement Act (NTTAA)

This action does not involve technical standards under NTTAA section 12(d), 15 U.S.C. 272. EPA determined that the 2024 TCE final rule involves environmental monitoring or measurement for occupational inhalation exposures and, consistent with the Agency's Performance Based Measurement System, decided not to require the use of specific, prescribed analytic methods. However, this action would simply extend compliance dates as described in Unit III.

List of Subjects in 40 CFR Part 751

Environmental protection, Chemicals, Export notification, Hazardous substances, Import certification, Reporting and recordkeeping.

Lee Zeldin,

Administrator.

For the reasons set forth in the preamble, the EPA proposes to amend 40 CFR part 751 as follows:

PART 751—REGULATION OF CERTAIN CHEMICAL SUBSTANCES AND MIXTURES UNDER SECTION 6 OF THE TOXIC SUBSTANCES CONTROL ACT

■ 1. The authority citation for part 751 continues to read as follows:

Authority: 15 U.S.C. 2605, 15 U.S.C. 2625(l)(4).

■ 2. Amend § 751.305 by revising (b)(9) introductory text to read as follows:

§ 751.305 Prohibitions of manufacturing, processing, distribution in commerce, use and disposal.

* * * * *

(b) * * *

* * * * *

(9) After December 31, 2027, except for those uses specified in paragraphs

(b)(14), (23), (24), and (27) of this section, all persons are prohibited from:

* * * * *

■ 3. Amend § 751.307 by revising paragraph (b)(1) to read as follows:

§ 751.307 Phase-out of processing trichloroethylene to manufacture of HFC–134a.

* * * * *

(b) * * *

(1) Beginning December 31, 2027, each manufacturer of HFC–134a who processes TCE as an intermediate is not permitted to process TCE as an intermediate at an annual volume greater than 75 percent of the baseline.

* * * * *

■ 4. Amend § 751.313 by revising paragraph (h) introductory text to read as follows:

§ 751.313 Phase-out of disposal of TCE to industrial pre-treatment, treatment, or publicly owned treatment works.

* * * * *

(h) Except for those uses specified in paragraphs (b), (c), and (d) of this section, all persons engaged in the uses specified in paragraphs (h)(i) or (ii) of this section are prohibited from disposal of TCE to industrial pre-treatment, industrial treatment, or publicly owned treatment works after December 31, 2027:

* * * * *

■ 5. Amend § 751.321 by:

■ a. Revising paragraph (d).

■ b. Adding paragraphs (f) and (g).

The revisions and additions read as follows:

§ 751.321 Downstream notification.

* * * * *

(d) Beginning on December 16, 2025, and before [DATE 30 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **FEDERAL REGISTER**], each person who manufactures (including imports), processes, or distributes in commerce TCE or any TCE-containing products must, prior to or concurrent with the shipment, notify companies to whom TCE is shipped, in writing, of the restrictions described in this subpart in accordance with paragraph (e) of this section.

* * * * *

(f) Beginning [DATE 30 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **FEDERAL REGISTER**], each person who manufactures (including imports), processes, or distributes in commerce TCE or any TCE-containing products must, prior to or concurrent with the shipment, notify companies to whom TCE is shipped, in writing, of the restrictions described in this subpart in accordance with paragraph (g) of this section.

(g) The notification required under paragraph (f) of this section must occur by inserting the following text in section 1(c) and 15 of the Safety Data Sheet (SDS) provided with the TCE or with any TCE-containing product:

''After June 16, 2025, this chemical/product is and can only be domestically manufactured, imported, processed, or distributed in commerce for the following purposes until the following prohibitions take effect: (1) Processing as an intermediate (a) for the manufacture of HFC–134a until June 18, 2033, and (b) for all other processing as a reactant/intermediate until December 31, 2027; (2) Industrial and commercial use as a solvent for open-top batch vapor degreasing until December 18, 2025; (3) Industrial and commercial use as a solvent for closed-loop batch vapor degreasing until December 18, 2025, except for industrial and commercial use in batch vapor degreasing for land-based DOD defense systems by Federal agencies and their contractors until December 18, 2029, and except for industrial and commercial use as a solvent for closed-loop batch vapor degreasing necessary for rocket engine cleaning by Federal agencies and their contractors until December 18, 2031, and except for industrial and commercial use of TCE in closed-loop and open-top batch vapor degreasing for essential aerospace parts and components and narrow tubing used in medical devices until December 18, 2031, and except for industrial and commercial use as a solvent for closed-loop batch vapor degreasing for rayon fabric scouring for end use in rocket booster nozzle production by Federal agencies and their contractors until December 18, 2034; (4) Industrial and commercial use in processing aid (a) for lithium battery separator manufacturing until December 18, 2029, and (b) for lead-acid battery separator manufacturing until December 18, 2044, and (c) for specialty polymeric microporous sheet material manufacturing until December 18, 2039, and (d) in process solvent used in battery manufacture; in process solvent used in polymer fiber spinning, fluoroelastomer manufacture and Alcantara manufacture; in extraction solvent used in caprolactam manufacture; and in precipitant used in beta-cyclodextrin manufacture until December 31, 2027; (5) Industrial and commercial uses for vessels of the Armed Forces and their systems, and in the maintenance, fabrication, and sustainment for and of such vessels and systems until December 18, 2034; (6) Industrial and commercial use for laboratory use (a) for essential laboratory activities until December 18, 2074 and (b) for asphalt testing and recovery using manual centrifuge processes until December 18, 2029 and for asphalt testing and recovery until December 18, 2034; and (7) Industrial and commercial use as a processing aid in the manufacture of nuclear fuel until September 15, 2028.

* * * * *

[FR Doc. 2026–20964 Filed 10–13–26; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1336

RIN 0970–AD50

Further Reducing Bureaucracy and Burden From the Administration for Native Americans

AGENCY: Administration for Native Americans (ANA), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Health and Human Services, Administration for Children and Families proposes to further amend the Native American Programs Act regulations to streamline the part.

DATES: In order to be considered, written comments on this proposed rule must be received on or before November 13, 2026.

ADDRESSES: You may submit written comments, identified by docket number ACF–2026–0826 and/or RIN number 0970–AD50, by one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: Deregulation@acf.hhs.gov.* Include the docket number ACF–2026–0826 and/or RIN number 0970–AD50 in the subject line of the message.

Instructions: All submissions received must include the agency name and docket number or RIN number for this rulemaking. All comments received are a part of the public record and will be posted for public viewing on *www.regulations.gov,* without change. Please be advised that the substance of the comments and the identity of individuals or entities submitting the

comments will be subject to public disclosure. The docket on *https://www.regulations.gov* will include a plain language summary of the notice of proposed rulemaking (NPRM).

FOR FURTHER INFORMATION CONTACT: Adam N. Jones, Deputy Chief of Staff, Immediate Office of the Assistant Secretary, Administration for Children and Families, Department of Health and Human Services, Washington, DC 202–417–0115 or *Deregulation@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Statutory Authority

This proposed regulation is being issued under the authority granted to the Secretary of Health and Human Services by the Native American Programs Act of 1974, as amended (42 U.S.C. 2991 *et seq.*), hereafter referred to as the ''Act.''

II. Background

The Native American Programs Act of 1974 (NAPA), as amended (42 U.S.C. 2991 *et seq.*), authorizes the Administration for Native Americans (ANA) to promote social development and economic self-sufficiency in Native communities through competitive grant funding. Under Section 803 of NAPA (42 U.S.C. 2991b), ANA provides financial assistance on a single-year or multi-year basis to public and nonprofit private agencies, including governing bodies of Indian Tribes on federal and state reservations, Alaska Native villages and regional corporations established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*), and public and nonprofit agencies serving Native Hawaiians and Indian and Alaska Native organizations in urban or rural areas that are not reservations or Alaska Native villages. ANA implements its mission through competitive discretionary grants that support Native-led, community-based projects aimed at strengthening families and communities and reducing long-term dependency through social and economic development, Native language preservation, and environmental regulatory enhancement. ANA typically provides short-term ''seed'' funding ranging from 12 to 60 months to help communities launch or expand sustainable efforts. In Federal Fiscal Year (FFY) 2025, ANA awarded a total of $50,738,495, which included new awards and continued funding for previously awarded projects. The regulations that implement the NAPA, 45 CFR part 1336, were last amended in 2026 by 91 FR 36756.

III. Executive Summary

This would follow a final rule that was published in June 2026 (*see* 91 FR 36756) that repealed all of Part 1336 except for five sections. Those five sections now are fragmented and could be streamlined to ease readability and understanding. The five sections that currently remain in regulation are titled: Definitions, Notice of ineligibility, Appeal of ineligibility, Financial and administrative requirements, and Appeals. Many of these sections have language that is duplicative of statute, yet components of the section are not duplicative. Therefore, this rulemaking proposes to remove the language that is duplicative and streamline the remaining text.

Severability

The provisions of this NPRM, if finalized, are intended to be severable, such that, in the event a court were to invalidate any particular provision or deem it to be unenforceable, the remaining provisions would continue to be valid. The changes address a variety of issues relevant to the Administration for Native Americans. None of the provisions contained herein are central to an overall intent of the proposed rule, nor are any provisions dependent on the validity of other, separate provisions.

IV. Discussion of Proposed Changes

Subpart A—Definitions

§ 1336.10 Definitions

Section 1336.10 identifies the definitions that are applicable to part 1336, unless context otherwise requires. This proposal removes the definition for ''Economic and social self-sufficiency'' as the term is not used in the proposed new part. Further, this NPRM seeks to update the definition of ''ANA'' as the Administration for Native Americans is no longer under the Office of Human Development Services. Therefore, this proposal would remove that reference while maintaining the remainder of the definition. This rule proposes to also redesignate this section from § 1336.10 to § 1336.1 in accordance with the proposed streamlining of the part. There are no other proposed changes to definitions in this section.

Subpart C—Native American Projects

§ 1336.34 Notice of Ineligibility

Section 1336.34 states the process of notice for an organization if the Commissioner determines them to be ineligible for funding, or the activities proposed by the organization are ineligible. This NPRM proposes to streamline this section by maintaining the requirement that if an organization or activities proposed by an organization are determined to be ineligible for funding, the Commissioner must inform the applicant of this decision and must state the legal and factual grounds for which this decision was made. This NPRM seeks to remove the detailed requirements that state that a copy of part 1336 must be included in that letter, as well as requiring the letter to include the template paragraph that currently exists in regulation. The reason for this proposal is in part to simplify the regulatory text, which does not benefit from including template paragraphs, but also to recognize the fact that the address listed in the current section is no longer the appropriate office of ANA. This rule proposes to also redesignate this section from § 1336.34 to § 1336.2 and retitle it ''Notices of ineligibility and appeals'' in accordance with the proposed streamlining of the part.

§ 1336.35 Appeal of Ineligibility

Section 1336.35 currently identifies the process that must be followed to appeal a finding of ineligibility for funding. This section is proposed to be removed as the language detailing this appeals process conflicts with the Departmental Appeals Board (DAB) procedures which are identified in 45 CFR part 16. To simplify the appeals process and ensure consistency among other ACF programs, we propose to add a new paragraph to proposed section 1336.2 entitled ''appeals'' (proposed 1336.2(b)) describing that an applicant who has had their application rejected because it has been found ineligible for funding or because the activities it is proposing are ineligible for funding by the Commissioner may appeal the Commissioner's ruling to the DAB following the process identified in 45 CFR part 16.

Subpart E—Financial Assistance Provisions

§ 1336.50 Financial and Administrative Requirements

Section 1336.50 currently describes financial and administrative requirements applicable to grantees. This section is proposed to be streamlined and renumbered as section 1336.3 under the same name. This NPRM seeks to remove current § 1336.50(a) as the regulations identified in this subpart apply regardless of being cited here. HHS accepts that this list may be helpful for grantees to identify which requirements are applicable to them, and if this proposed rule is finalized, intends to provide training

and technical assistance to ensure grantees are still aware of applicable regulatory requirements.

Current section 1336.50(b)(1) details that recipients of financial assistance under sections 803, 804, and 805 of the Act must provide a matching share of 20 percent of the approved cost of the assisted project, unless a waiver is attained. This proposed rule removes this section because it is duplicative of 42 U.S.C. 2991b(c). We propose to streamline current section 1336.50(b)(2) by removing unnecessary language while preserving the all core aspects of the regulation and renumbering as § 1336.3(a)(1).

We propose to renumber current section 1336.50(b)(3) as 1336.3(a)(2) and retain in part. The language proposed for deletion is in paragraph (i) which was an overly wordy explanation for why an applicant could request a waiver for the non-Federal matching requirement and is proposed to be replaced with the proper statutory reference. Paragraph (ii) is proposed to be retained, but this NPRM seeks to remove the last two sentences of the paragraph which provide examples of allowable documentation, as opposed to requirements imposed on grantees. Current section 1336.50(b)(4) is proposed to be renumbered to 1336.3(a)(3) with no changes.

We propose to remove current section 1336.50(c)(1) as it does not contain any requirements but rather restates language from section 803(c) of the Act and other parts of the regulation. Paragraph (2) is then proposed to be renumbered as paragraph (1) with a minor edit to add a statutory reference. There are no other proposed changes to the rest of current section 1336.50, other than to renumber as appropriate.

§ 1336.52 Appeals

Section 1336.52 currently identifies the right to appeal decisions to suspend, terminate, or deny funding pursuant to the remedies for noncompliance under 2 CFR 200.339–200.343 and the process for which to do so. We propose to remove this section as the language detailing this appeals and hearing process is duplicative of the DAB procedures which are identified in 45 CFR part 16. To ensure that grantees are still aware of the appeals process, without having to rewrite part 16 in this section, we propose to add a new paragraph to proposed section 1336.2 entitled ''appeals'' (proposed 1336.2(b)) which describes that a recipient who has had their financial assistance suspended or terminated, or whose non-competing continuation applications for refunding have denied under 2 CFR 200.339 and 200.340 may appeal the ruling to the DAB following the process identified in 45 CFR part 16.

V. Regulatory Process Matters

Paperwork Reduction Act

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.,* as amended) (PRA), all Departments are required to submit to the Office of Management and Budget (OMB) for review and approval any new or modified reporting or recordkeeping requirements inherent in a proposed or final rule. This NPRM does not contain any information collections requiring OMB approval under the PRA and, therefore, will not create any new paperwork burdens or modify existing burdens subject to OMB review.

Executive Order 13132

Executive Order 13132 requires federal agencies to consult with State and local government officials if they develop regulatory policies with federalism implications. Federalism is rooted in the belief that issues that are not national in scope or significance are most appropriately addressed by the level of government close to the people. This proposed rule would not have substantial direct impact on the States, on the relationship between the federal government and the States, or on the distribution of power and responsibilities among the various levels of government. This NPRM would not pre-empt State law. The changes proposed in the NPRM are removing unnecessary and obsolete regulations from the Native American Program rules. Therefore, in accordance with Section 6 of Executive Order 13132, it is determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Assessment of Federal Regulations and Policies on Families

Assessment of Federal Regulations and Policies on Families Section 654 of the Treasury and General Government Appropriations Act of 1999 (Pub. L. 105–277) requires federal agencies to determine whether a policy or regulation may negatively affect family well-being. If the agency determines a policy or regulation negatively affects family well-being, then the agency must prepare an impact assessment addressing seven criteria specified in the law. HHS believes it is not necessary to prepare a family policymaking assessment because the actions proposed in this NPRM will not have any impact on the autonomy or integrity of the family as an institution.

VI. Regulatory Impact Analysis

We have examined the impacts of the proposed rule under Executive Order 12866, Executive Order 13563, Executive Order 14192, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

Executive Orders 12866 and 13563 direct us to assess all benefits and costs of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits. 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.'' The Office of Information and Regulatory Affairs (OIRA) has determined that this proposed rule is a significant action under Executive Order 12866 Section 3(f).

The Regulatory Flexibility Act (RFA) requires agencies to consider the impact of their regulatory proposals on small entities. Because this action would simply repeal obsolete and unnecessary language, we propose to certify that the proposed rule would not have a significant economic impact on a substantial number of small entities.

The Unfunded Mandates Reform Act of 1995 (UMRA) generally requires that each agency conduct a cost-benefit analysis; identify and consider a reasonable number of regulatory alternatives; and select the least costly, most cost effective, or least burdensome alternative that achieves the objectives of the rule before promulgating any proposed or final rule that includes a Federal mandate that may result in expenditures of more than $100 million (adjusted for inflation) in at least one year by State, local, and tribal governments, in the aggregate, or by the private sector. Each agency issuing a rule with relevant effects over that threshold must also seek input from State, local, and tribal governments. The current threshold after adjustment for inflation is $193 million, using the most current (2025) Implicit Price Deflator for the Gross Domestic Product. This proposed rule would not result in an expenditure in any year that meets or exceeds this amount.

VII. Tribal Consultation Statement

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, requires agencies to consult with Indian Tribes when

regulations 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.'' Similarly, ACF's Tribal Consultation Policy says that consultation is triggered for any legislative proposal, new rule adoption, or other policy change that significantly affects Tribes, meaning there exists a reasonable presumption that it has or may have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian tribes, on the amount or duration of ACF program funding, on the delivery of ACF programs or services to one or more Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

ACF conducted a Tribal consultation in August 2026, in which a panel on ''Reducing Administrative Burden'' was hosted. Commenters expressed general support for de-regulation and simplifying of regulatory text. This proposed rule begins another comment period by which we are requesting further input from Tribes on the proposed changes.

List of Subjects in 45 CFR Part 1336

Administrative practice and procedure, American Samoa, Grant programs—Indians, Grant programs—social programs, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, ACF proposes to amend 45 CFR part 1336 as follows:

PART 1336—NATIVE AMERICAN PROGRAMS

■ 1. The authority citation for part 1336 continues to read:

Authority: 42 U.S.C. 618, 9858 *et seq.*

§ 1336.1 Definitions.

For the purposes of this part, unless the context otherwise requires:

Act means the Native American Programs Act of 1974, as amended (42 U.S.C. 2991 *et seq.*).

Alaskan Native means a person who is an Alaskan Indian, Eskimo, or Aleut, or any combination thereof. The term also includes any person who is regarded as an Alaskan Native by the Alaskan Native Village or group of which he or she claims to be a member and whose father or mother is (or, if deceased, was) regarded as an Alaskan Native by an Alaskan Native Village or group. The term includes any Alaskan Native as so defined, either or both of whose adoptive parents are not Alaskan Natives.

American Indian or Indian means any individual who is a member or a descendant of a member of a North American tribe, band, Pueblo or other organized group of native people who are indigenous to the Continental United States, or who otherwise have a special relationship with the United States or a State through treaty, agreement, or some other form of recognition. This includes any individual who claims to be an Indian and who is regarded as such by the Indian tribe, group, band, or community of which he or she claims to be a member.

ANA means the Administration for Native Americans

Applicant means an organization which has applied for financial assistance from ANA.

Budget period means the interval of time into which a project period is divided for budgetary and funding purposes, and for which a grant is made. A budget period usually lasts one year in a multi-year project period.

Indian tribe means a distinct political community of Indians which exercises powers of self-government.

Native American means American Indian, Indian, Native Hawaiian, and Alaskan Native, as defined in the Act, or in this section.

Project period means, for discretionary grants and cooperative agreements, the total time for which the recipient's project or program is approved for support, including any extension, subject to the availability of funds, satisfactory progress, and a determination by HHS that continued funding is in the best interest of the Government.

Recipient means an organization which has applied for financial assistance, and to which financial assistance is awarded under this Act. The term includes grantees and recipients of cooperative agreements.

§ 1336.2 Notice of ineligibility and appeals.

(a) *Notices of ineligibility.* Upon a finding by the Commissioner that an organization that has applied for funding is ineligible or that the activities proposed by an organization are ineligible, the Commissioner shall inform the applicant of the decision stating the legal and factual grounds for the Commissioner's finding of ineligibility.

(b) *Appeals.* An applicant that has had its application rejected either because it has been found ineligible or because the activities it proposes are ineligible for funding by the Commissioner of ANA, and recipients whose financial assistance has been suspended or terminated, or whose non-competing continuation applications for refunding have been denied, pursuant to the remedies for noncompliance at 2 CFR 200.339–200.343, may appeal the Commissioner's ruling to the HHS Departmental Appeals Board through the process at 45 CFR part 16.

§ 1336.3 Financial and administrative requirements.

(a) *Cost sharing or matching.*

(1) *Application.* If an applicant or recipient wishes to request a waiver of the requirement for a 20 percent non-Federal matching share for financial assistance under sections 803, 804, and 805 of the Act, the following conditions must be met:

(i) If an applicant for an initial award or an applicant for a non-competing continuation award anticipates that it will be unable to meet the cost-sharing or matching requirement, the applicant may request a waiver of the 20 percent non-Federal matching share. It must include with its application for funding, the submission of a revised SF424A, a written justification that clearly explains why the applicant cannot provide the matching share including the amount of non-Federal share to be waived, and how it meets the criteria indicated in paragraph (a)(2) of this section. For an applicant for an initial award, or an applicant seeking a non-competing continuation award, a request for a waiver must be submitted at the time of the initial application or non-competing continuation (NCC) application.

(ii) If a recipient is unable to contribute part or all of the required non-Federal matching share during a budget period due to an emergency situation the recipient may request a waiver of all or part of the requirement for a 20 percent non-Federal matching share. Any requests for an emergency waiver may be submitted at any time during a budget period as soon as the adverse effect is known to the recipient and must be submitted in accordance with the requirements specified in paragraph (a)(2) of this section.

(2) *Criteria.* Both of the following criteria must be met for an applicant or recipient to be eligible for a waiver of the non-Federal matching requirement:

(i) Applicant or recipient documents an inability to meet requirements of 42 U.S.C. 2991b(c) through an institutional audit if available, or a full disclosure of applicant's or recipient's total assets and liabilities.

(ii) Applicants or recipients can document that reasonable efforts to obtain cash or in-kind contributions for the purposes of the project from third parties have been unsuccessful, including evidence and the results of such attempts.

(3) *Approval.* For a waiver to be approved, ANA must determine that it will not prevent the award of other grants at levels it believes are desirable for the purposes of the program. Waiver of all or part of the non-Federal share shall apply only to the budget period for which application was made.

(b) *Maintenance of effort.*

(1) To be eligible for a waiver from the requirements of 42 U.S.C. 2991b(d)(1), the applicant must demonstrate to ANA that the organization whose funds previously supported the project discontinued its support:

(i) As a result of funding limitations; and

(ii) Not as a result of an adverse evaluation of the project's purpose or the manner in which it was conducted; and

(iii) Not because it anticipated that Federal funds would replace the original source of project funding.

(2) In addition, the applicant must demonstrate in the request for a waiver that the maintenance of effort requirement would result in insurmountable hardship for the recipient or would otherwise be inconsistent with the purposes of this part.

(c) *Delegation of project operations.*

(1) Each subgrant awarded to a delegate agency must have specific prior approval by ANA. Such delegation must be formalized by written agreement.

(2) The agreement must specify the activities to be performed by the delegate agency, the time schedule, the policies and procedures to be followed, the dollar limitations, and the costs allowed. The applicant must submit a budget for each delegate agency as part of its application.

(d) *Unallowable costs.* ANA funds may not be used by recipients to purchase real property.

(e) *Office of the Chief Executive.* The costs of salaries and expenses of the Office of Chief Executive of a federally recognized Indian tribal government (as defined in § 75.2 of this title) are allowable, provided that such costs exclude any portion of salaries and expenses of the Office of Chief Executive that are a cost of general government and provided they are related to a project assisted under this part.

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2026–21004 Filed 10–13–26; 8:45 am]

BILLING CODE 4184–34–P

Notices

Federal Register
Vol. 91, No. 197
Wednesday, October 14, 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

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are required regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by November 13, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Farm Service Agency

Title: Farm Loan Program (FLP) Online Loan Application.

OMB Control Number: 0560–0317.

Summary of Collection: The Farm Service Agency (FSA) currently exploring broader IT Modernization efforts to enhance program delivery. As part of the broader IT modernization effort, the existing OLA platform may be incorporated into a new fully integrated lending platform for USDA to push out to the applicants and borrowers. In April 2026, further OLA expansion occurred to accept requests from legal entity applicants. As it relates to available loan types, OLA is only available for Farm Ownership Loans and Operating Loans requests. It is not available for Youth Loans, Emergency Loans, or the Indian Tribal Land Acquisition Loan Program. As it relates solely to the automated form FSA–2001 completed via the OLA experience, the burden hours were projected to decrease from the paper FSA–2001 ''Request for Direct Loan Assistance'' form due to the intuitive design of the online application software. FSA provides loans to family farmers to purchase real estate and equipment and finance agricultural production authorized under the Consolidated Farm and Rural Development Act (CONACT) (7 U.S.C. 1921 and Pub. L. 87–128), as amended. Direct loan making information collection requirements include debt verifications, employment & income verification, and actual financial and production records of the operation.

Need and Use of the Information: FSA is collecting the information that is necessary to thoroughly evaluate the applicant's request for a direct loan to ensure that: the applicant meets the established program eligibility requirements; their cash flow projections used in determining loan repayment are based on the actual financial and production history of the operation and a loan is adequately secured. FSA is mandated to provide supervised credit, failure to collect the information, or collecting it less frequently, could result in the failure of the farm operation or loss of FSA security property. If the information were not collected, or collected less frequently, FSA would be unable to meet the congressionally mandated mission of the loan programs.

Description of Respondents: Individuals/Households; Business or other for-profit.

Number of Respondents: 668.

Frequency of Responses: Reporting: Other (when applying for loans).

Total Burden Hours: 1,152.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–20985 Filed 10–13–26; 8:45 am]

BILLING CODE 3410–18–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Ball Horticultural Company: Determination of Nonregulated Status for Red Flower Petals African Marigold (Tagetes erecta) Event pBALL123–022–BE113 3

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that African marigold (*Tagetes erecta*) event pBALL123–022–BE113, which was developed using genetic engineering to produce red flower petals, is no longer considered regulated. Our determination is based on our evaluation of information and data submitted by Ball Horticultural Company in its petition for a determination of nonregulated status, available scientific data, the plant pest risk assessment, and public comments received in response to a previous notice announcing the availability of the petition for nonregulated status and a draft plant pest risk assessment. This notice announces the availability of our written determination and supporting documents.

DATES: This change in regulatory status is recognized as of October 14, 2026.

ADDRESSES: You may read the petition, our determination referenced in this notice, and supporting documents by any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2026–0001 in the Search field.
- Our reading room, located in 1620 of the USDA South Building, 14th Street

and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Pearson, Biotechnology Regulatory Services, APHIS, USDA, 5601 Sunnyside Avenue, AP100–3–WS–1151, Beltsville, MD 20705; (301) 851–3944; email: *alan.pearson@usda.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of the plant pest provisions of the Plant Protection Act (7 U.S.C. 7701–7772, 7781–7786) and the regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' Animal and Plant Health Inspection Service (APHIS) regulates, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such organisms and products are considered ''regulated articles.'' Section 340.6(a) of the regulations (7 CFR 340.6(a)) provides that any person may submit a petition to APHIS seeking a determination that an article should not be regulated under 7 CFR part 340.

APHIS received a petition (APHIS Petition Number 25–205–01p) from Ball Horticultural Company (BHC) seeking a determination of nonregulated status for African marigold (*Tagetes erecta*) event pBALL123–022–BE113, designated as pBALL123, which has been developed using genetic engineering to produce red flower petals. The petition provides information in support of petitioners' position that pBALL123 is unlikely to pose a plant pest risk and therefore should not be regulated under APHIS' regulations in 7 CFR part 340.

As part of our decision-making process regarding the organism's regulatory status, APHIS prepared a draft plant pest risk assessment (PPRA) to assess the plant pest risk of the organism.

APHIS published the petition and draft PPRA in the **Federal Register** (91 FR 6179, APHIS–2026–0001) and accepted public comments from February 11, 2026, through April 13, 2026. APHIS received 3 comments by the close of the comment period that were posted to the docket. APHIS received comments from a horticultural industry organization, a non-governmental organization, and an unaffiliated individual. Of the 3 comments posted to the docket, two were in support of deregulation of pBALL123, and one was in opposition.

Determination

Based on APHIS' evaluation in the PPRA of information and data submitted by BHC in its petition, available scientific data, and public comments received in response to the petition and draft PPRA, APHIS has determined that pBALL123 is unlikely to pose a greater plant pest risk than the nonmodified comparator and therefore is no longer subject to the regulations in 7 CFR part 340 governing the introduction of certain organisms developed using genetic engineering.

Copies of the signed determination, PPRA, and response to comments, as well as the previously published petition and supporting documents, are available as indicated in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** sections of this notice.

(Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.)

Done in Washington, DC, this 8th day of October 2026.

Kelly Moore,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–20961 Filed 10–13–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

[Docket ID: FSA–2026–0496]

Information Collection Requests; Disaster Assistance—General; Critical Customer Data

AGENCY: Farm Service Agency, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) is requesting comments from all interested individuals and organizations on the revision of the following currently approved information collection requests: Disaster Assistance—General (0560–0170) and Critical Customer Data (0560–0265).

DATES: We will consider comments that we receive by December 14, 2026.

ADDRESSES: We invite you to submit comments on this notice. You may submit comments by this method: *Federal eRulemaking Portal:* Go to: *www.regulations.gov* and search for Docket ID FSA–2026–0496. Follow the online instructions for submitting comments.

You may also send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Agriculture, Washington, DC 20503. Copies of the information collection may be requested by contacting Rena Russell-Spruell (Disaster Assistance—General) or Tyler Gilkey (Critical Customer Data).

FOR FURTHER INFORMATION CONTACT: For Disaster Assistance—General, Rena Russell-Spruell, (202) 720–3265; *rena.russell.spruell@usda.gov.* For Critical Customer Data, Tyler Gilkey, 402–437–5895, *tyler.gilkey@usda.gov.* Individuals with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice and text telephone (TTY mode)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone).

SUPPLEMENTARY INFORMATION:

Description of Information Collection Requests

Title: Disaster Assistance—General.

OMB Control Number: 0560–0170.

Expiration Date: January 31, 2027.

Type of Request: Revision of a currently approved information collection.

Abstract: The Disaster Assistance-General information collection is needed to establish county eligibility for Secretarial disaster designations, which make emergency loans available to eligible farmers and ranchers and may also be used to qualify counties for other disaster assistance programs if required by statute or a program's regulations. The regulations in 7 CFR part 759 define the responsibilities of the Secretary of Agriculture in making disaster designations, the types of incidents that can result in a disaster designation, and the factors used in making disaster designations. Secretarial disaster designations must be requested in writing from a State governor (or authorized representative), Indian Tribal Council, or the FSA State Executive Director (SED) unless a county qualifies through the Fast Track process for drought using data from the U.S. Drought Monitor. For each county included in a request, the FSA county office and the County Emergency Board (CEB) will complete a Loss Assessment Report (LAR) that includes information about crop losses due to the disaster. If the LAR does not indicate a 30 percent or greater loss of at least one crop in the

county, FSA employees will conduct a survey of farmers in the county to assess whether other criteria justify a Secretarial disaster designation for the county.

FSA is requesting a revision of the approved information collection. The revisions are intended to accurately reflect the expected number of requests and need to conduct farmer surveys and will remove responses and burden hours for the collection of information from FSA employees rather than the public. For the following estimated total annual burden on respondents, the formula used to calculate the total burden hours is the estimated average time per response hours multiplied by the estimated total annual responses.

Estimate of Average Time To Respond: Public reporting burden for the information collection is estimated to average 0.3724 hours per response.

Type of Respondents: Farms, Tribal Governments, and State Governments.

Estimated Annual Number of Respondents: 98.

Estimated Number of Reponses per Respondent: 1.

Estimated Total Annual Responses: 98.

Estimated Total Annual Burden on Respondents: 37 hours.

Title: Critical Customer Data.

OMB Control Number: 0560–0265.

Expiration Date: January 31, 2027.

Type of Request: Revision of a currently approved information collection.

Abstract: FSA collects critical customer data (such as customer name, contact information, and taxpayer identification number) from new customers and updates records of existing customers with AD–2047, Customer Data Worksheet. This data is used by FSA and other USDA agencies to administer USDA programs and perform functions such as administering conservation compliance for federal crop insurance participants. The title of this information collection was formerly ''Customer Data Worksheet Request for Business Partner Record Change''.

Critical customer data is typically provided directly to a service center employee while a customer is physically visiting the USDA Service Center. This approach minimizes the burden on customers by allowing them to provide this data as part of a routine office visit. AD–2047 is also available from the USDA e-Forms website for customers to download, complete, and submit to their local Service Center. Customers may submit the information by mail, fax, email, phone, or through Box or OneSpan (see *https://www.farmers.gov/working-with-us/signing-and-sharing-documents*).

FSA is currently reviewing how customers interact with USDA as part of the ''One Farmer, One File'' modernization initiative (see *https://www.fsa.usda.gov/news-events/news/03-02-2026/usda-launches-one-farmer-one-file-initiative-better-support-farmers*). Through ''One Farmer, One File,'' USDA's mission is to create a single, streamlined record that follows the farmer throughout the USDA system while reducing the administrative burden for farmers and making program delivery more efficient. As part of that initiative, FSA is establishing an electronic method for customer submission of critical customer data. The responses and burden hours associated with use of this electronic method are included in this information collection request.

The estimated number of respondents and responses increased by 170,981, and the burden hours increased by 8,549 due to the change in estimated responses since the last OMB approval. These changes reflect adjustments based on recent use of AD–2047. This increase is primarily due to an increase in the number of new customers who are participating in new programs. For the following estimated total annual burden on respondents, the formula used to calculate the total burden hours is the estimated average time per response multiplied by the estimated total annual responses.

Estimated Respondent Burden: Public reporting burden for this collection of information is estimated to average 0.05 hours per response.

Type of Respondents: Farms and Businesses.

Estimated Number of Respondents: 332,231.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Number of Responses: 332,231.

Estimated Total Annual Burden on Respondents: 16,612 hours.

Request for Comments

FSA is requesting comments on all aspects of this information collection to help us to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of FSA, including whether the information will have practical utility;

(2) Evaluate the accuracy of FSA's estimate of burden of the collection of information including the validity of the methodology and assumptions used;

(3) Evaluate the quality, utility, and clarity of the information to be collected;

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

William Beam,

Administrator, Farm Service Agency.

[FR Doc. 2026–21007 Filed 10–13–26; 8:45 am]

BILLING CODE 3411–E2–P

DEPARTMENT OF AGRICULTURE

Forest Service

Kootenai National Forest; Montana; Kootenai National Forest Over-Snow Motorized Use Travel Plan; Withdrawal

AGENCY: Forest Service, Agriculture.

ACTION: Notice; Withdrawal.

SUMMARY: The Kootenai National Forest is withdrawing its notice of intent to prepare an environmental impact statement (EIS) for the Kootenai National Forest Over-Snow Motorized Use Plan.

FOR FURTHER INFORMATION CONTACT: Questions concerning this project should be directed to NEPA Coordinator Moira McKelvey, 406–293–6211, *moira.mckelvey@usda.gov.*

Individuals who use telecommunication devices for the hearing-impaired may call 711 to reach the Telecommunications Relay Service, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: A Notice of Intent was published in the **Federal Register** on April 26, 2024, 89 FR 32394. The Kootenai National Forest's decision to withdraw the Notice of Intent is based on the length of time since the Notice of Intent was published. The project will be reinitiated at a later date.

Lisa Northrop,

Associate Deputy Chief, National Forest System.

[FR Doc. 2026–20939 Filed 10–13–26; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 260918–0056]

XRIN 0694–XC163

Guidance to U.S. Customs and Border Protection Regarding the Assessment of ''U.S. Content'' for Purposes of Implementing Tariffs Pursuant to Clause (2)(D) of Proclamation 11032 of June 1, 2026

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Notice.

SUMMARY: This notice provides guidance to U.S. Customs and Border Protection regarding the assessment of ''U.S. content'' for products of Canada and Mexico that qualify for preferential tariff treatment under the United States–Mexico–Canada Agreement, for purposes of implementing tariffs pursuant to Proclamation 11032 of June 1, 2026.

DATES: The guidance set out in in this notice is effective with respect to products that are entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. Eastern Time on October 14, 2026.

SUPPLEMENTARY INFORMATION:

Background

On June 1, 2026, the President issued Presidential Proclamation 11032 entitled ''Further Adjusting the Tariff Regimes for Imports of Aluminum, Steel, and Copper into the United States'' (91 FR 34085) (Proclamation). The Proclamation modifies the tariff regimes for metal products imposed in Presidential Proclamation 9704, as amended, Proclamation 9705, as amended, and Proclamation 10962, as amended, and directs the Secretary of Commerce (Secretary) to issue guidance to U.S. Customs and Border Protection regarding the assessment of ''U.S. content'' for purposes of implementing tariffs pursuant to clause (2)(d) of the Proclamation. The Secretary has delegated this duty to the Deputy Assistant Secretary for Technology Security.

Guidance to U.S. Customs and Border Protection Regarding the Assessment of ''U.S. Content'' for Purposes of Implementing Tariffs Pursuant to Clause (2)(d) of Proclamation 11032 of June 1, 2026

The Department of Commerce advises that, for purposes of implementing clause (2)(d) of the Proclamation, the term ''U.S. content'' means the following:

1. The value of the product attributable to parts wholly obtained, entirely produced, or substantially transformed in the United States, and

2. To the extent not otherwise accounted for in (1), the value of the product attributable to steel that was melted and poured in the United States, aluminum that was smelted and cast in the United States, and/or copper that was smelted and cast in the United States.

Questions regarding the application of this Notice to a specific product may be directed to U.S. Customs and Border Protection.

Jessica Curyto,

Deputy Assistant Secretary for Technology Security.

[FR Doc. 2026–20938 Filed 10–9–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–018, C–570–019]

Boltless Steel Shelving Units Prepackaged for Sale From the People's Republic of China: Continuation of Antidumping Duty Order and Countervailing Duty Order

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

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) and countervailing duty (CVD) orders on boltless steel shelving units prepackaged for sale from (boltless steel shelving) the People's Republic of China (China) would likely lead to the continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD and CVD orders.

DATES: Applicable September 29, 2026.

FOR FURTHER INFORMATION CONTACT: Robert Galantucci, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2923.

SUPPLEMENTARY INFORMATION:

Background

On October 21, 2015, Commerce published in the **Federal Register** the AD and CVD orders on boltless steel shelving from China.[1] On April 1, 2026, the ITC instituted,[2] and Commerce initiated,[3] the second sunset review of the *Orders,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, Commerce determined that revocation of the *Orders* would likely lead to the continuation or recurrence of dumping and countervailable subsidies and, therefore, notified the ITC of the magnitude of the margins of dumping and subsidy rates likely to prevail should the *Orders* be revoked.[4]

On September 29, 2026, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[5]

Scope of the Orders

The scope of the *Orders* covers boltless steel shelving units prepackaged for sale, with or without decks (boltless steel shelving). The term ''prepackaged for sale'' means that, at a minimum, the steel vertical supports (*i.e.,* uprights and posts) and steel horizontal supports (*i.e.,* beams, braces) necessary to assemble a completed shelving unit (with or without decks) are packaged together for ultimate purchase by the end-user. The scope also includes add-on kits. Add-on kits include, but are not limited to, kits that allow the end-user to add an extension shelving unit onto an existing boltless steel shelving unit such that the extension and the original unit will share common frame elements (*e.g.,* two posts). The term ''boltless'' refers to

[1] *See Boltless Steel Shelving Units Prepackaged for Sale from the People's Republic of China: Antidumping Duty Order,* 80 FR 63741 (October 21, 2015); *see also Boltless Steel Shelving Units Prepackaged for Sale from the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 80 FR 63745 (October 21, 2015) (collectively, *Orders*).

[2] *See Boltless Steel Shelving Units Prepackaged for Sale from China; Institution of Five-Year Reviews,* 91 FR 16234 (April 1, 2026).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 91 FR 16181 (April 1, 2026).

[4] *See Boltless Steel Shelving Units Prepackaged for Sale from the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order,* 91 FR 48373 (July 31, 2026), and accompanying Issues and Decision Memorandum (IDM); *see also Boltless Steel Shelving Units Prepackaged for Sale from the People's Republic of China: Final Results of the Expedited Second Sunset Review of the Countervailing Duty Order,* 91 FR 49410 (August 4, 2026), and accompanying IDM.

[5] *See Boltless Steel Shelving Units Prepackaged for Sale from China; Determinations,* 91 FR 61439 (September 29, 2026).

steel shelving in which the vertical and horizontal supports forming the frame are assembled primarily without the use of nuts and bolts or screws. The vertical and horizontal support members for boltless steel shelving are assembled by methods such as, but not limited to, fitting a rivet, punched or cut tab or other similar connector on one support into a hole, slot or similar receptacle on another support. The supports lock together to form the frame for the shelving unit and provide the structural integrity of the shelving unit separate from the inclusion of any decking. The incidental use of nuts and bolts or screws to add accessories, wall anchors, tie-bars or shelf supports does not remove the product from scope. Boltless steel shelving units may also come packaged as partially assembled, such as when two upright supports are welded together with front-to-back supports, or are otherwise connected, to form an end unit for the frame. The boltless steel shelving covered by the *Orders* may be commonly described as rivet shelving, welded frame shelving, slot and tab shelving, and punched rivet (quasi-rivet) shelving as well as by other trade names. The term ''deck'' refers to the shelf that sits on or fits into the horizontal supports (beams or braces) to provide the horizontal storage surface of the shelving unit.

The scope includes all boltless steel shelving meeting the description above, regardless of: (1) vertical support or post type (including but not limited to open post, closed post and tubing); (2) horizontal support or beam/brace profile (including but not limited to Z-beam, C-beam, L-beam, step beam and cargo rack); (3) number of supports; (4) surface coating (including but not limited to paint, epoxy, powder coating, zinc and other metallic coating); (5) number of levels; (6) weight capacity; (7) shape (including but not limited to rectangular, square, and corner units); (8) decking material (including but not limited to wire decking, particle board, laminated board or no deck at all); or (9) the boltless method by which vertical and horizontal supports connect (including but not limited to keyhole and rivet, slot and tab, welded frame, punched rivet and clip).

Specifically excluded from the scope are:

- wall-mounted shelving, defined as shelving that is hung on the wall and does not stand on, or transfer load to, the floor;
- wire shelving units, which consist of shelves made from wire that incorporates both a wire deck and wire horizontal supports (taking the place of the horizontal beams and braces) into a single piece with tubular collars that slide over the posts and onto plastic sleeves snapped on the posts to create the finished shelving unit;
- bulk-packed parts or components of boltless steel shelving units; and
- made-to-order shelving systems.

Subject boltless steel shelving enters under the United States through Harmonized Tariff Schedule of the United States (HTSUS) statistical subheadings 9403.20.0018, 9403.20.0020, 9403.20.0025, and 9403.20.0026, but may also enter through HTSUS 9403.10.0040. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Orders* is dispositive.

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Orders.* U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Orders* will be September 29, 2026.[6] Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year reviews of the *Orders* not later than 30 days prior to fifth anniversary of the date of the last determination by the ITC.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

These five-year (sunset) reviews and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i) of the Act, and 19 CFR 351.218(f)(4).

Dated: October 8, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–20920 Filed 10–13–26; 8:45 am]

BILLING CODE 3510–DS–P

[6] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–856]

Certain Corrosion-Resistant Steel Products 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) preliminarily determines that certain corrosion-resistant steel products (CORE) from Taiwan are being sold in the United States at below normal value during the period of review (POR), July 1, 2024, through June 30, 2025. We invite interested parties to comment on these preliminary results.

DATES: Applicable October 14, 2026.

FOR FURTHER INFORMATION CONTACT: Deborah Cohen or Anjali Mehindiratta, 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) 482–4521 or (202) 482–9127, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 30, 2025, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the AD order [1] on CORE from Taiwan.[2] In July 2025, Commerce received timely requests to conduct an administrative review of entries of CORE from Taiwan during the POR from Prosperity Tieh Enterprise,

[1] *See 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*).

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

Co., Ltd. (Prosperity),[3] and the petitioners.[4] On August 14, 2025, we published a notice initiating an AD administrative review of CORE from Taiwan with respect to nine firms.[5]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[6] Further, 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.[7] Additionally, on May 20, 2026, and September 24, 2026, Commerce extended the preliminary signature date by a total of 120 days.[8] Accordingly, the deadline for these preliminary results is now October 7, 2026.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[9] A list of topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

[3] *See* Prosperity's Letter, ''Request for Administrative Review,'' dated July 31, 2025.

[4] The petitioners are Cleveland-Cliffs Inc., Steel Dynamics Inc. (SDI), Nucor Corporation, and United States Steel Corporation, manufacturers of the domestic like product in the United States. See Petitioners' Letter, ''Request for Administrative Review,'' dated July 31, 2025 (Petitioners' Review Request).

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

[6] See Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[7] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[8] *See* Memoranda, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated May 20, 2026; and ''Second Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated September 24, 2026.

[9] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order for Corrosion-Resistant Steel Products from Taiwan; 2024–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Scope of the Order

The products covered by this *Order* are certain flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished, laminated, or coated with plastics or other non-metallic substances in addition to the metallic coating. A full description of the scope of the *Order* is contained in the Preliminary Decision Memorandum.

Rescission of Review, In Part

As noted above, we initiated this review with respect to nine companies.[10] During the course of the review, we selected two mandatory respondents: Prosperity and Sheng Yu Steel Co., Ltd.[11] There are seven companies upon which a review was requested and which were not selected for individual examination.[12]

Pursuant to 19 CFR 351.213(d)(3), Commerce will rescind an administrative review when there are no reviewable suspended entries. Based on our analysis of U.S. Customs and Border Protection (CBP) entry data, certain companies identified in the *Initiation Notice* had no entries of subject merchandise during the POR.[13] On August 28, 2025, Commerce released CBP data for U.S. imports of subject merchandise from Taiwan from the firms identified in the *Initiation Notice* during the POR, and provided notice to interested parties of Commerce's intent to rescind this instant review with respect to companies with no entries listed in the CBP data.[14] Commerce received no comments on its intent to rescind this review with respect to the companies with no suspended entries listed in the CBP data. As a result, we are rescinding this review, in part, with respect to CSC, Chung Hung, Great Fortune, GG Steel Ltd, GG Steel Corp, and Xxentria.

[10] *See Initiation Notice.*

[11] *See* Memorandum, ''Respondent Selection,'' dated September 30, 2025.

[12] These companies are (1) China Steel Corporation (CSC), (2) Chung Hung Steel Corporation (Chung Hung); (3) Great Fortune Steel Co., Ltd. (Great Fortune), (4) Great Grandeul Steel Co., Ltd. (GG Steel Ltd.), (5) Great Grandeul Steel Company Limited (Samoa) (GG Samoa); (5) Great Grandeul Steel Corporation (GG Steel Corp.), (6) Xxentria Technology Materials Company Ltd. (Xxentria).

[13] These companies are (1) CSC, (2) Chung Hung; (3) Great Fortune, (4) GG Steel Ltd, (5) GG Steel Corp, and (6) Xxentria. *See* Memorandum, ''Release of Customs Data from U.S. Customs and Border Protection & Notice of Intent to Rescind Review, In Part,'' dated August 28, 2025 (CBP Data Release Memorandum) at Attachment 1 and Attachment 2.

[14] *Id.*

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). Export price was calculated in accordance with section 772 of the Act. Normal value was 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-Examined Company

There is one company, GG Samoa, for which a review was requested, which had reviewable entries, and which was not selected as a mandatory respondent. 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 735(c)(5) of the Act.

Under section 735(c)(5)(A) of the Act and 19 CFR 351.109(f), 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) provide 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, Prosperity and SYSCO, that are not zero, *de minimis,* or based entirely on facts available. Accordingly, we are preliminarily assigning a rate to GG Samoa, the sole non-individually-reviewed company

under review, based on the weighted-average of the estimated dumping margins calculated for Prosperity and SYSCO, weighted by the mandatory respondents' publicly ranged total sales values, consistent with the guidance in section 735(c)(5)(A) of the Act.[15]

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)
Prosperity Tieh Enterprises Co., Ltd.	3.54
Sheng Yu Steel Co.	20.73
Great Grandeul Steel Company Limited (Samoa)	5.92

Disclosure

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice in accordance with 19 CFR 351.224(b).[16]

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. As Commerce intends to solicit additional information in a supplemental questionnaire, a timeline for the submission of case briefs and written comments will be notified to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs, once established.[17]

Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[18]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[19] Further, we request that interested parties limit their 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).[20]

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[21] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the case and rebuttal briefs. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing at a time and location to be determined.[22] Parties should confirm by telephone the date, time, and location of the hearing no fewer than two days before the scheduled date.

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 issues raised in written briefs, no later than 120 days after the date of publication of this notice in the **Federal Register**, pursuant to 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

Upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. 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.[23] Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

If the respective weighted-average dumping margins are above *de minimis* (*i.e.,* 0.50 percent) in the final results of this review, we will calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[24] If the respondent has not reported entered values, we will calculate a per-unit assessment rate for each importer by dividing the total amount of dumping calculated for the examined sales made to that importer by the total quantity associated with those sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis* (*i.e.,* 0.50 percent). Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* 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 respondents for which they did not know that the

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

[16] *See* 19 CFR 351.224(b).

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

[18] *See* 19 CFR 351.309(c)(2) and (d)(2).

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

[20] *See APO and Service Procedures.*

[21] *See* 19 CFR 351.310(c).

[22] *See* 19 CFR 351.310.

[23] *See* section 751(a)(2)(C) of the Act.

[24] In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

merchandise was destined for the United States, we will instruct CBP to liquidate entries not reviewed at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

For the company which was not selected for individual examination, we will instruct CBP to assess antidumping duties at an *ad valorem* assessment rate equal to the company-specific weighted-average dumping margin determined in the final results.

For the companies rescinded from review, antidumping duties shall be assessed at a rate equal to the cash deposit of 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 recission instructions to CBP no earlier than 35 days after the publication of these preliminary results in the **Federal Register**.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of the final results of the administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results, as provided by section 751(a)(2) of the Act: (1) the cash deposit rate for each company listed above will be equal to the dumping margins established in the final results of this review, except if the ultimate rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rates will be zero; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 11.04 percent, the all-others rate established in the *Third Amended Final Determination*.[25] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, 19 CFR 351.213(h)(2), and 19 CFR 351.221(b)(4).

Dated: October 7, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
V. Particular Market Situation
VI. Currency Conversion
VII. Recommendation

[FR Doc. 2026–20897 Filed 10–13–26; 8:45 am]

BILLING CODE 3510–DS–P

[25] *See Corrosion-Resistant Steel Products from Taiwan: Notice of Third Amended Final Determination of Sales at Less than Fair Value Pursuant to Court Decision and Partial Exclusion from Antidumping Duty Order,* 88 FR 58245, 58247 (August 25, 2023).

DEPARTMENT OF COMMERCE

International Trade Administration

United States-Mexico-Canada Agreement (USMCA), Article 10.12; Binational Panel Review: Notice of Panel Decision

AGENCY: United States Section, USMCA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of Panel Decision.

SUMMARY: On October 8, 2026, the Binational Panel issued its Decision on the Final Determination in the matter of Certain Softwood Lumber Products from Canada: Final Affirmative Countervailing Duty Administrative Review, 2017–2018 (Secretariat File Number: USA–CDA–2020–10.12–01). The Binational Panel affirmed in part and remanded in part the U.S. Department of Commerce's Determination.

FOR FURTHER INFORMATION CONTACT: Vidya Desai, United States Secretary, USMCA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Article 10.12 of USMCA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to provide judicial review of the trade remedy determination being challenged and then issue a binding Panel Decision. There are established *Rules of Procedure for Article 10.12 Binational Panel Reviews,* which were adopted by the three governments for panels requested pursuant to Article 10.12 of USMCA. The notice of this Binational Panel's Decision is being published pursuant to Rule 74. For the complete Rules, please see Rules of Procedure for Article 10.12 (Binational Panel Reviews).

Dated: October 8, 2026.

Vidya Desai,

United States Secretary, USMCA Secretariat.

[FR Doc. 2026–20894 Filed 10–13–26; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–816]

Certain Steel Nails From Malaysia: 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 finds that producers/exporters subject to this administrative 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 40 companies. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable October 14, 2026.

FOR FURTHER INFORMATION CONTACT: Tyler Weinhold, AD/CVD Operations,

Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1121.

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 (nails) from Malaysia.[1] On September 25, 2025, Commerce selected Region International Co., Ltd. and Region System Sdn. Bhd. (collectively, Region) as the sole mandatory respondent 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] Between June 3, 2026, and September 29, 2026, we extended the preliminary results of this review to no later than October 7, 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 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 nails from Malaysia. 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 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.''

In this administrative review, we preliminarily calculated a weighted-average dumping margin for Region, the sole individually examined respondent in this review. Because this estimated weighted-average dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, we are preliminarily assigning the estimated

[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 25, 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* Memoranda, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated June 3, 2026; ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated August 25, 2026; and ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated September 29, 2026.

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Certain Steel Nails from Malaysia; 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 January 8, 2026.

weighted-average dumping margin calculated for Region to the companies under review that were not selected for individual examination, consistent with the guidance in section 735(c)(5)(A) of the Act.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following estimated weighted-average dumping margin exists for the period July 1, 2024, through June 30, 2025:

Producer/exporter	Weighted-average dumping margin (percent)
Region International Co., Ltd. and Region System Sdn. Bhd.	2.01
Companies Not Selected for Individual Review[11]	2.01

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. We will establish the deadline for interested parties to submit case briefs at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[12] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[13] 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.[14] 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).[15]

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.[16]

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 Region'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.[17] 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 Region'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.[18]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Region for which it did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate calculated in the less-than-fair-value (LTFV) investigation if there is no rate for the intermediate company(ies) involved in the transaction.[19]

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.[20]

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**.

Commerce intends to issue assessment instructions to CBP regarding Region and the companies listed in Appendix II 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

[11] The exporters or producers not selected for individual review are listed in Appendix II.

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

[13] *See* 19 CFR 351.309(c)(2) and (d)(2).

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

[15] *See APO and Service Procedures.*

[16] *See* 19 CFR 351.310(d).

[17] *See* 19 CFR 351.212(b)(1).

[18] *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).

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

[20] *See* section 751(a)(2)(C) of the Act.

Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered by this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 2.66 percent, the all-others rate established in the LTFV investigation.[21] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Notification to Interested Parties

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

[21] *See Order.*

Dated: October 7, 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

Appendix II

Non-Individually Examined Companies Receiving the Review-Specific Rate

1. Best Staples Sdn. Bhd.
2. Inmax Industries Sdn. Bhd. and Inmax Sdn. Bhd.
3. Kimmu Industries Sdn. Bhd.
4. Madura Fasteners Sdn. Bhd.
5. Tag Fasteners Sdn. Bhd.

Appendix III

Companies Rescinded from Review

1. Alsons Manufacturing India, LLP
2. Atlantic Marine Group Ltd.
3. Asia Bolts & Nuts Sdn. Bhd.
4. Astrotech Steels Pvt. Ltd.
5. AV Fastener (M) Sdn. Bhd.
6. Chia Pao Metal Co., Ltd.
7. Chin Lai Hardware Sdn. Bhd.
8. Chin Well Fasteners Co.
9. Chuan Heng Hardware Paints and Building Materials Sdn. Bhd.
10. Come Best (Thailand) Co., Ltd.
11. Gbo Fastening Systems AB
12. Geekay Wires Limited
13. Gripwell Fastening (M) Sdn. Bhd.
14. Impress Steel Wire Industries Sdn. Bhd.
15. Fastenal Malaysia Sdn. Bhd.
16. Fuji Fastener Manufacturing Sdn. Bhd.
17. Kerry-Apex (Thailand) Co., Ltd.
18. Kimmu Trading Sdn., Bhd.
19. Modem Factory for Steel Industries Co., Ltd.
20. Multi Venture Resources Sdn. Bhd.
21. Oman Fasteners LLC
22. PrimeSource Building Products Inc.
23. RM Wire Industries Sdn. Bhd.
24. S.H. Chooi Fasteners
25. SK Bolts & Fasteners Sdn. Bhd.
26. SNA Steel Products (M) Sdn. Bhd.
27. Soon Shing Building Materials Sdn. Bhd.
28. Storeit Services LLP
29. Sunmat Industries Sdn., Bhd.
30. Tag Staples Sdn., Bhd.
31. Tampin Sin Yong Wai Industry Sdn. Bhd.
32. Top Remac Industries
33. Trinity Steel Private Limited
34. UD Industries Sdn., Bhd.
35. Vien Group Sdn., Bhd.
36. Watasan Industries Sdn., Bhd.
37. Winston Mayer Sdn. Bhd.
38. Wing Tai Fastener Manufacturer
39. WWL India Private Ltd.
40. Yew Siong Industrial Supplies Sdn. Bhd.

[FR Doc. 2026–20898 Filed 10–13–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–825]

Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results of Countervailing Duty Administrative Review, and Rescission, in Part; 2024

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 SRF Limited (SRF), a producer and exporter of polyethylene terephthalate film, sheet, and strip (PET film) from India. The period of review (POR) is January 1, 2024, through December 31, 2024. In addition, Commerce is rescinding the review with respect to nine companies. Interested parties are invited to comment on these preliminary results.

DATES: Applicable October 14, 2026.

FOR FURTHER INFORMATION CONTACT: Jack Vachon or Suresh Maniam, 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) 482–3572 or (202) 482–0176, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2002, Commerce published in the **Federal Register** the countervailing duty order on PET film from India.[1] On August 22, 2025, Commerce published in the **Federal Register** the notice of initiation of an administrative review of the *Order*.[2] On September 30, 2025, Commerce selected Polyplex Corporation, Ltd. (Polyplex) and SRF as the mandatory respondents in this administrative review.[3] On November 20, 2025, interested parties timely withdrew their review request for with respect to all companies under review except SRF; the petitioners did not withdraw their request for review regarding SRF.[4] Therefore, on November

[1] *See Countervailing Duty Order; Polyethylene Terephthalate Film Sheet, and Strip (PET Film) from India,* 67 FR 44179 (July 1, 2002) (*Order*).

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

[3] *See* Memorandum, ''Respondent Selection Memorandum,'' dated September 30, 2025.

[4] *See* Petitioners' Letter, ''Withdrawal of Request for Antidumping Duty Administrative Review,''; *see also* Chiripal Poly Films Limited's Letter,

Continued

25, 2025, because SRF was the only company remaining for which a review was requested and not withdrawn, we sent the initial questionnaire to SRF as it is the sole mandatory respondent in this review.[5]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[6] 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.[7] On May 15, 2026, Commerce extended the deadline for issuing the preliminary results of this review to no later than September 30, 2026.[8] On September 30, 2026, Commerce further extended the deadline for the preliminary results by seven days, until October 7, 2026.[9]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[10] A list of topics discussed in the Preliminary Decision Memorandum is included in 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 *http://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 covered by the *Order* is PET film from India. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation. Commerce received timely filed withdrawal requests with respect to nine companies. 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 review of the *Order* with respect to the nine companies. For a complete list of companies for which we are rescinding this administrative review, *see* Appendix II.

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each subsidy program found countervailable, we preliminarily find 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).[11] For a full description of the methodology underlying our conclusions, including our reliance, in part, on adverse facts available (AFA) pursuant to sections 776(a) and (b) of the Act, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

Commerce preliminary determines that the following net countervailable subsidy rates exist for the period January 1, 2024, through December 31, 2024:

Company	Subsidy rate (percent *ad valorem*)
SRF Limited	3.98

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 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 briefs or rebuttal briefs in this review 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

''Withdrawal of Request for Countervailing Duty Admin Review 2024 of Chiripal Poly Films Limited,'' dated November 20, 2025, and Polyplex USA LLC's Letter, ''Withdrawal of Request for Review for Polyplex USA LLC,'' dated November 20, 2025.

[5] *See* Memorandum, ''Respondent Selection,'' dated September 30, 2025.

[6] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[7] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[8] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,'' dated May 15, 2026.

[9] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,'' dated September 30, 2026.

[10] *See* Memorandum, ''Decision Memorandum for the Preliminary Results and Partial Rescission of the Administrative Review of the Countervailing Duty Order on Polyethylene Terephthalate Film, Sheet, and Strip from India; 2024,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[11] *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.

[12] *See* 19 CFR 351.309.

[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.*

(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

In accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.221(b)(4)(i), we preliminarily determined subsidy rates in the amounts shown above for SRF. 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. We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

For the companies for which the review is rescinded with these preliminary results, we 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)(1)(i). Commerce intends to issue appropriate assessment instructions directly to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends upon publication of the final results, to instruct CBP to collect cash deposits of the estimated countervailing duties in the amount shown for SRF on 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. If the rate calculated in the final results is zero or *de minimis,* no cash deposit will be required on shipments of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results

Unless 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)(1).

Notification to Importers

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

Notification to Interested Parties

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: October 7, 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. Partial Rescission of Administrative Review
V. Use of Facts Otherwise Available and Adverse Inferences
VI. Subsidies Valuation Information
VII. Analysis of Programs
VIII. Recommendation

Appendix II

Companies for Which All Review Requests Were Withdrawn

1. Chiripal Poly Films Limited
2. Cosmo First Ltd.
3. Ester Industries Limited
4. Garware Hi-Tech Films Limited
5. Garware Polyester Ltd.
6. Jindal Poly Films Ltd.
7. JPFL Films Private Limited
8. Polyplex Corporation Ltd.
9. Vacmet India Ltd.

[FR Doc. 2026–20940 Filed 10–13–26; 8:45 am]

BILLING CODE 3510–DS–P

[17] *See* 19 CFR 351.310(d).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–985]

Xanthan Gum From the People's Republic of China: 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 exporters subject to this review made sales of subject merchandise at less than normal value during the period of review (POR), July 1, 2024, through June 30, 2025. In addition, we are rescinding the review with respect to CP Kelco (Shandong) Biological Company Limited (CP Kelco Shandong), Deosen Biochemical Ltd., Langfang Meihua Biotechnology Co., Ltd., Meihua Group International Trading (Hong Kong), Meihua Group International Trading (Hong Kong) Limited, and Xinjiang Meihua Amino Acid Co., Ltd. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable October 14, 2026.

FOR FURTHER INFORMATION CONTACT: Joseph Molokwu or Paul Kebker, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8043 or (202) 482–2254, 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 *Order* on xanthan gum from the People's Republic of China (China).[1] On August 25, 2025, CP

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 41043, (August 22, 2025) (*Initiation Notice*); *see also Xanthan Gum from the People's Republic of*

Continued

Kelco Shandong timely withdrew its request for review.[2] On February 20, 2026, Commerce selected Deosen Biochemical (Ordos) Ltd. (Deosen Ordos) and Neimenggu Fufeng Biotechnologies Co., Ltd. (aka Inner Mongolia Fufeng Biotechnologies Co., Ltd.), Shandong Fufeng Fermentation Co., Ltd./Xinjiang Fufeng Biotechnologies Co., Ltd. (collectively, Fufeng) as the mandatory respondents in this review.[3] On March 9, 2026, Commerce issued an Intent to Rescind memorandum and invited parties to comment.[4] No parties commented on the Intent to Rescind Memorandum.

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] On April 15, 2026, we extended the preliminary results of this review to September 30, 2026.[7] On September 25, 2026, we extended the preliminary results of this review to no later than October 7, 2026.[8]

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[9] A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order

The merchandise covered by the scope of this *Order* is xanthan gum from China. 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), Commerce will rescind an administrative review, in whole or in part, if a party who requested a review withdraws its request within 90 days of the date of publication of notice of initiation. As noted above, the following company timely withdrew their review request and no other party requested an administrative review of this company: CP Kelco Shandong. Therefore, we are rescinding this administrative review with respect to this company, pursuant to 19 CFR 351.213(d)(1).

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an antidumping duty order where it concludes that there were no suspended entries of subject merchandise during the POR.[10] Normally, upon completion of an administrative review, the suspended entries are liquidated at the antidumping duty assessment rate for the review period.[11] Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct CBP to liquidate at the calculated antidumping duty assessment rate for the review period.[12] Commerce notified all interested parties of its intent to rescind the instant review regarding the companies listed below because there were no reviewable, suspended entries of subject merchandise from these companies during the POR and invited interested parties to comment.[13] Based on our analysis of CBP information and the no-shipment certifications submitted by Deosen Biochemical Ltd., Jilin Meihua Amino Acid Co., Ltd, Meihua Hong Kong,[14] Commerce preliminarily determines that these companies had no shipments of subject merchandise during the POR.

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 above, in accordance with 19 CFR 351.213(d)(3).

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). Because China is a non-market economy country within the meaning of section 771(18) of the Act, we calculated normal value in accordance with section 773(c) of the Act. For a full description of the methodology underlying our preliminary results, *see* the Preliminary Decision Memorandum.

Separate Rates

We preliminarily determine that, in addition to Deosen Ordos and Fufeng, one company not individually examined is eligible for separate rate in this administrative review, Jianlong Biotechnology Co. Ltd. (Jianlong).[15] The Act does not address the establishment of a separate rate for non-examined

China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order, 78 FR 43143 (July 19, 2013) (*Order*).

[2] *See* CP Kelco Shandong's Letter, ''Withdrawal of Request for Administrative Review,'' dated August 25, 2025.

[3] *See* Memorandum, ''Respondent Selection,'' dated February 20, 2026.

[4] *See* Memorandum, ''Notice of Intent to Rescind Review, In Part,'' dated March 9, 2026 (Intent to Rescind Memorandum).

[5] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 17, 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,'' dated April 15, 2026.

[8] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated September 25, 2026.

[9] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order of Xanthan Gum from the People's Republic of China; 2024–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[10] *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).

[11] *See* 19 CFR 351.212(b)(1).

[12] *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 (July 8, 2021), 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'').

[13] *See* Intent to Rescind Memorandum.

[14] Meihua Hong Kong refers to the collapsed entity Meihua Group International Trading (Hong Kong) Limited, Langfang Meihua Biotechnology Co., Ltd., and Xinjiang Meihua Amino Acid Co., Ltd.; *see also Xanthan Gum from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review, and Preliminary Determination of No Shipments; 2018–2019,* 85 FR 74686 (November 23, 2020), and accompanying Preliminary Decision Memorandum, unchanged in *Xanthan Gum from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2018–2019,* 86 FR 16189 (March 26, 2021), and accompanying Issues and Decisions Memorandum.

[15] *See* Preliminary Decision Memorandum at the ''Separate Rate Determinations'' section for more details.

companies when Commerce limits its examination in an administrative review covering a nonmarket economy 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 separate rate 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 735(c)(5) of the Act. Section 735(c)(5)(A) of the Act and 19 CFR 351.109(f) state that for non-examined companies, in general, we will determine an all-others rate by weight averaging the estimated weighted average dumping margins established for each of the individually examined companies, excluding zero and *de minimis rates* or any rates based entirely on facts available. Accordingly, to determine the rate for non-examined separate rate companies, Commerce's practice is to weight average the weighted-average dumping margins for the selected mandatory respondents, excluding rates that are zero, *de minimis,* or based entirely on facts available.

For the preliminary results of this administrative review, we calculated rates for Deosen Ordos and Fufeng that are not zero, *de minimis,* or based entirely on facts available. Therefore, the rates of Deosen Ordos and Fufeng are applicable to Jianlong, the company not selected for individual examination but eligible for a separate rate. Accordingly, for the preliminary results, we are assigning to Jianlong an estimated weighted-average dumping margin based on the average of the two individually examined respondents' rates weighted by their publicly available ranged U.S. sales values.[16]

The China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.[17] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity, the entity is not under review, and the entity's rate (*i.e.,* 154.07 percent)[18] is not subject to change.

Preliminary Results of Review

Commerce preliminarily determines that the following weighted-average dumping margins exist for the period July 1, 2024, through June 30, 2025:

Exporter	Weighted-average dumping margin (percent)
Deosen Biochemical (Ordos) Ltd	70.21
Neimenggu Fufeng Biotechnologies Co., Ltd. (aka Inner Mongolia Fufeng Biotechnologies Co., Ltd.)/Shandong Fufeng Fermentation Co., Ltd./Xinjiang Fufeng Biotechnologies Co., Ltd[19]	51.82
Non-Individually Examined Companies Receiving a Separate Rate	
Jianlong Biotechnology Co., Ltd	56.20

Disclosure

Commerce intends to disclose its calculations 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 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.[20] 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.[21] 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.[22]

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.[23] 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).[24]

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 (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,

[16] *See* Memorandum, ''Preliminary Separate Rate for Respondents Not Selected for Individual Examination,'' dated concurrently with this memorandum.

[17] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[18] *See Order,* 78 FR at 43144.

[19] Commerce continues to find that Neimenggu Fufeng Biotechnologies Co., Ltd. (aka Inner Mongolia Fufeng Biotechnologies Co., Ltd.), Shandong Fufeng Fermentation Co., Ltd., and Xinjiang Fufeng Biotechnologies Co., Ltd. are a single entity. *See Xanthan Gum from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2013–2014,* 80 FR 47464 (August 7, 2015), and accompanying PDM at 6, unchanged in *Xanthan Gum from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013–2014,* 82 FR 11428 (February 23, 2017).

[20] *See* 19 CFR 351.309.

[21] *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*).

[22] *See* 19 CFR 351.309(c)(2) and (d)(2).

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

[24] *See APO and Service Procedures.*

Commerce will inform parties of the scheduled date for the hearing.[25]

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 Deosen Ordos and Fufeng'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.[26] 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 Deosen Ordos and Fufeng'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.[27]

For the respondents that were not selected for individual examination in this administrative review but qualified for a separate rate, the assessment rate will be equal to the weighted-average dumping margins calculated for the mandatory respondents consistent with section 735(c)(5)(B) of the Act. Consequently, the rate established for the non-individually examined companies is an *ad valorem* rate of 56.21 percent.

For entries that were not reported in the U.S. sales database submitted by the mandatory respondents during this review, Commerce will instruct CBP to liquidate such entries at the China-wide rate.

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 to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

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.

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 the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) for the companies listed above, which have a separate rate, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required); (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the existing rate for the China-wide entity of 154.07 percent; and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4) and 19 CFR 351.221(b)(4).

Dated: October 7, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Application of Facts Available and Use of Adverse Inferences
V. Rescission of Review, in Part
VI. Single Entity Treatment
VII. Discussion of the Methodology
VIII. Currency Conversion
IX. Recommendation

[FR Doc. 2026–20899 Filed 10–13–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–836]

Certain Paper Shopping Bags From the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review; and Recission of Administrative Review, in Part; 2024–2025

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that International Packaging Limited Company (IPSC) made sales of certain paper shopping bags (paper shopping bags) from the Socialist Republic of Vietnam (Vietnam) at less than normal value (NV) during the period of review (POR) January 3, 2024, through June 30, 2025. Additionally, Commerce is rescinding this review with respect to four companies. Commerce invites interested parties to comment on the preliminary results of this review.

[25] *See* 19 CFR 351.310(d).

[26] *See* 19 CFR 351.212(b)(1).

[27] *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).

DATES: Applicable October 14, 2026.

FOR FURTHER INFORMATION CONTACT: Myrna Lobo, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2371.

SUPPLEMENTARY INFORMATION:

Background

On August 22, 2025, based on timely requests for an administrative review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on paper shopping bags from Vietnam.[1] On September 5, 11, and 12, 2025, Commerce received one separate rate certification (SRC), and two separate rate applications (SRAs).[2] On September 12, October 28, and November 19, 2025, four companies submitted withdrawals of their requests for review.[3] Thus, as noted below, we are rescinding this review with respect to these four companies. As such, these preliminary results cover one company, the mandatory respondent, IPSC.

Due to the lapse in appropriations and Federal Government shutdown, on November 17, 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 June 8, 2026, Commerce extended the deadline for these preliminary results to September 30, 2026.[6] On September 29, 2026, Commerce further extended the deadline for these preliminary results to October 7, 2026.[7]

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[8] A list of topics discussed in the Preliminary Decision Memorandum is attached as an 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 products covered by the *Order* are paper shopping bags from Vietnam. For a complete description of the scope of this review, *see* the Preliminary Decision Memorandum.[9]

Recission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or part, if the party that requested a review withdraws its request within 90 days of the date of publication of the notice of initiation. As noted above, the following companies timely withdrew their review requests and no other party requested an administrative review of these companies: Blue Sea Pack Import Export Company Limited, Goldsun Packaging and Printing Joint Stock Company, Vietnam Red Star Industry Company Limited, and Vietnam Red Star Industry Company Limited of Vietnam. Therefore, we are rescinding this administrative review with respect to these companies, pursuant to 19 CFR 351.213(d)(1).

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). We have calculated constructed export price in accordance with section 772 of the Act. Because Vietnam is a non-market economy country within the meaning of section 771(18) of the Act, we have calculated NV in accordance with section 773(c) of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Vietnam-Wide Entity

Commerce's policy regarding conditional review of the Vietnam-wide entity applies to this administrative review.[10] Under this policy, the Vietnam-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested review of the Vietnam-wide entity, the entity is not under review and the entity's rate (*i.e.,* 92.34 percent)[11] will not be subject to change.

Preliminary Results of Review

Commerce preliminarily determines that the following weighted-average dumping margins exist for the period January 3, 2024, through June 30, 2025:

Exporter	Weighted-average dumping margin (percent)
International Packaging Limited Company	28.52

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 no later than 21

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 41043 (August 22, 2025), corrected in *Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 46173 (September 25, 2025).

[2] *See* Goldsun's Letter, ''Separate Rate Certification,'' dated September 5, 2025; *see also* BSA PACK's Letter, ''Separate Rate Application (Administrative Review POR 01/03/2024–06/30/2025); and IPSC's Letter, ''Separate Rate Application,'' dated September 12, 2025.

[3] *See* Vietnam Red Star of Vietnam's Letter, ''Withdrawal of Review Request for Administrative Review of Anti-dumping Duty of Vietnam Red Star Industry Company Limited,'' dated September 12, 2025; *see also* Goldsun's and Vietnam Red Star's Letter, ''Withdrawal of Request for Administrative Review,'' dated October 28, 2025; *see also* Blue Sea's Letter, ''Withdrawal of Request for Administrative Review,'' dated November 19, 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 Antidumping Duty Administrative Review,'' dated June 8, 2026.

[7] *See* Memorandum, ''Second Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated September 29, 2026.

[8] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review of Certain Paper Shopping Bags from the Socialist Republic of Vietnam; 2024–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[9] *See* Preliminary Decision Memorandum at the ''Scope'' section for more details.

[10] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[11] *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*).

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 briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (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 we will issue for 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 publication of this notice. Hearing 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; (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]

[12] *See* 19 CFR 351.309©(1)(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 Final Service 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 Final Service Rule,* 88 FR at 67077.

[17] *See* 19 CFR 351.310(d).

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.[18]

If IPSC'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.[19] 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 IPSC'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.[20]

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 to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

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.

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 statutory injunction has expired (*i.e.,* within 90 days of publication).

[18] *See* 19 CFR 351.212(b)(1).

[19] *See* 19 CFR 351.212(b)(1).

[20] *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).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from Vietnam 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) for the company listed above, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required); (2) for previously investigated or reviewed Vietnamese and non-Vietnamese exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to the be the existing exporter-specific cash deposit rate; (3) for all Vietnamese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that the existing rate for the Vietnam-wide entity of 92.34 percent; (4) for all non-Vietnamese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnamese exporter that supplied the non-Vietnamese exporter. These 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)(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 duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

Commerce is issuing and publishing the preliminary results of this review in accordance with sections 751(a)(1)(B), 751(a)(3), and 777(i) of the Act, and 19 CFR 351.213(d)(4) and 351.221(b)(4).

Dated: October 7, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Rescission of Administrative Review, In Part
V. Discussion of the Methodology
VI. Currency Conversion
VII. Recommendation

[FR Doc. 2026–20935 Filed 10–13–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–874]

Certain Hot-Rolled Steel Flat Products From Japan: Final Results of Antidumping Duty Administrative Review; 2023–2024

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain producers/exporters of hot-rolled steel flat products (hot-rolled steel) from Japan sold subject merchandise in the United States at prices below normal value during the period of review (POR) October 1, 2023, through September 30, 2024.

DATES: Applicable October 14, 2026.

FOR FURTHER INFORMATION CONTACT: Jun Jack Zhao or Myrna Lobo, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1396 or (202) 482–2371, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 3, 2016, Commerce published in the **Federal Register** the antidumping duty (AD) order on hot-rolled steel from Japan.[1] On April 10, 2026, Commerce published the *Preliminary Results* of this review in the **Federal Register** and invited interested parties to comment.[2]

For a complete summary of the events that have occurred since the *Preliminary Results,* as well as a full discussion of the issues raised by parties for these final results, *see* the Issues and Decision Memorandum.[3] Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order[4]

The merchandise covered by the *Order* is hot-rolled steel from Japan. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.

Analysis of Comments Received

We addressed all issues raised in the case and rebuttal briefs in the Issues and Decision Memorandum. The list of topics discussed in the Issues and Decision Memorandum is attached as an appendix to this notice. 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.*

Changes Since the Preliminary Results

Based on our review and analysis of the comments received from parties, we made certain changes to the preliminary margin calculations for Nippon Steel Corporation (NSC). For a detailed discussion of these changes, *see* the Issues and Decision Memorandum.

Review-Specific Rate for Non-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 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. Section 735(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 AD rates established for each of the companies individually investigated, excluding zero and *de minimis* rates or any rates based entirely on facts available. Where the estimated weighted-average dumping margin for each of the individually examined companies is zero, *de minimis,* or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use ''any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted-average dumping margins determined for the exporters and producers individually investigated.''

In this review, we calculated estimated weighted-average dumping margins of zero percent for Tokyo Steel Manufacturing Co., Ltd. (Tokyo Steel) and 13.96 percent for NSC. Section 735(c)(5)(A) of the Act states that ''{t}he estimated all-others rate shall be an amount equal to the weighted average of the estimated weighted average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776.'' Consistent with section 735(c)(5)(A) of the Act, we assigned the companies not selected for individual examination in this review a weighted-average dumping margin based on the rate of 13.96 percent calculated for Tokyo Steel. The companies not selected for individual examination are listed in Appendix II.

Final Results of Review

Commerce determines that the following estimated weighted-average dumping margins exist for the period October 1, 2023, through September 30, 2024:

[1] *See Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom: Amended Final Affirmative Antidumping Determinations for Australia, the Republic of Korea, and the Republic of Turkey and Antidumping Duty Orders,* 81 FR 67962 (October 3, 2016) (*Order*).

[2] *See Certain Hot-Rolled Steel Flat Products from Japan: Preliminary Results and Rescission, In Part, of Antidumping Duty Administrative; 2023–2024,* 91 FR 18410 (April 10, 2026) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review: Certain Hot-Rolled Steel Flat Products from Japan; 2023–2024,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] *See Order.*

Producer/exporter	Weighted-average dumping margin (percent)
Nippon Steel Corporation/Nippon Steel Nisshin Co., Ltd./Nippon Steel Trading Corporation [5]	13.96
Tokyo Steel Manufacturing Co., Ltd.	0.00
Review-Specific Rate for Non-Examined Companies	
JFE Steel Corporation; JFE Shoji Trade Corporation; JFE Shoji Corporation	13.96
Honda Trading Corporation	13.96
Marubeni-Itochu Steel Inc	13.96
Tetsusho Kayaba Corporation	13.96
Toyo Corporation	13.96

Disclosure

Commerce intends to disclose to interested parties the calculations performed for these final results of review 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).

Assessment Rates

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

Where the respondent reported reliable entered values, we calculated importer- (or customer-) specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer).[6] Where Commerce calculated a weighted-average dumping margin by dividing the total amount of dumping for reviewed sales to that party by the total sales quantity associated with those transactions, Commerce will direct CBP to assess importer- (or customer-) specific assessment rates based on the resulting per-unit rates.[7] Where an importer- (or customer-) specific *ad valorem* or per-unit rate is greater than *de minimis* (*i.e.,* 0.50 percent), Commerce will instruct CBP to collect the appropriate duties at the time of liquidation.[8] Where an importer- (or customer-) specific *ad valorem* or per-unit rate is zero or *de minimis,* Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[9]

Consistent with Commerce's assessment practice, for entries of subject merchandise during the POR produced by NSC or Tokyo Steel for which the producer did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate (*i.e.,* 5.58 percent [10]) if there is no rate for the intermediate company(ies) involved in the transaction.[11]

For the companies which were not selected for individual review, we will assign an assessment rate based on the review-specific rate, calculated as noted in the ''Review-Specific Rate for Non-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.[12]

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of 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 for by section 751(a)(2)(C) of the Act: (1) the cash deposit rates for the companies listed in these final results will be equal to the weighted-average dumping margins established in the final results of this review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment in which the company was reviewed; (3) if the exporter is not a firm covered in this review or the original less-than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 5.58 percent,[13] the all-others rate established in the LTFV investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

[5] Commerce found in a changed circumstances review that NSC, Nippon Steel Nisshin Co., Ltd., and Nippon Steel Trading Corporation are affiliated companies that should be treated as a single entity and as the successor-in-interest to Nippon Steel & Sumitomo Metal Corporation, Nisshin Steel Co., Ltd., and Nippon Steel & Sumikin Bussan Corporation, respectively. *See Certain Hot-Rolled Steel Flat Products from Japan: Notice of Final Results of Antidumping Duty Changed Circumstances Review,* 84 FR 46713 (September 5, 2019). Because there is no information on the record of this administrative review that would lead us to revisit this determination, we are continuing to treat these companies as part of a single entity for the purposes of this administrative review.

[6] *See* section 751(a)(2)(A) of the Act; *see also* 19 CFR 351.212(b)(1).

[7] *Id.*

[8] *Id.*

[9] *See* 19 CFR 351.106(c)(2).

[10] *See Certain Hot-Rolled Steel Flat Products from Japan: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances,* 81 FR 53409 (August 12, 2016) (*LTFV Final Determination*).

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

[12] *See* section 751(a)(2)(C) of the Act.

[13] *See LTFV Final Determination.*

Administrative Protective Order (APO)

This notice also serves as a 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 or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h) and 351.221(b)(5).

Dated: October 7, 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 Since the *Preliminary Results*
V. Discussion of the Issues
Comment 1: NSC's Domestic Brokerage Expenses
Comment 2: NSC's Home Market Sales Window Period
Comment 3: Commerce's Differential Pricing Methodology
Comment 4: NSC's Export Price Sales in the Margin Program
Comment 5: Whether to Rescind the Administrative Review with Respect to Marubeni-Itochu Steel Inc. (MISI)
VI. Recommendation

[FR Doc. 2026–20934 Filed 10–13–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG098]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public hybrid meeting of its Scallop Joint Committee and Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, October 27, 2026 at 9 a.m. Webinar registration URL information: *https://nefmc-org.zoom.us/meeting/register/5jK8fLFlTWGhb1tBAjL51g.*

ADDRESSES: This meeting will be held at Fairfield Inn & Suites/Waypoint Event Center, 185 MacArthur Dr., New Bedford, MA 02740; Phone (774) 634–2000.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Committee and Advisory Panel will meet to discuss 2027 & 2028 (Default) Specifications and provide input on the range of potential access area and days-at-sea allocations for the 2027 and 2028 fishing years. This action will set specifications including Acceptable Biological Catch/Annual Catch Limits, days-at-sea, access area allocations, total allowable landings for the Northern Gulf of Maine management area, targets for General Category incidental catch, General Category access area trips, and set-asides for the observer and research programs for fishing year 2027 and default specifications for fishing year 2028. They will also discuss the draft 2027 Priorities and provide feedback for Council consideration at the December 2026 Council meeting. Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: October 9, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–21018 Filed 10–13–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG114]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Summer Flounder, Scup, and Black Sea Bass Monitoring Committee will hold a public meeting.

DATES: The meeting will be held on Wednesday, November 4, 2026, from 10 a.m. until 12 p.m. E.T. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar. Connection information will be posted to the Council's calendar prior to the meeting at *https://www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *https://www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Mid-Atlantic Fishery Management Council's Summer Flounder, Scup, and Black Sea Bass Monitoring Committee will meet via webinar to discuss 2027 recreational management measures for all three species. Last year, 2-year recreational measures were adopted for summer flounder, scup, and black sea bass for 2026–2027, with the intent to review 2027 measures in 2026. The objectives of this meeting are for the Monitoring Committee to 1) Review recent

recreational fishery performance information and recommendations from the Advisory Panel and 2) Review previously adopted recreational measures for all three species and recommend any changes if warranted. Meeting materials will be posted to *https://www.mafmc.org.*

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden, (302) 526–5251 at least 5 days prior to the meeting date.

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

Dated: October 9, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–21014 Filed 10–13–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG106]

Fisheries of the Caribbean; Southeast Data, Assessment, and Review; Public Meeting

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

ACTION: Notice of webinar.

SUMMARY: The Southeast Data Assessment and Review (SEDAR) 103 assessment process of Caribbean Alternate Assessment Methods will consist of a Development Workshop, a series of Assessment Webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 103 Post-Data Workshop Webinar 2 will be held from 2 p.m. until 5 p.m. EDT October 28, 2026.

ADDRESSES:

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405. *www.sedarweb.org.*

Meeting address: The SEDAR 103 Post-Data Workshop Webinar 2 will be held via webinar. The webinar is open to members of the public. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

FOR FURTHER INFORMATION CONTACT: Emily Ott, SEDAR Coordinator; (843) 302–8434. Email: *Emily.Ott@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with the NMFS and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the SEDAR process, a multi-step method for determining the status of fish stocks in the Southeast Region SEDAR is a participatory process for developing, evaluating and reviewing information used for fisheries management advice. The process may include (1) a Data stage, and (2) an Assessment stage, and (3) a Review stage. The product of the Data stage is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment stage is a report which compiles and evaluates recommended model configurations that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks and projects future population conditions. The product of the Review Workshop is a Review Summary documenting panel opinions regarding the strengths and weaknesses of the products reviewed. Participants for SEDAR Workshops are appointed by the Gulf, South Atlantic, and Caribbean Fishery Management Councils and NMFS Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations; International experts; and staff of Councils, Commissions, and State and Federal agencies.

The items of discussion in the Post-Development Workshop Webinar 2 are as follows:

The Panel will finalize decisions that were not completed at the in-person development workshop. Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

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

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

Dated: October 9, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–21016 Filed 10–13–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG105]

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review; Public Meeting

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

ACTION: Notice of webinar.

SUMMARY: The Southeast Data Assessment and Review (SEDAR) 90 assessment process of South Atlantic Red Snapper will consist of a Data Workshop, a series of Assessment Webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 90 Assessment Webinar 12 will be held from 9 a.m. until 12 p.m. EDT on October 30, 2026.

ADDRESSES:

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

Meeting address: The SEDAR 90 Assessment Webinar 12 will be held via webinar. The webinar is open to members of the public. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice. *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Emily Ott, SEDAR Coordinator; (843) 302–8434. Email: *Emily.Ott@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf, South Atlantic, and Caribbean Fishery

Management Councils, in conjunction with the NMFS and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the SEDAR process. SEDAR is a participatory process for developing, evaluating and reviewing information used for fisheries management advice. This multi-step process for determining the status of fish stocks in the Southeast Region may include (1) a data stage, (2) an assessment stage, and (3) a review stage. Each stage produces a report summarizing decisions made during that stage. A final stock assessment report is produced at the end of a SEDAR process documenting data sets used, model configurations, and the opinions from the independent peer review. Participants for SEDAR projects are appointed by the Gulf, South Atlantic, and Caribbean Fishery Management Councils and National Marine Fisheries Service Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants may include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations; International experts; and staff of Councils, Commissions, and State and Federal agencies.

The items of discussion in the SEDAR 90 Assessment Webinar 12 are as follows:

Participants will review recommendations made on Assessment Webinar 11 and continue discussion of new modeling topics. Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

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

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

Dated: October 9, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–21017 Filed 10–13–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG089]

Council Coordination Committee Meeting

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

ACTION: Notice of a public meeting; agenda information.

SUMMARY: The National Marine Fisheries Service, Office of Sustainable Fisheries will host a hybrid meeting of the Council Coordination Committee, also known as the CCC, consisting of the Regional Fishery Management Council chairs, vice chairs, and executive directors from October 20 to October 21, 2026. This meeting will be chaired by the North Pacific Fishery Management Council. The intent of this meeting is to discuss issues of relevance to the Councils and NMFS, including issues related to the implementation of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

DATES: The meeting will begin at 1 p.m. on Tuesday, October 20, 2026, and recess at 5 p.m., or when business is complete. The meeting will reconvene at 9 a.m. on Wednesday, October 21, 2026, and recess at 5:15 p.m., or when business is complete.

ADDRESSES: The meeting will be held at the Hilton Arlington National Landing Hotel, 2399 Richmond Hwy., Arlington, VA 22202; telephone: (703) 418–6800. The meeting will also be broadcast via webinar. Connection details and public comment instructions will be available.

FOR FURTHER INFORMATION CONTACT: Justin Pearce at *justin.pearce@noaa.gov* or (301) 427–8521.

SUPPLEMENTARY INFORMATION: The 2007 reauthorization of the MSA established the CCC. The CCC consists of the chairs, vice chairs, and executive directors of each of the eight Regional Fishery Management Councils, or their respective proxies. All sessions are open to the public and time will be set aside for public comments at the end of each day and after specific sessions at the discretion of the meeting Chair. The meeting Chair will announce public comment times and instructions to provide comment at the start of each meeting day. There will be opportunities for public comments to be provided in-person and remotely via webinar. Updates to this meeting, briefing materials, public comment instructions and additional information will be posted on *https://www.fisheries.noaa.gov/national/partners/council-coordination-committee.*

Proposed Agenda

Tuesday, October 20, 2026: 1 p.m.–5 p.m. EDT

1. Opening of Meeting
2. Approval of Agenda and Minutes
3. NMFS Update and Upcoming Priorities
4. NMFS Science Update
5. Public Comment

Adjourn Day 1

Wednesday, October 21, 2026: 9 a.m.–5:15 p.m. EDT

1. Seafood Executive Order Update
2. Alignment of Council Priorities
3. NEPA Update
4. International Affairs Update
5. NMFS Budget Update
6. Legislative Affairs Update
7. CCC Committee and Workgroup Reports and future meeting planning
8. Public Comment

Adjourn Day 2

The order in which the agenda items are addressed may be adjusted by the meeting Chair to stay on time. The CCC will meet as late as necessary to complete scheduled business.

Special Accommodations

If you have particular access needs, please contact Justin Pearce (see **FOR FURTHER INFORMATION CONTACT**) prior to the meeting for accommodation.

Dated: October 8, 2026.

Shannon Bettridge,

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

[FR Doc. 2026–20965 Filed 10–13–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG109]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Summer Flounder, Scup, and Black Sea Bass Advisory Panel will hold a public meeting with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Advisory Panel.

DATES: The meeting will be held on Monday, November 2, 2026, from 3 p.m. until 6 p.m. E.T. For agenda details, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The meeting will be held via webinar. Connection information will be posted to the calendar prior to the meeting at *https://www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *https://www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Mid-Atlantic Fishery Management Council's Summer Flounder, Scup, and Black Sea Bass Advisory Panel will meet with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Advisory Panel via webinar. The objective of this meeting is to discuss 2027 recreational measures (*i.e.,* bag, size, and season limits) for summer flounder, scup, and black sea bass. The Council and Commission previously adopted 2026–2027 recreational measures for summer flounder, scup, and black sea bass (the same measures across the 2 years). Therefore, Advisors will review the previously adopted 2027 recreational measures for all three species and provide input on whether these measures should remain unchanged.

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden, (302) 526–5251 at least 5 days prior to the meeting date.

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

Dated: October 9, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–21015 Filed 10–13–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG060]

Deepwater Horizon Natural Resource Damage Assessment Louisiana Trustee Implementation Group Final Phase 2 Restoration Plan/ Environmental Assessment #8.1: East Orleans Landbridge Restoration Project and Raccoon Island Restoration Project and Finding of No Significant Impact

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

ACTION: Notice of availability.

SUMMARY: The Deepwater Horizon (DWH) natural resource Trustees for the Louisiana Trustee Implementation Group (Louisiana TIG) have prepared the Final Phase 2 Restoration Plan/ Environmental Assessment #8.1: East Orleans Landbridge Restoration Project and Raccoon Island Restoration Project (RP/EA #8.1) and Finding of No Significant Impact (FONSI). The Final RP/EA #8.1 considers alternatives to help restore wetlands, coastal, and nearshore habitats injured by the DWH oil spill. The Final RP/EA #8.1 evaluates three design alternatives for each project under the Oil Pollution Act (OPA) including criteria set forth in the OPA Natural Resource Damage Assessment (NRDA) regulations and the National Environmental Policy Act of 1969 (NEPA, as amended) and selects two projects for funding and implementation.

DATES: This document was published on October 14, 2026.

ADDRESSES: You may view and download the Final RP/EA #8.1 and FONSI at *https://www.gulfspillrestoration.noaa.gov/restoration-areas/louisiana.* You may also request a flash drive containing the Final RP/EA #8.1, FONSI, and a fact sheet (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: David Reeves, NOAA Restoration Center, (225) 726–1914, *louisiana.TIG@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

On April 20, 2010, the mobile offshore drilling unit Deepwater Horizon, which was drilling a well for BP Exploration and Production, Inc. (BP), experienced a significant explosion, fire and subsequent sinking in the Gulf of America, resulting in the release of millions of barrels of oil and other discharges into the Gulf. Under the authority of the OPA, designated Federal and State Trustees, acting on behalf of the public, assessed the injuries to natural resources and prepared the DWH Oil Spill Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (Final PDARP/PEIS), and the Record of Decision for the DWH Oil Spill Final PDARP/PEIS (ROD), which sets forth the governance structure and process for DWH restoration planning under the OPA NRDA regulations. On April 4, 2016, the United States District Court for the Eastern District of Louisiana entered a Consent Decree resolving civil claims by the Trustees against BP.

The Louisiana TIG, which includes the State of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator's Office, Departments of Environmental Quality, Wildlife and Fisheries, and Natural Resources, the NOAA, the U.S. Department of the Interior, the U.S. Environmental Protection Agency, and the U.S. Department of Agriculture, selects and implements restoration projects under the Louisiana TIG's management authority in accordance with the Consent Decree. The Final PDARP/PEIS, ROD, Consent Decree, and information on the DWH Trustees can be found at *https://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan.*

Background

As provided for in the Final PDARP/PEIS, TIGs may propose conceptual projects for funding of a planning phase (*e.g.,* initial engineering and design [E&D]) in a restoration plan. This allows the TIG to develop information needed to fully consider a subsequent implementation phase of the project in a subsequent restoration plan. In the Final RP/EA #8, the Louisiana TIG selected conceptual projects to fund for E&D, including the East Orleans Landbridge Restoration project and the Raccoon Island Restoration project. Both projects have design alternatives that are now at a stage where proposed construction alternatives may be

analyzed under the OPA NRDA regulations and NEPA. Therefore, in the Final RP/EA #8.1, the Louisiana TIG proposes to implement the preferred design alternatives to construct the East Orleans Landbridge project and the Raccoon Island Restoration project.

On December 5, 2025, the Louisiana TIG announced on the Gulf Spill Restoration website that they were initiating preparation of the RP/EA #8.1. On May 18, 2026, the Louisiana TIG published the Draft RP/EA #8.1 for a 30-day public review period (91 FR 28574). To facilitate public understanding of the document, the Louisiana TIG held a public webinar on June 8, 2026, during which public comments were solicited. The Louisiana TIG accepted public comments through June 17, 2026. After the public review period closed, the Louisiana TIG reviewed the comments received, prepared responses to those comments, finalized the plan, and prepared the FONSI.

Overview of the Louisiana TIG Final RP/EA #8.1

The Draft RP/EA #8.1 provides OPA NRDA and NEPA analyses for a reasonable range of design alternatives and identifies the Louisiana TIG's preferred design alternative for each project. The preferred design alternative, East Orleans Landbridge Restoration Alternative 4 (E.O. Alternative 4) would dredge and place approximately 5.0 million cubic yards (3.8 million cubic meters) of sediment dredged from a nearby inland borrow source to restore up to 1,320 acres (534 hectares) of a wetland complex. E.O. Alternative 4 would also include 14,867 linear feet (4.53 kilometers) of shoreline protection. The approximate cost to implement the preferred alternative is $109.4 million. The preferred design alternative, Raccoon Island Restoration Project Alternative 3 (RI Alternative 3) would dredge approximately 2.9 million cubic yards (2.2 million cubic meters) of sand from an offshore borrow source to restore up to 410 acres (166 hectares) of barrier island habitat. RI Alternative 3 also includes maintenance of existing Gulfside breakwaters, construction of four bayside breakwaters, and construction of nine living shoreline structures. The approximate cost to implement the preferred alternative is $156.3 million.

The total estimated cost to implement the two preferred alternatives is approximately $265.7 million. Funding to implement the alternatives selected by the Louisiana TIG would come from the Wetlands, Coastal, and Nearshore Habitats Restoration Type allocation. Additional restoration planning in the Louisiana TIG will continue.

Administrative Record

The Administrative Record for the Final RP/EA #8.1 can be viewed electronically at *https://www.doi.gov/deepwaterhorizon/adminrecord* under the folder 6.5.5.2.16.

Authority

The authority for this action is the OPA of 1990 (33 U.S.C. 2701 *et seq.*), its implementing NRDA regulations found at 15 CFR part 990 and NEPA (42 U.S.C. 4321 *et seq.*).

Dated: October 9, 2026.

Carrie Diane Robinson,

Director, Office of Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 2026–20992 Filed 10–13–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG069]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is holding a hybrid public meeting of its Scientific and Statistical Committee (SSC) to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, October 27 and Wednesday, October 28, 2026, beginning at 9 a.m. EDT. Webinar Registration information: *https://nefmc-org.zoom.us/meeting/register/50APwxM3QJytR2Usk8V3-Q.*

ADDRESSES: This meeting will take place at the Hilton Garden Inn Boston Logan, 100 Boardman St., Boston, MA 02108; Phone: (617) 567–6789.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The SSC will meet to consider the information provided by the Council's Groundfish and Whiting Plan Development Teams, including stock assessment or data update information where appropriate; recommend the overfishing limits and acceptable biological catches for fishing years 2027–2031 for: Northeast multispecies stocks: Gulf of Maine haddock, American plaice, pollock, and Atlantic halibut. Small-mesh multispecies stocks: northern red hake, southern red hake, northern silver hake, and southern whiting. Other business will be discussed as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at 978–465–0492, at least 5 days prior to the meeting date.

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

Dated: October 9, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–21013 Filed 10–13–26; 8:45 am]

BILLING CODE 3510–22–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Comment Request; Submission to the Office of Management and Budget for Review and Approval; AmeriCorps VISTA Criminal History Acknowledgement Form

AGENCY: Corporation for National and Community Service.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Corporation for National and Community Service (operating as AmeriCorps) is proposing a new information collection for AmeriCorps VISTA sponsors and certain categories of candidates for VISTA service.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by November 13, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Elizabeth Southall, Acting Director VISTA Member Service Unit, AmeriCorps, 202–606–3835, *esouthall@americorps.gov*.

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

A 60-day Notice requesting public comment was published in the **Federal Register** on July 15, 2026, at 91 FR 43364. The comment period ended September 14, 2026. Three comments were received in response to that notice. One comment asked whether candidates are provided an opportunity to dispute inaccurate court records, clarify probation terms, or appeal a supervisor's negative Part C recommendation before being formally disqualified from AmeriCorps VISTA service. No change to the information collection is needed to address this comment because when the candidate receives their background check results directly from ''Checkr'', they can dispute a finding through that system if they believe information on their background check is inaccurate, incomplete, or belongs to someone else. Additionally, the CHAF form provides a mechanism for candidates to address any discrepancies and provide clarification, encouraging dialogue between the candidate and Partner organization to engage in a transparent interactive process in which any discrepancies can be discussed, documented and elevated to VISTA if necessary. Another comment expressed concern that the form requires local non-profit or municipal site supervisors who are not trained in criminal record evaluations to justify acceptance or rejection based on a candidate's criminal history. In fact, the form does not require local site supervisors to make legal determinations regarding a candidate's criminal history. The criminal history information has already been processed through the criminal system. Site supervisors provide site-specific information and a recommendation concerning whether a candidate is suitable for service at that particular site; they do not make the final determination regarding the candidate's eligibility or suitability for VISTA service. AmeriCorps VISTA retains final decision-making authority consistent with the applicable statutory and program requirements as outlined in the Domestic Volunteer Service Act (DVSA), the National and Community Service Act of 1990, as amended. The third comment expressed concern regarding exposure of sensitive information to local host sites. AmeriCorps VISTA partners are required to comply with AmeriCorps and applicable federal regulations governing the handling of sensitive information.

Title of Collection: AmeriCorps VISTA Criminal History Acknowledgment Form.

OMB Control Number: 3045–NEW.

Type of Review: New.

Respondents/Affected Public: Businesses and Organizations, State, Local or Tribal Governments; Individuals and Households.

Total Estimated Number of Annual Responses: 240.

Total Estimated Number of Annual Burden Hours: 120.

Abstract: The AmeriCorps VISTA Criminal History Acknowledgment Form (CHAF) is part of a new process that increases sponsor autonomy in AmeriCorps VISTA volunteer (member) selection and standardizes data collection for more efficient workflow and prompt adjudication of criminal history issues. The CHAF must be completed by VISTA sponsors when a candidate for VISTA service either fails to report their criminal history on their application or is noted to have a criminal history involving certain violent or serious offenses. In the latter case, a VISTA candidate reports the offense, its date, the final court judgment, and the legal status of each offense in Part A of the CHAF. In Part B, they accept the AmeriCorps VISTA conditions for serving with a criminal history special consideration.

On Part C of the form, the VISTA sponsor or site supervisor provides a recommendation to accept or reject the candidate based on the disclosed criminal history. They must include an explanation of why they consider the candidate to be (or not be) a good fit for their program in light of the disclosed criminal history and, if they recommend acceptance, what measures they will have in place to support a successful service term for the candidate and appropriate supervision.

Part D is a personal narrative that applicants who have noted a criminal history involving violence must complete.

Brendan Murphy,

Acting Director, AmeriCorps VISTA.

[FR Doc. 2026–21002 Filed 10–13–26; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–2213]

Privacy Act of 1974; Matching Program

AGENCY: Office of the Secretary, Department of Defense (DoD).

ACTION: Notice of a New Matching Program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, and Office of Management and Budget (OMB) guidance on computer matching, the DoD is providing notice of the establishment of a new matching program. Pursuant to the Payment Integrity Information Act of 2019 (PIIA), DoD, including its component Defense Health Agency (DHA), is establishing a new matching program consisting of the computerized comparison of its system of records for the Military Health Benefits—TRICARE Pharmacy Program (TPharm) program with the Do Not Pay

(DNP) Working System, which is administered by Treasury's Bureau of the Fiscal Service. This matching program will enable the DoD program to compare records maintained in its system of records with records maintained in the DNP Working System for the purposes of identifying and preventing improper payments.

DATES: Comments will be accepted on or before November 13, 2026. This proposed action will be effective the day following the end of the comment period unless comments have been received from interested members of the public that require modification and republication of the notice. This new matching program will be effective through September 10, 2029.

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

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

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

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

FOR FURTHER INFORMATION CONTACT: Ms. Laura White, Accounting Officer, Oracle Federal Financials, DHA/SP&FO/J8, 16401 E Centretech Pkwy, Aurora, Co 80011, Phone: (303) 676–3877.

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 amended the Privacy Act of 1974 (5 United States Code (U.S.C.) 552a) by establishing procedural safeguards for agencies' use of records in computerized matching. The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) provides the authority to waive the requirements for matching agreements in certain cases. Pursuant to this authority, the Secretary of the Treasury, after consulting with the OMB Director, authorized the issuance of a four-year waiver of the requirement for entering into a matching agreement for programs that meet the criteria in OMB Memorandum M–25–32. DoD has determined that the DNP matching program for the Military Health Benefits—TRICARE Pharmacy Program (TPharm) (PIIA Program ID: DOD–0032) is eligible for this waiver.

Participating Agencies: The DoD, through DHA, will match records against the DNP Working System, maintained by the Bureau of the Fiscal Service at the U.S. Department of the Treasury.

Authority for Conducting the Matching Program: The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) and OMB Memorandum M–25–32. The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) establishes the DNP Initiative and requires, for the purposes of identifying and preventing improper payments, each executive agency to have access to, and use of, the relevant databases in DNP to verify payment or award eligibility. Additional applicable authorities for this matching program include Executive Order 13520, Reducing Improper Payments (74 FR 62201); Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse (90 FR 14011); and OMB Memorandum M–25–32, Preventing Improper Payments and Protecting Privacy Through Do Not Pay. Additional information regarding the authorities for the collection and maintenance of information for each of the DoD programs that will conduct matches with the DNP Working System are contained within the systems of records notices listed below.

Purpose(s): The purpose of the matching program is to identify and prevent improper payments by verifying through DNP prepayment or pre-award eligibility.

Categories of Individuals: Applicants for, or recipients of, Federal funds from the Military Health Benefits—TRICARE Pharmacy Program (TPharm) program.

Categories of Records: Data elements to be matched include applicant's name, Social Security Number (SSN) or Taxpayer Identification Number (TIN), address, date of birth, and payment/banking information. These data elements include all the records involved in the matching program.

System(s) of Records: The records contained within the DNP Working System are maintained in the Treasury system of records, Bureau of the Fiscal Service .017—Do Not Pay Payment Verification Records (85 FR 11776). The DoD records involved in this matching program are maintained in the following system of records: EDTMA 04, Medical/Dental Claim History Files (80 FR 65720), (90 FR 54312).

Dated: October 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–20948 Filed 10–13–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–2217]

Privacy Act of 1974; Matching Program

AGENCY: Office of the Secretary, Department of Defense, (DoD).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, and Office of Management and Budget (OMB) guidance on computer matching, the DoD is providing notice of the establishment of a new matching program. Pursuant to the Payment Integrity Information Act of 2019 (PIIA), DoD, including its component Defense Finance and Accounting Service (DFAS), is establishing a new matching program consisting of the computerized comparison of its system of records for the Military Retirement—Combat Related Special Compensation program with the Do Not Pay (DNP) Working System, which is administered by Treasury's Bureau of the Fiscal Service. This matching program will enable the DoD program to compare records maintained in its system of records with records maintained in the DNP Working System for the purposes of identifying and preventing improper payments.

DATES: Comments will be accepted on or before November 13, 2026. This proposed action will be effective the day following the end of the comment period unless comments have been received from interested members of the public that require modification and republication of the notice. This new matching program will be effective through September 10, 2029.

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

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

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

Instructions: All submissions received must include the agency name and

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

FOR FURTHER INFORMATION CONTACT: James Cochran, System Manager, 8899 E 56th St., Indianapolis, IN 46249–0150, Phone (800) 321–1080.

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 amended the Privacy Act of 1974 (5 United States Code (U.S.C.) 552a) by establishing procedural safeguards for agencies' use of records in computerized matching. The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) provides the authority to waive the requirements for matching agreements in certain cases. Pursuant to this authority, the Secretary of the Treasury, after consulting with the OMB Director, authorized the issuance of a four-year waiver of the requirement for entering into a matching agreement for programs that meet the criteria in OMB Memorandum M–25–32. DoD has determined that the DNP matching program for the Military Retirement—Combat Related Special Compensation (PIIA Program ID: DOD–0045) is eligible for this waiver.

Participating Agencies: The DoD, through DFAS, will match records against the DNP Working System, maintained by the Bureau of the Fiscal Service at the U.S. Department of the Treasury.

Authority for Conducting the Matching Program: The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) and OMB Memorandum M–25–32. The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) establishes the DNP Initiative and requires, for the purposes of identifying and preventing improper payments, each executive agency to have access to, and use of, the relevant databases in DNP to verify payment or award eligibility. Additional applicable authorities for this matching program include Executive Order 13520, Reducing Improper Payments (74 FR 62201); Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse (90 FR 14011); and OMB Memorandum M–25–32, Preventing Improper Payments and Protecting Privacy Through Do Not Pay. Additional information regarding the authorities for the collection and maintenance of information for each of the DoD programs that will conduct matches with the DNP Working System are contained within the systems of records notices listed below.

Purpose(s): The purpose of the matching program is to identify and prevent improper payments by verifying through DNP prepayment or pre-award eligibility.

Categories of Individuals: Applicants for, or recipients of, Federal funds from the Military Retirement—Combat Related Special Compensation program.

Categories of Records: Data elements to be matched include applicant's name, Social Security Number (SSN) or Taxpayer Identification Number (TIN), address, date of birth, and payment/banking information. These data elements include all the records involved in the matching program.

System(s) of Records: The records contained within the DNP Working System are maintained in the Treasury system of records, Bureau of the Fiscal Service .017—Do Not Pay Payment Verification Records (85 FR 11776). The DoD records involved in this matching program are maintained in the following system of records: T7347b, Defense Military Retiree and Annuity Pay System Records (74 FR 696), (90 FR 54312).

Dated: October 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–20952 Filed 10–13–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–2214]

Privacy Act of 1974; Matching Program

AGENCY: Office of the Secretary, Department of Defense (DoD).

ACTION: Notice of a New Matching Program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, and Office of Management and Budget (OMB) guidance on computer matching, the DoD is providing notice of the establishment of a new matching program. Pursuant to the Payment Integrity Information Act of 2019 (PIIA), DoD, including its component Defense Health Agency (DHA), is establishing a new matching program consisting of the computerized comparison of its system of records for the Military Health Benefits—TRICARE East Region (East) program with the Do Not Pay (DNP) Working System, which is administered by Treasury's Bureau of the Fiscal Service. This matching program will enable the DoD program to compare records maintained in its system of records with records maintained in the DNP Working System for the purposes of identifying and preventing improper payments.

DATES: Comments will be accepted on or before November 13, 2026. This proposed action will be effective the day following the end of the comment period unless comments have been received from interested members of the public that require modification and republication of the notice. This new matching program will be effective through September 10, 2029.

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

** Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

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

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

FOR FURTHER INFORMATION CONTACT: Ms. Laura White, Accounting Officer, Oracle Federal Financials, DHA/SP&FO/J8, 16401 E Centretech Pkwy, Aurora, Co 80011, Phone: (303) 676–3877.

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 amended the Privacy Act of 1974 (5 United States Code (U.S.C.) 552a) by establishing procedural safeguards for agencies' use of records in computerized matching. The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) provides the authority to waive the requirements for matching agreements in certain cases. Pursuant to this authority, the Secretary of the Treasury, after consulting with the OMB Director, authorized the issuance of a four-year waiver of the requirement for entering into a matching agreement for programs that meet the criteria in OMB Memorandum M–25–32. DoD has

determined that the DNP matching program for the Military Health Benefits—TRICARE East Region Program (East) (PIIA Program ID: DOD–0029) is eligible for this waiver.

Participating Agencies: The DoD, through DHA, will match records against the DNP Working System, maintained by the Bureau of the Fiscal Service at the U.S. Department of the Treasury.

Authority for Conducting the Matching Program: The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) and OMB Memorandum M–25–32. The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) establishes the DNP Initiative and requires, for the purposes of identifying and preventing improper payments, each executive agency to have access to, and use of, the relevant databases in DNP to verify payment or award eligibility. Additional applicable authorities for this matching program include Executive Order 13520, Reducing Improper Payments (74 FR 62201); Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse (90 FR 14011); and OMB Memorandum M–25–32, Preventing Improper Payments and Protecting Privacy Through Do Not Pay. Additional information regarding the authorities for the collection and maintenance of information for each of the DoD programs that will conduct matches with the DNP Working System are contained within the systems of records notices listed below.

Purpose(s): The purpose of the matching program is to identify and prevent improper payments by verifying through DNP prepayment or pre-award eligibility.

Categories of Individuals: Applicants for, or recipients of, Federal funds from the Military Health Benefits—TRICARE East Region Program (East) program.

Categories of Records: Data elements to be matched include applicant's name, Social Security Number (SSN) or Taxpayer Identification Number (TIN), address, date of birth, and payment/banking information. These data elements include all the records involved in the matching program.

System(s) of Records: The records contained within the DNP Working System are maintained in the Treasury system of records, Bureau of the Fiscal Service .017—Do Not Pay Payment Verification Records (85 FR 11776). The DoD records involved in this matching program are maintained in the following system of records: EDTMA 04, Medical/Dental Claim History Files (80 FR 65720), (90 FR 54312).

Dated: October 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–20947 Filed 10–13–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–2216]

Privacy Act of 1974; Matching Program

AGENCY: Office of the Secretary, Department of Defense, (DoD).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, and Office of Management and Budget (OMB) guidance on computer matching, the DoD is providing notice of the establishment of a new matching program. Pursuant to the Payment Integrity Information Act of 2019 (PIIA), DoD, including its component Defense Finance and Accounting Service (DFAS), is establishing a new matching program consisting of the computerized comparison of its system of records for the Military Retirement—Annuitant Pay program with the Do Not Pay (DNP) Working System, which is administered by Treasury's Bureau of the Fiscal Service. This matching program will enable the DoD program to compare records maintained in its system of records with records maintained in the DNP Working System for the purposes of identifying and preventing improper payments.

DATES: Comments will be accepted on or before November 13, 2026. This proposed action will be effective the day following the end of the comment period unless comments have been received from interested members of the public that require modification and republication of the notice. This new matching program will be effective through September 10, 2029.

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

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

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

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

FOR FURTHER INFORMATION CONTACT: James Cochran, System Manager, 8899 E 56th St., Indianapolis, IN 46249–0150, Phone (800) 321–1080.

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 amended the Privacy Act of 1974 (5 United States Code (U.S.C.) 552a) by establishing procedural safeguards for agencies' use of records in computerized matching. The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) provides the authority to waive the requirements for matching agreements in certain cases. Pursuant to this authority, the Secretary of the Treasury, after consulting with the OMB Director, authorized the issuance of a four-year waiver of the requirement for entering into a matching agreement for programs that meet the criteria in OMB Memorandum M–25–32. DoD has determined that the DNP matching program for the Military Retirement—Annuitant Pay (PIIA Program ID: DOD–0044) is eligible for this waiver.

Participating Agencies: The DoD, through DFAS, will match records against the DNP Working System, maintained by the Bureau of the Fiscal Service at the U.S. Department of the Treasury.

Authority for Conducting the Matching Program: The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) and OMB Memorandum M–25–32. The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) establishes the DNP Initiative and requires, for the purposes of identifying and preventing improper payments, each executive agency to have access to, and use of, the relevant databases in DNP to verify payment or award eligibility. Additional applicable authorities for this matching program include Executive Order 13520, Reducing Improper Payments (74 FR 62201); Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse (90 FR 14011); and OMB Memorandum M–25–32, Preventing Improper Payments and Protecting Privacy Through Do Not Pay. Additional information regarding the authorities for the collection and maintenance of information for each of

the DoD programs that will conduct matches with the DNP Working System are contained within the systems of records notices listed below.

Purpose(s): The purpose of the matching program is to identify and prevent improper payments by verifying through DNP prepayment or pre-award eligibility.

Categories of Individuals: Applicants for, or recipients of, Federal funds from the Military Retirement—Annuitant Pay program.

Categories of Records: Data elements to be matched include applicant's name, Social Security Number (SSN) or Taxpayer Identification Number (TIN), address, date of birth, and payment/banking information. These data elements include all the records involved in the matching program.

System(s) of Records: The records contained within the DNP Working System are maintained in the Treasury system of records, Bureau of the Fiscal Service .017—Do Not Pay Payment Verification Records (85 FR 11776). The DoD records involved in this matching program are maintained in the following system of records: T7347b, Defense Military Retiree and Annuity Pay System Records (74 FR 696), (90 FR 54312).

Dated: October 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–20950 Filed 10–13–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–2220]

Privacy Act of 1974; Matching Program

AGENCY: Office of the Secretary, Department of Defense (DoD).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, and Office of Management and Budget (OMB) guidance on computer matching, the DoD is providing notice of the establishment of a new matching program. Pursuant to the Payment Integrity Information Act of 2019 (PIIA), DoD, including its component Defense Health Agency, is establishing a new matching program consisting of the computerized comparison of its system of records for the Military Health Benefits—TRICARE Medicare Eligible Program (TMEP) with the Do Not Pay (DNP) Working System, which is administered by Treasury's Bureau of the Fiscal Service. This matching program will enable the DoD program to compare records maintained in its system of records with records maintained in the DNP Working System for the purposes of identifying and preventing improper payments.

DATES: Comments will be accepted on or before November 13, 2026. This proposed action will be effective the day following the end of the comment period unless comments have been received from interested members of the public that require modification and republication of the notice. This new matching program will be effective through September 10, 2029.

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

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

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

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

FOR FURTHER INFORMATION CONTACT: Ms. Laura White, Accounting Officer, Oracle Federal Financials, DHA/SP&FO/J8, 16401 E Centretech Pkwy., Aurora, CO 80011, Phone # (303) 676–3877.

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 amended the Privacy Act of 1974 (5 U.S.C. 552a) by establishing procedural safeguards for agencies' use of records in computerized matching. The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) provides the authority to waive the requirements for matching agreements in certain cases. Pursuant to this authority, the Secretary of the Treasury, after consulting with the OMB Director, authorized the issuance of a four-year waiver of the requirement for entering into a matching agreement for programs that meet the criteria in OMB Memorandum M–25–32. DoD has determined that the DNP matching program for the Military Health Benefits—TRICARE Medicare Eligible Program (TMEP) (PIIA Program ID: DOD–0030) is eligible for this waiver.

Participating Agencies: The DoD, through Defense Health Agency, will match records against the DNP Working System, maintained by the Bureau of the Fiscal Service at the U.S. Department of the Treasury.

Authority for Conducting the Matching Program: The Payment Integrity Information Act of 2019 (31 United States Code (U.S.C.) 3351 *et seq.*) and OMB Memorandum M–25–32. The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) establishes the DNP Initiative and requires, for the purposes of identifying and preventing improper payments, each executive agency to have access to, and use of, the relevant databases in DNP to verify payment or award eligibility. Additional applicable authorities for this matching program include Executive Order 13520, Reducing Improper Payments (74 FR 62201); Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse (90 FR 14011); and OMB Memorandum M–25–32, Preventing Improper Payments and Protecting Privacy Through Do Not Pay. Additional information regarding the authorities for the collection and maintenance of information for each of the DoD programs that will conduct matches with the DNP Working System are contained within the systems of records notices listed below.

Purpose(s): The purpose of the matching program is to identify and prevent improper payments by verifying through DNP prepayment or pre-award eligibility.

Categories of Individuals: Applicants for, or recipients of, Federal funds from the Military Health Benefits—TRICARE Medicare Eligible Program (TMEP) program.

Categories of Records: Data elements to be matched include applicant's name, Social Security Number (SSN) or Taxpayer Identification Number (TIN), address, date of birth, and payment/banking information. These data elements include all the records involved in the matching program.

System(s) of Records: The records contained within the DNP Working System are maintained in the Treasury system of records, Bureau of the Fiscal Service .017—Do Not Pay Payment Verification Records (85 FR 11776). The DoD records involved in this matching program are maintained in the following system of records: EDTMA 04, Medical/Dental Claim History Files (80 FR 65720), (90 FR 54312).

Dated: October 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–20945 Filed 10–13–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–2219]

Privacy Act of 1974; Matching Program

AGENCY: Office of the Secretary, Department of Defense, (DoD).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, and Office of Management and Budget (OMB) guidance on computer matching, the DoD is providing notice of the establishment of a new matching program. Pursuant to the Payment Integrity Information Act of 2019 (PIIA), DoD, including its component Defense Finance and Accounting Service (DFAS), is establishing a new matching program consisting of the computerized comparison of its system of records for the Military Retirement—Retired Pay program with the Do Not Pay (DNP) Working System, which is administered by Treasury's Bureau of the Fiscal Service. This matching program will enable the DoD program to compare records maintained in its system of records with records maintained in the DNP Working System for the purposes of identifying and preventing improper payments.

DATES: Comments will be accepted on or before November 13, 2026. This proposed action will be effective the day following the end of the comment period unless comments have been received from interested members of the public that require modification and republication of the notice. This new matching program will be effective through September 10, 2029.

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

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

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

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

FOR FURTHER INFORMATION CONTACT: James Cochran, System Manager, 8899 E 56th St., Indianapolis, IN 46249–0150, Phone: (800) 321–1080.

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 amended the Privacy Act of 1974 (5 United States Code (U.S.C.) 552a) by establishing procedural safeguards for agencies' use of records in computerized matching. The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) provides the authority to waive the requirements for matching agreements in certain cases. Pursuant to this authority, the Secretary of the Treasury, after consulting with the OMB Director, authorized the issuance of a four-year waiver of the requirement for entering into a matching agreement for programs that meet the criteria in OMB Memorandum M–25–32. DoD has determined that the DNP matching program for the Military Retirement—Retired Pay (PIIA Program ID: DOD–0046) is eligible for this waiver.

Participating Agencies: The DoD, through DFAS, will match records against the DNP Working System, maintained by the Bureau of the Fiscal Service at the U.S. Department of the Treasury.

Authority for Conducting the Matching Program: The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) and OMB Memorandum M–25–32.m The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) establishes the DNP Initiative and requires, for the purposes of identifying and preventing improper payments, each executive agency to have access to, and use of, the relevant databases in DNP to verify payment or award eligibility. Additional applicable authorities for this matching program include Executive Order 13520, Reducing Improper Payments (74 FR 62201); Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse (90 FR 14011); and OMB Memorandum M–25–32, Preventing Improper Payments and Protecting Privacy Through Do Not Pay. Additional information regarding the authorities for the collection and maintenance of information for each of the DoD programs that will conduct matches with the DNP Working System are contained within the systems of records notices listed below.

Purpose(s): The purpose of the matching program is to identify and prevent improper payments by verifying through DNP prepayment or pre-award eligibility.

Categories of Individuals: Applicants for, or recipients of, Federal funds from the Military Retirement—Retired Pay program.

Categories of Records: Data elements to be matched include applicant's name, Social Security Number (SSN) or Taxpayer Identification Number (TIN), address, date of birth, and payment/banking information. These data elements include all the records involved in the matching program.

System(s) of Records: The records contained within the DNP Working System are maintained in the Treasury system of records, Bureau of the Fiscal Service .017—Do Not Pay Payment Verification Records (85 FR 11776). The DoD records involved in this matching program are maintained in the following system of records: T7347b, Defense Military Retiree and Annuity Pay System Records (74 FR 696), (90 FR 54312).

Dated: October 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–20949 Filed 10–13–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–0232]

Request for Information for 2028 Department of Defense (DoD) State Priorities Impacting Service Members and Their Families

AGENCY: Deputy Assistant Secretary of Defense for Military Community and Family Policy (MC & FP), Department of Defense (DoD).

ACTION: Request for information; response to public comments.

SUMMARY: On Tuesday, March 24, 2026, the Department of Defense (referred to herein as ''the Department'', ''Department of War'' or DoW'') published a request for information in the **Federal Register** (FR) that provided an opportunity for the public to submit issues that have an impact on service members and their families, where state governments are the primary agents for making positive change. Each year, DoW

selects state policy priorities for states to consider that represent barriers resulting from the transience and uncertainty of military life. For example, DoW has asked states to consider remedies that trade residency-based and time-in-state requirements for portability and continuity, including interstate compacts, license reciprocity, credit for military training, spouse unemployment compensation; cross-reporting agreements with child welfare agencies; educational opportunities including advance enrollment, homeschool solutions, in-state tuition, records transfer, and waiver waitlist retention for families with special needs; support for severely injured personnel; custody and juvenile justice protections for deployed parents and military-connected youth; information sharing on military protective orders; employment and legal protections for military families; and predatory lending safeguards. DoW will consider public submissions in setting those priorities.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher R. Arnold, (571) 309–4712 (voice), *christopher.r.arnold18.civ@mail.mil* (email), 1500 Defense Pentagon, Room 1C514/1C549, Washington, DC 20301–1500 (mailing address).

SUPPLEMENTARY INFORMATION: On Tuesday, March 24, 2026 (91 FR 14002), DoW published a notice titled ''Request for Information for 2028 Department of War (DoW) State Policy Priorities Impacting Service Members and Their Families.'' The Department accepted public comments for 30 days until April 23, 2026, and received one hundred twenty submissions. The DoW responds to the comments as follows:

Thank you for your submission to the DoD–2026–OS–0232 docket. State-level policies directly impact military families' stability and, consequently, combat readiness. To sustain a focus on the mission, the Department must develop aligned relationships with states that address both existing and emerging needs of our military community.

The Department received fourteen comments proposing issues that met the criteria for further evaluation as potential Fiscal Year (FY) 2028 DoW state policy priorities; we respond as follows:

- The DoW appreciates the feedback on standardized veterans' preference policies for local government employment. The DoW is actively addressing Military Spouse Hiring Preference through current DoW State Policy Priorities. This feedback will inform ongoing assessment of potential State policy priorities.
- The DoW appreciates the feedback on expanding early non-clinical behavioral health support. The DoW recognizes the importance of accessible, early-engagement support that complements existing clinical and non-clinical services, particularly for populations managing the stresses of military life, transition, and geographic dispersion. This input will be considered as the DoW assesses potential State policy priorities.
- The DoW appreciates the feedback regarding the consideration of Basic Allowance for Housing (BAH) in state benefit eligibility calculations. DoW acknowledges the concern that income definitions in state-administered assistance programs may create unintended barriers for military families whose housing allowances are fully consumed by local costs. The DoW will analyze the provided examples of state legislative practices for consideration in future state policy priorities.
- The DoW appreciates the feedback regarding coordination between installation family readiness programs and community-based resource navigation systems. DoW acknowledges the importance of ensuring military-connected families living off installation can access both military and civilian services efficiently. This input will be considered as the DoW continues to assess potential state policy priorities.
- The DoW appreciates the feedback regarding the financial stability of National Guard and Reserve members and their families during activation. The DoW notes that this comment addresses a distinct issue from the military exigency provisions in State paid family leave laws. The recommendation regarding statutory pay differential and benefits continuation will be considered as the DoW assesses potential State policy priorities.
- The DoW appreciates the feedback regarding retirement system participation requirements for military spouses employed in public-sector positions. The DoW acknowledges the concern that mandatory enrollment in State pension systems may limit access to portable retirement benefits for individuals subject to frequent relocation. This input will be considered during the development of future State policy priorities.
- The DoW appreciates the feedback regarding unintended benefit cliffs that result when military allowances are calculated as gross income. The DoW remains committed to ensuring junior enlisted families can achieve financial stability. Suggestions regarding internal DoW data-sharing protocols fall outside the scope of this state-focused notice, but feedback on income calculations will be evaluated as the DoW assesses future state policy priorities.
- The DoW appreciates the feedback on state-level digital resource networks. While the DoW cannot endorse specific non-federal entities, the underlying policy concept of encouraging states to adopt vetted, data-driven, and coordinated referral networks to support military families is highly relevant. This input, including the proposed evaluation framework, will be carefully considered as the DoW develops its upcoming State Policy Priorities.
- The DoW appreciates the feedback on risks faced by transitioning service members and military families. Recommendations to leverage State Low-Income Housing Tax Credit (LIHTC) allocations and establish designated veteran transition coordinators highlight intersections between housing and employment that will be carefully evaluated as the DoW develops upcoming State Policy Priorities.
- The DoW appreciates the feedback regarding extracurricular and athletic eligibility for military-connected students. Standardizing exemptions for high school athletic transfer waiting periods represents a distinct issue. The recommendation to emulate existing best practices will be carefully evaluated as the DoW develops its upcoming State Policy Priorities.
- The DoW appreciates the feedback on models that formalize the voice of the military community in state-level decision-making. Emphasis on a data-informed, whole-of-government approach directly supports DoW's readiness and retention objectives. This input will be carefully considered as the DoW continues to refine its priorities.
- The DoW appreciates the feedback regarding driver's education reciprocity and licensing challenges for military-connected teens. This input will be considered as the DoW assesses potential State policy priorities.
- The DoW appreciates the feedback regarding benefits awareness and navigation for Service members, veterans, and their families. This input may be considered as the DoW assesses potential State policy priorities.
- The DoW appreciates the feedback regarding state compensating use taxes on exchange service purchases. The DoW acknowledges the concern that such tax provisions may affect the intended value of exchange benefits for service members, their families, and other authorized patrons. This input

will be considered as the DoW assesses potential State policy priorities.

The Department received twenty-four comments proposing issues that are substantially addressed by a current or emeritus DoW state policy priority; we respond as follows:

- The DoW appreciates the feedback regarding workforce and licensing barriers affecting transitioning Service members. The DoW designated Occupational Licensure Interstate Compacts as a State Policy Priority, which addresses many of the concerns described. This feedback will inform ongoing assessment of future state policy priorities.
- The DoW appreciates the feedback regarding quality-of-life impacts of workforce actions. While many school transitions are addressed through the Interstate Compact on Educational Opportunity for Military Children, the DoW appreciates feedback on challenges that remain.
- The DoW appreciates the comment supporting occupational licensure compacts. The DoW designated Occupational Licensure Interstate Compacts as a State Policy Priority, and the Department continues to work with state policymakers on adoption. This input reinforces the importance of this ongoing effort.
- The DoW appreciates the feedback regarding continuity of care for controlled substance prescriptions during permanent change of station (PCS) moves. Disruptions in access to care can affect readiness. This feedback will inform ongoing assessment of potential state policy priorities.
- The DoW appreciates you sharing your experience with licensure portability challenges. The DoW designated the advancement of Occupational Licensure Interstate Compacts as a State Policy Priority, and the Defense-State Liaison Office continues to work with States to improve portability.
- The DoW appreciates you sharing your experience with PCS-related employment disruption. The state-actionable aspects of this comment align with existing DoW State Policy Priorities, including Military Spouse Employment Preference, Military Spouse Unemployment Compensation, and Occupational Licensure Interstate Compacts.
- The DoW appreciates you sharing your experience regarding the challenges military spouses face in balancing employment with household responsibilities during deployments. The DoW has designated Military Spouse Employment Preference and Military Clause in State Family Leave Laws as State Policy Priorities to reduce employment barriers. This input will be considered as the DoW assesses potential State policy priorities.
- The DoW appreciates the feedback regarding streamlining State licensing for DoW Family Child Care providers. The DoW has designated State Exemption for Military-Certified Family Child Care Homes as a State Policy Priority. This input reinforces the importance of these ongoing efforts.
- The DoW appreciates the feedback regarding educational consistency for military-connected children. The DoW acknowledges concerns regarding curriculum standards, school transitions, and support resources. The DoW has designated Education Policy Implementation and Information Enhancements as a State Policy Priority, and the Interstate Compact on Educational Opportunity for Military Children addresses many of the interstate transition barriers described. This input will be considered as future State policy priorities are developed.
- The DoW appreciates the feedback regarding driver's license and vehicle registration requirements affecting military families during relocations. The DoW acknowledges the challenges associated with varying state documentation requirements and in-person processing obligations. This input will be considered as the DoW assesses opportunities to support military families through state policy.
- The DoW appreciates the feedback on exempting DoW-certified Family Child Care homes from duplicative State licensing requirements. DoW agrees that reliable childcare is essential and directly supports military readiness. State Exemption for Military-Certified Family Child Care Homes is a current DoW State policy priority. This input will inform continued efforts to encourage adoption across all States.
- The DoW appreciates the feedback on occupational licensure portability for military spouses. The DoW pursues a variety of approaches including Enhanced Spouse License Portability and Occupational Licensure Interstate Compacts as policy solutions for occupational licensure portability. This input will inform continued efforts to encourage broader, more consistent adoption across all States.
- The DoW appreciates your feedback and recognizes the employment challenges military spouses face due to frequent relocations. Military Spouse Employment Preference was designated as a DoW State Policy Priority in 2024. The input regarding State-level remote work protections offers an additional perspective on career continuity that will be considered as the DoW assesses potential State policy priorities.
- The DoW appreciates the feedback regarding challenges military spouses face in obtaining clinical supervision for Licensed Professional Counselor overseas. The DoW has designated Occupational Licensure Interstate Compacts as a State Policy Priority. The Counseling Compact is currently being adopted by States and may help address aspects of this concern. This input will be considered as the DoW continues its work on licensure portability.
- The DoW appreciates the feedback regarding support for surviving families. The DoW designated Military Spouse Employment Preference as a State Policy Priority in 2024, and many State veterans' preference statutes already extend hiring preference to surviving spouses. The input regarding broader support will be considered as the DoW assesses potential state policy priorities.
- The DoW designated Military Spouse Employment Preference as a State Policy Priority in 2024 and is actively working with states to adopt this priority. States can assist by enacting laws permitting state and local governments and private industries to offer hiring and procurement preferences for military spouses.
- The DoW appreciates the feedback regarding the identification of Reserve Component military-connected students. The DoW designated Education Policy Implementation and Information Enhancements as a State Policy Priority, encouraging States to include National Guard and Reserve families in Military Student Identifier reporting. This input will be considered as the DoW assesses potential state policy priorities.
- The DoW appreciates the feedback regarding the need for state-level suicide prevention structures. The DoW designated Ask the Question as a State Policy Priority in 2021, encouraging states to identify military-connected individuals at service touchpoints. The DoW continues to engage States on incorporating interagency coordination, annual reporting, and military families into state suicide prevention plans.
- DoW designated State Solutions for Military Homeschoolers as a State Policy Priority in 2026. State policies that streamline homeschool requirements, expand access to educational resources, and clarify participation requirements for Junior Reserve Officers' Training Corps (JROTC) contribute to greater stability for military families and support retention efforts. The DoW appreciates the ongoing support for military homeschooling families.

• The DoW is addressing the specific reforms recommended through existing and emeritus DoW State Policy Priorities, including License Issuance and Reporting Uniformity, Military Community Representation on State Boards and Councils, Military Spouse Occupational Licensure Access, Solutions for Military Homeschoolers, Ask the Question, Interstate Compacts, Education Policy Implementation, and Military Clause in State Family Leave Laws.

• The DoW appreciates the feedback on military spouse licensing barriers. The DoW designated Occupational Licensure Interstate Compacts and Enhanced Spouse License Portability as State Policy Priorities, which are actively being addressed through State engagement.

• The DoW appreciates the feedback on strengthening recertification standards for military-friendly school recognition programs. The DoW designated Education Policy Implementation and Information Enhancements as a State Policy Priority to improve the quality and consistency of State education policies. This input will be considered as the DoW continues its work in this area.

• The DoW designated Solutions for Military Homeschoolers as a State Policy Priority. The concerns and recommendations in this submission are consistent with the scope of that ongoing effort. The DoW appreciates the continued engagement on this issue.

• The DoW is committed to removing structural barriers faced by military families navigating State regulations. The DoW has previously designated Medicaid Waiver Portability and State Support of Military Families with Special Education Needs as State Policy Priorities.

The Department received twelve comments proposing issues that are primarily within the jurisdiction of the federal government and are therefore not germane to this request for information, which solicits federal concerns within the purview of states to resolve; these comments have been forwarded to the appropriate federal office of primary responsibility and we respond as follows:

• The DoW appreciates the feedback regarding the affordability of housing for Service members and their families. This **Federal Register** Notice solicits issues that can be addressed through state government action.

• The DoW appreciates the feedback detailing the exclusion of students attending the Department of War Education Activity (DoWEA) schools overseas from the United States Department of Agriculture (USDA) summer nutrition programs. These matters involve federal nutrition program administration rather than State policy priorities addressed by this **Federal Register** Notice (FRN).

• The DoW appreciates the feedback highlighting the challenges military families face with TRICARE coverage for dependent children ending at age 21 (or 23 if full-time students). These matters involve federal TRICARE eligibility rules and DoW benefits policy rather than state policy priorities addressed by this FRN.

• The DoW appreciates the input regarding compensation for warfighters, including targeted pay raises, adjustments to BAH, and the need for greater stability in privatized housing costs. These matters involve federal pay and allowance structures as well as Department-level oversight of privatized housing contracts and are not within the purview of state governments to resolve.

• The DoW appreciates the detailed submission regarding the exclusion of Outside the Continental United States (OCONUS) DoWEA students from USDA summer nutrition programs and recognizes the concern about equitable nutrition support for military children stationed overseas. Because this issue involves federal program administration by USDA and DoWEA rather than state government action, it falls outside the scope of the DoW State Policy Priorities process.

• These matters involve federal benefits law and Congressional legislation and fall outside the scope of the DoW State Policy Priorities addressed by this FRN.

• The DoW appreciates the comment regarding challenges military spouses may face when navigating federal retirement systems and employment records. Suggestions related to additional support mechanisms fall outside the scope of the DoW State Policy Priorities addressed by this FRN.

• State Support of Military Families with Special Education Needs has been designated as a DoW State Policy Priority. Because this submission focuses on a future strategy and federal legislative changes, it falls outside the current scope of this FRN.

• The DoW appreciates the perspective regarding Post-9/11 GI Bill eligibility and time limitations for veterans pursuing higher education. The DoW recognizes the importance of education benefits in supporting veterans' transition to civilian life and acknowledges the concern raised regarding delays in utilization. This input falls outside the scope of the DoW State Policy Priorities addressed by this FRN.

• The DoW appreciates the feedback regarding access to USDA summer nutrition programs for military families stationed OCONUS. Because the proposed solutions fall under federal and interagency jurisdiction, they are outside the scope of this FRN regarding State-level policy priorities.

• The DoW appreciates the feedback regarding the treatment of military retainer pay in State divorce proceedings. The Uniformed Services Former Spouses' Protection Act establishes the federal framework governing State authority over the division of military retirement pay. This comment extends beyond State-specific policy solutions.

• The DoW appreciates the feedback regarding family support services, mental health resources, the promotion system, assignment stability, equal treatment, and educational and employment opportunities abroad. The issues identified are within the purview of federal authorities and internal DoW policy rather than state government action.

The Department received forty-nine comments requesting changes to DoW internal policies, programs, or procedures, which are not germane to this request for information; these comments have been forwarded to the appropriate internal office of primary responsibility and we respond as follows:

• The DoW appreciates the feedback regarding institutional eligibility for military-funded advanced academic degree programs. We value the perspective of service members navigating career and educational decisions. Because these determinations are made at the federal level and do not involve State legislative, regulatory, or procedural action, they fall outside the scope of this **Federal Register** Notice. Comments on this notice have been forwarded to the appropriate internal DoW Office of Primary Responsibility (OPR).

• The DoW appreciates the feedback regarding educational outcomes, access to performance data, and compliance with the Individuals with Disabilities Education Act (IDEA) at DoWEA schools. The issues raised fall outside the scope of this request for information on potential State Policy Priorities. We encourage engaging directly with DoWEA's established parent engagement and complaint resolution processes. Comments on this notice have been forwarded to the appropriate internal DoWOPR.

• The DoW appreciates the feedback regarding dependent minor access to electronic medical records between the ages of 13 and 18. This FRN solicited input on potential State policy priorities. The issue identified involves DoW information system access policies and credentialing requirements, which are governed at the federal level. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding the challenges faced by military families living off-base overseas following the transition to the AFN Now streaming application. Because this Notice solicits input on potential State Policy Priorities, issues involving DoW-managed programs and federal contracting decisions fall outside its scope. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding access to electronic health information through the Military Health System (MHS) Genesis patient portal for minor dependents. This matter involves the internal configuration and policies of a DoW health information system and is not within the scope of this FRN, which solicits input on issues where state governments are the primary change agents. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding Reduction in Force (RIF) procedures and the impact on military families. Because this submission addresses internal Department procedures rather than a state policy issue, it falls outside the scope of this FRN. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding reduction-in-force actions affecting families in Virginia. Federal workforce RIF procedures are governed by federal statute and regulation and fall outside the scope of this request for information. Comments on this notice have been forwarded to appropriate internal DoWOPR.

• The DoW appreciates the feedback regarding RIF procedures and the availability of contact resources for military spouses. This matter pertains to federal personnel processes and is not within the scope of this FRN. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding the Exceptional Family Member Program (EFMP) and family separation resulting from EFMP assignment decisions. Because EFMP is administered by the DoW, the issues raised relate to internal policy and programming rather than State government action. The DoW has designated State Support of Military Families with Special Education Needs as a current State Policy Priority, which addresses the State-level dimension of services available. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding the Transition Assistance Program (TAP) and military spouse training opportunities. This **Federal Register** Notice solicits input on potential State Policy Priorities where state governments are the primary agents for change; the issues raised relate to federal programs and internal Department policies and fall outside its scope. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding parental access to dependent medical records through MHS Genesis and DS Login. Because MHS Genesis and DS Login are DoW systems, this matter falls outside the scope of this FRN. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding the consolidation of the military club system and its impact on quality of life. The operation and funding of on-installation Morale, Welfare, and Recreation (MWR) programs, including the military club system, are matters of federal policy and are not within the scope of State legislative action. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding caregiver access to wellness resources and homeschooling support. To the extent the submission addresses access to federal wellness and mental health programs, this is primarily a matter of federal program eligibility. Regarding homeschooling accommodations, the DoW notes that Solutions for Military Homeschoolers is a current DoW State Policy Priority. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding the challenges military spouses face in completing clinical preceptorship requirements overseas. Because the proposed solutions primarily involve DoW internal actions, including Military Treatment Facility (MTF) partnerships, rather than changes to state law or policy, the issue falls outside the scope of this FRN. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding military spouse employment opportunities on installations and childcare access. Because the matters raised involve DoW installation-level policies rather than State government action, they fall outside the scope of this FRN. The DoW designated Access to Quality Child Care as a State Policy Priority in 2023 and Military Spouse Hiring Preference in 2024 to address State-level dimensions of these concerns. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding experiences with Department of the Army civilian personnel. Because this matter concerns internal federal employment practices on military installation rather than a state policy issue, it falls outside the scope of this request for information. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding Service member development, morale, and retention. This **Federal Register** Notice solicits input on potential state policy priorities The matters described relate to internal Department policies and practices. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding access to care for children with disabilities and Child Development Center waitlist management. The DoW designated Access to Quality Child Care as a State Policy Priority in 2023 and continues to work with states on expanding childcare options for military families. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding traumatic brain injury screening and rehabilitation for Service members. The concerns raised regarding pre- and post-deployment screening procedures fall within the DoW's internal health policy responsibilities rather than the State policy priorities addressed by this **Federal Register** Notice. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding funding for various installation and family support programs. The issues raised involve federal programs, congressional appropriations, and internal Department policies. This FRN solicits input on potential state policy priorities. The

matters described relate to internal Department policies and practices. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

- The DoW appreciates the feedback regarding access to dental care and the TRICARE Dental Program. The DoW recognizes that provider availability and network accuracy are important. This issue primarily involves federal program design and contractor performance rather than State-level policy. Comments on this notice have been forwarded to the appropriate internal DoW OPR.
- The DoW appreciates the feedback regarding mental health support for military dependents. The DoW recognizes the importance of access to mental health care for family members. This comment primarily addresses federal programs, data tracking, and internal policy considerations rather than State-level authorities. Comments on this notice have been forwarded to the appropriate internal DoW OPR.
- The DoW appreciates the feedback regarding access to care, appointment scheduling, and patient advocate responsiveness within the Defense Health Agency (DHA). This FRN solicits input on potential State policy priorities. The matters described relate to internal Department policies and practices. Comments on this notice have been forwarded to the appropriate internal DoW OPR.
- The DoW appreciates the feedback regarding chaplain accession policies, pastoral care, and religious liberty. Issues concerning military chaplaincy accessions and personnel policies represent internal Department and Military Service-level matters, rather than the State Policy Priorities addressed by this FRN. Comments on this notice have been forwarded to the appropriate internal DoW OPR.
- The DoW appreciates the feedback regarding the challenges military families face accessing complete medical records for adolescent dependents ages 13–18. These matters involve federal health record systems, identity management, and privacy policies rather than State Policy Priorities addressed by this FRN. Comments on this notice have been forwarded to the appropriate internal DoW OPR.
- The DoW appreciates the feedback regarding oversight and accountability of nongovernmental organizations (NGOs) operating on military installations. These matters involve internal DoW and Service-level policies on nonfederal entities rather than State Policy Priorities addressed by this FRN. Comments on this notice have been forwarded to the appropriate internal DoW OPR.
- The DoW appreciates the feedback regarding the TAP scope and effectiveness. These matters involve federal law and DoW transition policies rather than State Policy Priorities addressed by this FRN. Comments on this notice have been forwarded to the appropriate internal DoW OPR.
- The DoW appreciates the feedback regarding force protection and the right of self-defense for warfighters. These matters involve Department-level force protection policy rather than State Policy Priorities addressed by this FRN. Comments on this notice have been forwarded to the appropriate internal DoW OPR.
- The DoW appreciates the feedback regarding potential national security risks from foreign nationals on installations. These matters relate to internal security processes rather than State Policy priorities. Comments on this notice have been forwarded to the appropriate internal DoW OPR.
- The DoW appreciates the feedback regarding challenges with privatized military housing in the OCONUS and Hawaii. These matters involve the structure and oversight of the Military Housing Privatization Initiative and federal jurisdiction rather than State Policy Priorities addressed by this FRN. Comments on this notice have been forwarded to the appropriate internal DoW OPR.
- DoW appreciates feedback regarding the challenges of accessing children's health records in MHS GENESIS after they turn 13, particularly during a mid-schoolyear PCS move. This FRN solicits input on potential State Policy Priorities. The matters described relate to internal Department policies and practices. Comments on this notice have been forwarded to the appropriate internal DoW OPR.
- The DoW appreciates the feedback regarding challenges with parental access to minor children's medical records in MHS GENESIS. This FRN solicits input on potential State Policy Priorities. The matters described relate to internal Department policies and practices. Comments on this notice have been forwarded to the appropriate internal DoW OPR.
- The DoW appreciates the feedback regarding the application of BAH and Family Separation Allowance (FSA) in joint custody and dual-military co-parenting situations. These matters involve the interpretation and enforcement of DoW pay policies in the Financial Management Regulation rather than State Policy Priorities addressed by this FRN. Comments on this notice have been forwarded to the appropriate internal DoW OPR.
- The DoW appreciates the feedback regarding employment and retirement-related challenges faced by military spouses. The DoW notes that it has recently established the Office of Spouse Employment to address these challenges. While the comment highlights important considerations, the FRN requested input on issues that can be addressed through State-level policy. Comments on this notice have been forwarded to the appropriate internal DoW OPR.
- The DoW appreciates the feedback regarding the Family Advocacy Program, military protective orders, and their intersection with family law proceedings. This FRN solicits input on potential State Policy Priorities. The matters described relate to internal Department policies and practices. Comments on this notice have been forwarded to the appropriate internal DoW OPR.
- The DoW appreciates feedback regarding family support program pricing structures, the reinvestment of revenues, and unit-level fundraising policies. This FRN solicits input on potential State Policy Priorities. The matters described relate to internal Department policies and practices. Comments on this notice have been forwarded to the appropriate internal DoW OPR.
- The DoW appreciates the feedback concerning educational continuity and oversight for military-connected children with disabilities. State Support of Military Families with Special Education Needs is currently a DoW State Policy Priority. Because the submission identifies documented service and oversight concerns within the federal military education and compliance framework, rather than a gap in State-level legislation, it falls outside the scope of this FRN regarding State Policy Priorities. Comments on this notice have been forwarded to the appropriate internal DoW OPR.
- The DoW appreciates the feedback regarding the challenges military spouses face managing household legal matters during deployment. The proposed solution references a federal statute outside the scope of this request for State Policy Priorities. Comments on this notice have been forwarded to the appropriate internal DoW OPR.
- The DoW appreciates the feedback regarding the challenges of Permanent Change of Station (PCS) moves to Germany with a personal vehicle. The proposed issue falls outside the scope of this FRN State Policy Priorities.

Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding challenges with federal enclave jurisdiction and landlord-tenant protections in privatized military housing. These concerns involve matters of federal legislative jurisdiction and Department-level oversight of privatized housing rather than State policy action. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding access and engagement challenges affecting transitioning Service members, veterans, and their families. These issues primarily concern program engagement and service delivery approaches rather than specific State-level policy authorities. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding the administrative, logistical, and emotional demands associated with military life. The DoW recognizes the sacrifices made by military families and notes the importance of incorporating family perspectives into policy development. This submission primarily addresses federal policy framing and internal program design rather than State-level authorities or statutes. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding the accessibility and coherence of military family support systems, particularly childcare availability. This comment primarily addresses federal program design, coordination, and service delivery rather than state-level policy action. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding the administrative, logistical, and emotional demands associated with military life. The DoW recognizes the sacrifices made by military families and notes the importance of incorporating family perspectives into policy development. This submission primarily addresses federal policy framing and internal program design rather than State-level authorities or statutes. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback regarding the mental health and counseling needs of military-dependent students in public schools. The DoW acknowledges the unique stressors that military-connected children face. The DoW's Military OneSource, Military and Family Life Counseling program and School Liaison Officer network are designed to address many of these concerns. Comments on this notice have been forwarded to the appropriate internal DoW OPR.

• The DoW appreciates the feedback detailing the career challenges posed by frequent relocations and recommendations regarding Military Spouse Preference. These matters involve federal civilian hiring authorities and Department personnel policies rather than State Policy Priorities addressed by this FRN. Comments on this notice have been forwarded to the appropriate DoW Office of OPR.

• The DoW appreciates the feedback regarding cost-of-living allowances, privatized housing policies, vehicle transportation, procurement oversight, rotator flight service, emergency evacuation, and leadership accountability. These issues fall within federal jurisdiction and internal DoW policy, rather than state government authority, and are outside the scope of this FRN. Comments on this notice have been forwarded to the appropriate DoW OPR.

• The DoW appreciates the feedback regarding support for National Guard and Reserve Component members and their families. Suggestions regarding expanded support for currently serving Guard and Reserve families are noted. Comments on this notice have been forwarded to the appropriate DoW OPR.

• The DoW appreciates the feedback regarding access to quality healthcare, conditions in privatized housing, adequacy of BAH, funding delays during PCS moves, and resources for families with special needs. These issues primarily involve federal programs, benefit structures, and Department-level oversight rather than State Policy Priorities addressed by this FRN. Comments on this notice have been forwarded to the appropriate DoW OPR.

The Department received six comments proposing issues where the target audience falls outside the population defined in the FRN, the resolution would not address a barrier caused by some aspect of military service, or do not fall within the mission or authority of the Under Secretary of War for Personnel and Readiness (USW(P&R)); we respond as follows:

• The DoW appreciates the feedback regarding access to quality healthcare, conditions in privatized housing, adequacy of BAH, funding delays during PCS moves, and resources for families with special needs. These issues primarily involve federal programs, benefit structures, and Department-level oversight rather than State Policy Priorities addressed by this FRN. Comments on this notice have been forwarded to the appropriate DoW OPR.

• The DoW appreciates the feedback regarding the disposal of unserviceable United States flags at the State level. The submitted comment is noted but falls outside the Scope of this FRN.

• The DoW appreciates the feedback regarding property tax relief for veterans with 100 percent service-connected disability ratings. The DoW State Policy Priorities focus on barriers caused by the dynamics of military life affecting currently serving members and their families. The submitted issue is noted but outside the defined target audience of this FRN.

• The DoW appreciates the feedback regarding fuel costs for service members and their families. This FRN solicits issues where State governments are the primary change agents when military life creates a barrier not shared by the public.

• The DoW appreciates the feedback regarding the experiences of women veterans in accessing State-level benefits. The DoW acknowledges the concern and encourages continued public input on issues affecting service members, veterans, and their families. The submitted issue is noted but outside the defined target audience of this FRN.

• The DoW appreciates the feedback regarding the impact of frequent relocation on military spouses and career continuity. This comment primarily addresses workforce development frameworks and employment recognition practices that extends beyond State-specific policy solutions.

The Department received eight comments that did not include the information specified in the FRN, including an issue title, description of the problem and impacted population, proposed solution identifying the appropriate level of state action, current status, and description of enacted state policies or practices, if known; we respond as follows:

• The DoW appreciates the feedback regarding cost-of-living disparities and benefit indexing across States. We note that this submission did not include several elements requested in the FRN, including citations to existing State legislation.

• The DoW appreciates the feedback and shares your commitment to supporting military dependents. While this comment did not identify a specific issue for consideration, we encourage

reviewing the current DoW State Policy Priorities for information about ongoing efforts on behalf of Service members and their families.

• The DoW appreciates the feedback regarding military families during relocations. This **Federal Register** Notice seeks specific information regarding state-level policy solutions and enacted practices.

• The DoW appreciates the feedback on recognizing the Second Amendment rights of men and women in uniform, particularly when permanent change-of-station moves present compliance challenges with State laws. This FRN seeks specific information regarding State-level policy solutions and enacted practices.

• The DoW appreciates the feedback regarding challenges associated with PCS moves and military spouse employment. Suggestions regarding State-level oversight of moving companies and potential employment incentives are noted. This FRN seeks specific information regarding state-level policy solutions and enacted practices.

• The DoW appreciates the feedback regarding access to adequate housing during assignment transitions. This FRN seeks specific information regarding state-level policy solutions and enacted practices.

• Feedback regarding the presentation of the Notice is noted. The DoW notes that this submission does not address the FRN criteria as requested. This FRN seeks specific information regarding state-level policy solutions and enacted practices.

• The DoW appreciates the feedback regarding the economic impacts experienced by military spouses following reductions in force and related employment disruptions. This FRN seeks specific information regarding state-level policy solutions and enacted practices.

Additionally, the Department received seven comments that were duplicates of other comments or were blank.

We value your ideas, and your advocacy for our military families is both recognized and valued.

Each FY, the DoW considers numerous vital state policy issues, aiming to select those that hold the most promise to positively impact the lives of service members and their families. Within this competitive framework, we evaluate all proposed best practices.

We rigorously examine these and other issues. Our process is designed to ensure that we advance the most impactful and viable initiatives to support our military families effectively.

When military families are stable and supported through effective state policies, warfighters can dedicate themselves fully to the lethality and readiness our nation demands.

For the FY beginning on October 1, 2026, the USW(P&R) recently announced the Department's 2027 State Policy Priorities:

• *License Utilization Reporting and Issuance Uniformity (Approved 2027):* Federal law requires states to recognize out-of-state licenses for military families under orders, but employers and insurers require state-issued licenses. States can bridge this gap by issuing courtesy licenses to qualified military families, allowing them to maintain an active license eligible for recognition and renewal, while tracking data that reveals how effectively states are utilizing military-trained professionals in critical occupations.

• *Solutions for Military Homeschoolers (Approved 2026):* Military families homeschool their children at nearly twice the rate of civilian families and face unique challenges associated with military life. State policies that streamline homeschool requirements and expand access to educational resources such as extracurricular activities and sports, JROTC, school facilities, and special education services provide military families with increased stability and improve retention.

• *Education Policy Implementation and Information Enhancements (Approved 2025):* States have an opportunity to facilitate improved local implementation of policies designed to support military-connected children and ensure families are empowered with the knowledge they need by clarifying requirements, enhancing communication efforts, and streamlining access to information on state and local education websites.

• *Military Exigency Clause in Family Leave Laws (Approved 2025):* States can ensure family leave laws include provisions for military-specific needs like activations, training, and transitions. This enables readiness by reducing family stress during critical mission periods.

• *Military Spouse Employment Preference (Approved 2024):* Military spouses in the civilian work force have a 20 percent unemployment rate, which adversely impacts military family economic security. States can assist in bolstering military families by enacting state laws that permit state and local governments and private industry to offer hiring and procurement preferences for military spouses, recognizing the need to combat military spouse unemployment rates and supporting the financial well-being of military families.

• *State Support of Military Families With Special Educational Needs (Approved 2024):* Highly mobile children, including military children, are more likely to experience recurring educational disruptions and challenges accessing special education services, particularly those who need access. States can assist military families by ensuring timely establishment of services upon relocation and reducing procedural burdens.

• *State Exemption for DoW Family Child Care Homes (Approved 2023):* In many cases, in-home child-care providers who live off a military installation must be licensed by both the state and the DoW, even when only caring for eligible DoW-affiliated children. By exempting in-home childcare providers certified by the DoW from state licensure requirements, states can improve access to family child care for military families.

• *State Response to Military Interpersonal Violence (Approved 2023):* Interpersonal violence is a pattern of harmful behavior in which one person uses various forms of abuse to assert power and control over another. States can further protect victims of interpersonal violence by enhancing statutes that increase accessibility to civilian protection orders for victims and mandating reciprocal information sharing between military and civilian law enforcement authorities.

• *Concurrent Juvenile Jurisdiction (Approved 2022):* Military installations subject to exclusive Federal jurisdiction often process juvenile offenses through the Federal system, which has no established juvenile justice system. Adopting policies that facilitate concurrent jurisdiction between the state and military installation opens the door to the state juvenile justice system and resources, offering improved opportunities for rehabilitation tailored to address juveniles.

• *Open Enrollment Flexibility (Approved 2022):* Military families can be disadvantaged in school enrollment options for their children due to military-directed moves. States can assist by increasing military-connected students' access to schooling options, allowing them to remain in their current school placement despite a relocation from temporary to permanent housing, and including them within existing enrollment prioritization systems.

• *Occupational Licensure Interstate Compacts (Approved 2017):* Thirty-five percent of military spouses require an

occupational license to work in their chosen profession. Licensure compacts create seamless licensure portability for all members of a profession, including military spouses and Service members. By adopting licensure compacts, states can improve military family financial readiness.

State officials consistently seek validation from senior leaders and commanders on the importance of these issues. Our approach recognizes that effective policy implementation requires the Department of War and states to build solutions that work for both military families and state governments.

These issues, along with other emeritus DoW state policy priorities, will be presented to state governments for their action even as these submissions to the **Federal Register** for 2028 are considered. For more information, please visit *statepolicy.militaryonesource.mil.*

As always, our team at the Defense-State Liaison Office, which oversees state government relations for the Office of the Secretary of War on personnel and readiness issues, stands ready to support state policymakers and the military community. Thank you once again for bringing these important issues to our attention.

Dated: October 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–20925 Filed 10–13–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–2221]

Privacy Act of 1974; Matching Program

AGENCY: Office of the Secretary, Department of Defense (DoD).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, and Office of Management and Budget (OMB) guidance on computer matching, the DoD is providing notice of the establishment of a new matching program. Pursuant to the Payment Integrity Information Act of 2019 (PIIA), DoD, including its component Defense Health Agency, is establishing a new matching program consisting of the computerized comparison of its system of records for the Military Health Benefits—Administrative program with the Do Not Pay (DNP) Working System, which is administered by Treasury's Bureau of the Fiscal Service. This matching program will enable the DoD program to compare records maintained in its system of records with records maintained in the DNP Working System for the purposes of identifying and preventing improper payments.

DATES: Comments will be accepted on or before November 13, 2026. This proposed action will be effective the day following the end of the comment period unless comments have been received from interested members of the public that require modification and republication of the notice. This new matching program will be effective through September 10, 2029.

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

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

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

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

FOR FURTHER INFORMATION CONTACT: Ms. Laura White, Accounting Officer, Oracle Federal Financials, DHA/SP&FO/J8, 16401 E Centretech Pkwy., Aurora, CO 80011, Phone: (303) 676–3877.

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 amended the Privacy Act of 1974 (5 United States Code (U.S.C.) 552a) by establishing procedural safeguards for agencies' use of records in computerized matching. The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) provides the authority to waive the requirements for matching agreements in certain cases. Pursuant to this authority, the Secretary of the Treasury, after consulting with the OMB Director, authorized the issuance of a four-year waiver of the requirement for entering into a matching agreement for programs that meet the criteria in OMB Memorandum M–25–32. DoD has determined that the DNP matching program for the Military Health Benefits—Administrative (PIIA Program ID: DOD–0028) is eligible for this waiver.

Participating Agencies: The DoD, through the Defense Health Agency, will match records against the DNP Working System, maintained by the Bureau of the Fiscal Service at the U.S. Department of the Treasury.

Authority for Conducting the Matching Program: The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) and OMB Memorandum M–25–32. The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) establishes the DNP Initiative and requires, for the purposes of identifying and preventing improper payments, each executive agency to have access to, and use of, the relevant databases in DNP to verify payment or award eligibility. Additional applicable authorities for this matching program include Executive Order 13520, Reducing Improper Payments (74 FR 62201); Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse (90 FR 14011); and OMB Memorandum M–25–32, Preventing Improper Payments and Protecting Privacy Through Do Not Pay. Additional information regarding the authorities for the collection and maintenance of information for each of the DoD programs that will conduct matches with the DNP Working System are contained within the systems of records notices listed below.

Purpose(s): The purpose of the matching program is to identify and prevent improper payments by verifying through DNP prepayment or pre-award eligibility.

Categories of Individuals: Applicants for, or recipients of, Federal funds from the Military Health Benefits—Administrative program.

Categories of Records: Data elements to be matched include applicant's name, Social Security Number (SSN) or Taxpayer Identification Number (TIN), address, date of birth, and payment/banking information. These data elements include all the records involved in the matching program.

System(s) of Records: The records contained within the DNP Working System are maintained in the Treasury system of records, Bureau of the Fiscal Service .017—Do Not Pay Payment Verification Records (85 FR 11776). The DoD records involved in this matching program are maintained in the following system of records: EDTMA 04, Medical/Dental Claim History Files (80 FR 65720), (90 FR 54312).

Dated: October 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–20944 Filed 10–13–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–2212]

Privacy Act of 1974; Matching Program

AGENCY: Office of the Secretary, Department of Defense (DoD).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, and Office of Management and Budget (OMB) guidance on computer matching, the DoD is providing notice of the establishment of a new matching program. Pursuant to the Payment Integrity Information Act of 2019 (PIIA), DoD, including its component Defense Health Agency (DHA), is establishing a new matching program consisting of the computerized comparison of its system of records for the Military Health Benefits—TRICARE Overseas Program (TOP) with the Do Not Pay (DNP) Working System, which is administered by Treasury's Bureau of the Fiscal Service. This matching program will enable the DoD program to compare records maintained in its system of records with records maintained in the DNP Working System for the purposes of identifying and preventing improper payments.

DATES: Comments will be accepted on or before November 13, 2026. This proposed action will be effective the day following the end of the comment period unless comments have been received from interested members of the public that require modification and republication of the notice. This new matching program will be effective through September 10, 2029.

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

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

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

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

FOR FURTHER INFORMATION CONTACT: Ms. Laura White, Accounting Officer, Oracle Federal Financials, DHA/SP&FO/J8, 6401 E Centretech Pkwy., Aurora, CO 80011, Phone (303) 676–3877.

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 amended the Privacy Act of 1974 (5 United States Code (U.S.C. 552a) by establishing procedural safeguards for agencies' use of records in computerized matching. The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) provides the authority to waive the requirements for matching agreements in certain cases. Pursuant to this authority, the Secretary of the Treasury, after consulting with the OMB Director, authorized the issuance of a four-year waiver of the requirement for entering into a matching agreement for programs that meet the criteria in OMB Memorandum M–25–32. DoD has determined that the DNP matching program for the Military Health Benefits—TRICARE Overseas Program (TOP) (PIIA Program ID: DOD–0031) is eligible for this waiver.

Participating Agencies: The DoD, through DHA, will match records against the DNP Working System, maintained by the Bureau of the Fiscal Service at the U.S. Department of the Treasury.

Authority for Conducting the Matching Program: The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) and OMB Memorandum M–25–32. The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) establishes the DNP Initiative and requires, for the purposes of identifying and preventing improper payments, each executive agency to have access to, and use of, the relevant databases in DNP to verify payment or award eligibility. Additional applicable authorities for this matching program include Executive Order 13520, Reducing Improper Payments (74 FR 62201); Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse (90 FR 14011); and OMB Memorandum M–25–32, Preventing Improper Payments and Protecting Privacy Through Do Not Pay. Additional information regarding the authorities for the collection and maintenance of information for each of the DoD programs that will conduct matches with the DNP Working System are contained within the systems of records notices listed below.

Purpose(s): The purpose of the matching program is to identify and prevent improper payments by verifying through DNP prepayment or pre-award eligibility.

Categories of Individuals: Applicants for, or recipients of, Federal funds from the Military Health Benefits—TRICARE Overseas Program (TOP) program.

Categories of Records: Data elements to be matched include applicant's name, Social Security Number (SSN) or Taxpayer Identification Number (TIN), address, date of birth, and payment/banking information. These data elements include all the records involved in the matching program.

System(s) of Records: The records contained within the DNP Working System are maintained in the Treasury system of records, Bureau of the Fiscal Service .017—Do Not Pay Payment Verification Records (85 FR 11776). The DoD records involved in this matching program are maintained in the following system of records: EDTMA 04, Medical/Dental Claim History Files (80 FR 65720), (90 FR 54312).

Dated: October 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–20946 Filed 10–13–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–2215]

Privacy Act of 1974; Matching Program

AGENCY: Office of the Secretary, Department of Defense, (DoD).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, and Office of Management and Budget (OMB) guidance on computer matching, the Department of Defense (DoD) is providing notice of the establishment of a new matching program. Pursuant to the Payment Integrity Information Act of 2019 (PIIA), DoD, including its component Defense Health Agency (DHA), is establishing a new matching program consisting of the computerized comparison of its system of records for the Military Health Benefits—TRICARE West Region Program (West) program

with the Do Not Pay (DNP) Working System, which is administered by Treasury's Bureau of the Fiscal Service. This matching program will enable the DoD program to compare records maintained in its system of records with records maintained in the DNP Working System for the purposes of identifying and preventing improper payments.

DATES: Comments will be accepted on or before December 14, 2026. This proposed action will be effective the day following the end of the comment period unless comments have been received from interested members of the public that require modification and republication of the notice. This new matching program will be effective through September 10, 2029.

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

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

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

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

FOR FURTHER INFORMATION CONTACT: Ms. Laura White, Accounting Officer, Oracle Federal Financials, DHA/SP&FO/J8, 16401 E Centretech Pkwy., Aurora, CO 80011, Phone (303) 676–3877.

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 amended the Privacy Act of 1974 (5 United States Code (U.S.C.) 552a) by establishing procedural safeguards for agencies' use of records in computerized matching. The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) provides the authority to waive the requirements for matching agreements in certain cases. Pursuant to this authority, the Secretary of the Treasury, after consulting with the OMB Director, authorized the issuance of a four-year waiver of the requirement for entering into a matching agreement for programs that meet the criteria in OMB Memorandum M–25–32. DoD has determined that the DNP matching program for the Military Health Benefits—TRICARE West Region Program (West) (PIIA Program ID: DOD–0033) is eligible for this waiver.

Participating Agencies: The DoD, through DHA, will match records against the DNP Working System, maintained by the Bureau of the Fiscal Service at the U.S. Department of the Treasury.

Authority for Conducting the Matching Program: The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) and OMB Memorandum M–25–32. The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) establishes the DNP Initiative and requires, for the purposes of identifying and preventing improper payments, each executive agency to have access to, and use of, the relevant databases in DNP to verify payment or award eligibility. Additional applicable authorities for this matching program include Executive Order 13520, Reducing Improper Payments (74 FR 62201); Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse (90 FR 14011); and OMB Memorandum M–25–32, Preventing Improper Payments and Protecting Privacy Through Do Not Pay. Additional information regarding the authorities for the collection and maintenance of information for each of the DoD programs that will conduct matches with the DNP Working System are contained within the systems of records notices listed below.

Purpose(s): The purpose of the matching program is to identify and prevent improper payments by verifying through DNP prepayment or pre-award eligibility.

Categories of Individuals: Applicants for, or recipients of, Federal funds from the Military Health Benefits—TRICARE West Region Program (West) program.

Categories of Records: Data elements to be matched include applicant's name, Social Security Number (SSN) or Taxpayer Identification Number (TIN), address, date of birth, and payment/banking information. These data elements include all the records involved in the matching program.

System(s) of Records: The records contained within the DNP Working System are maintained in the Treasury system of records, Bureau of the Fiscal Service .017—Do Not Pay Payment Verification Records (85 FR 11776). The DoD records involved in this matching program are maintained in the following system of records: EDTMA 04, Medical/Dental Claim History Files (80 FR 65720), (90 FR 54312).

Dated: October 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–20951 Filed 10–13–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–2245]

Manual for Courts-Martial; Proposed Amendments

AGENCY: Joint Service Committee on Military Justice (JSC), Department of Defense (DoD).

ACTION: Notice of availability of proposed amendments to the Manual for Courts-Martial, United States (2024 ed.), supplementary materials, and notice of public meeting.

SUMMARY: The DoD (referred to herein as ''Department of War'' or ''DoW'') requests comments on proposed changes to the Manual for Courts-Martial (MCM), United States (2024 ed.) and announces a public meeting to receive comments on said changes. The approval authority for the changes to the MCM is the President, while the approval authority for the changes to the supplementary materials is the General Counsel of the Department of War (DoW).

DATES: Comments on the proposed changes must be received no later than December 14, 2026. A public meeting to receive comments concerning the proposed changes will be held on October 20, 2026 at 10:00 a.m. in the Court of Appeals of the Armed Forces building, 450 E. St NW, Washington DC 20442–0001 with an option for remote attendance. Details on remote attendance will be posted at least 7 days in advance of the meeting at *https://jsc.defense.gov/Military-Law/Current-Publications-and-Updates/.*

ADDRESSES: The proposed changes to the MCM (2024 ed.) can be reviewed at: *https://jsc.defense.gov/Military-Law/Current-Publications-and-Updates/.* You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Director of Administration and Management, Oversight and Compliance Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

• *JSC Portal: http://jsc.defense.gov/Contact.* Follow the instructions for submitting comments.

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

FOR FURTHER INFORMATION CONTACT: Captain Mark K. Webb, U.S. Marine Corps, Executive Secretary, JSC, (703) 693–9299, *mark.webb@usmc.mil.* The JSC website is located at *http://jsc.defense.gov.*

SUPPLEMENTARY INFORMATION: This notice is provided in accordance with DoD Instruction 5500.17, ''Role and Responsibilities of the Joint Service Committee on Military Justice (JSC),'' February 21, 2018 (available at *https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/550017_5C.PDF?ver=2018-02-21-074422-370*). These proposed changes have not been coordinated within the DoW under DoD Directive 5500.01, ''Preparing, Processing, and Coordinating Legislation, Executive Orders, Proclamations, Views Letters, and Testimony,'' June 15, 2007 (available at *https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/550001p.pdf*), and do not constitute the official position of the DoW, the Military Departments, or any other Government agency. The JSC invites members of the public to comment on the proposed changes; such comments should address specific recommended changes and provide supporting rationale.

This notice also sets forth the date, time, and location for a public meeting of the JSC to discuss the proposed changes.

This notice is intended only to improve the internal management of the Federal Government. It is not intended to create any right or benefit, substantive or procedural, enforceable at law by any party against the United States, its agencies, its officers, or any person.

Dated: October 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–20893 Filed 10–13–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–3070]

Agency Information Collection Activities; Comment Request; IHE Considerations Around Program Closure: How External Pressures and Internal Policies Shape Decision Making

AGENCY: National Center for Education Evaluation and Regional Assistance (NCEE), Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a new information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before December 14, 2026.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2026–SCC–3070. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov*. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the National Center for Education Evaluation and Regional Assistance (NCEE); Institute of Education Sciences; U.S. Department of Education; IES—D Street; Room 10.8.0.D; 400 Maryland Ave. SW; Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Diana Epstein at *diana.epstein@ed.gov*.

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

Title of Collection: IHE Considerations Around Program Closure: How External Pressures and Internal Policies Shape Decision Making.

OMB Control Number: 1850–NEW.

Type of Review: A new ICR.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 2,160.

Total Estimated Number of Annual Burden Hours: 384.

Abstract: The Institute of Education Sciences (IES) within the U.S. Department of Education (ED) requests public comment in advance of a request for clearance from the Office of Management and Budget (OMB) to conduct new data collection activities for the IHE Considerations Around Program Closure: How External Pressures and Internal Policies Shape Decision Making study. This is the first and only request for the collection of data for this study.

The purpose of the planned information collection is to understand the factors linked to program closure and suspension in U.S. institutions of higher education (IHEs), including how IHE policies and procedures shape these program decisions. The study will combine extant data with new data collection, including a national survey of IHEs that appear to have closed or suspended programs since 2022 and structured interviews with institutional leaders. This mixed-methods approach will reveal patterns of closure, explain decision-making processes, and explore how IHE governance and human

resources (HR) policies play a role in decision making.

Ross Santy,

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

[FR Doc. 2026–20975 Filed 10–13–26; 8:45 am]

BILLING CODE 4000–01–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: RP27–24–000.

Applicants: Shell Energy North America (U.S.), L.P., Constellation Energy Generation, LLC.

Description: Joint Petition for Limited Waiver of Capacity Release Regulations, et al. and Request for Expedited Action of Shell Energy North America (US), L.P., et al.

Filed Date: 10/7/26.

Accession Number: 20261007–5160.

Comment Date: 5 p.m. ET 10/19/26.

Docket Numbers: RP27–25–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: 4(d) Rate Filing: 10.8.26 Negotiated Rates—Freepoint Commodities LLC R–7250–53 to be effective 11/1/2026.

Filed Date: 10/8/26.

Accession Number: 20261008–5057.

Comment Date: 5 p.m. ET 10/20/26.

Docket Numbers: RP27–26–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: 4(d) Rate Filing: 10.8.26 Negotiated Rates—Freepoint Commodities LLC R–7250–54 to be effective 11/1/2026.

Filed Date: 10/8/26.

Accession Number: 20261008–5059.

Comment Date: 5 p.m. ET 10/20/26.

Docket Numbers: RP27–27–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: 4(d) Rate Filing: 10.8.26 Negotiated Rates—Freepoint Commodities LLC R–7250–55 to be effective 11/1/2026.

Filed Date: 10/8/26.

Accession Number: 20261008–5060.

Comment Date: 5 p.m. ET 10/20/26.

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 8, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–20959 Filed 10–13–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10441–020]

City of Aspen; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Maroon Creek 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:* Subsequent Minor License.

b. *Project No.:* 10441–020.

c. *Date Filed:* April 8, 2025.

d. *Applicant:* City of Aspen.

e. *Name of Project:* Maroon Creek Hydroelectric Project.

f. *Location:* On Maroon Creek near the city of Aspen in Pitkin County, Colorado. The project occupies 0.575 acres of land managed by the U.S. Forest Service in the White River National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Phil Overeynder, Utility Director, 427 Rio Grande Place, Aspen, CO 81611, (970) 920–5000, *phil.overeynder@aspen.gov.*

i. *FERC Contact:* Jane Dalgliesh, Coordinator, West Branch, Division of Hydropower Licensing; (503) 552–2718; *jane.dalgliesh@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 Maroon Creek 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 by 5:00 p.m. Eastern Time on November 9, 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 and oral 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: Maroon Creek Hydroelectric Project (P–10441–020).

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 existing project consists of (a) a 10-foot-high, 40-foot-long reinforced concrete dam with a crest elevation of 8,245.75 feet mean sea level (the Maroon Creek diversion dam); (b) a small impoundment; (c) an intake structure at the dam; (d) a 39-inch-diameter, 5,563-foot-long buried reinforced concrete penstock; (e) a 27-inch-diameter, 1,317-foot-long buried reinforced concrete penstock together with a 110-foot section of steel penstock at the plant site; (f) a powerhouse with a 450-kilowatt (kW) turbine-generator unit; (g) a 200-foot-long trapezoidal open channel tailrace, returning the water to Maroon Creek; (h) 0.48-kilovolt (kV) generator leading to a three-phase, 0.48/24.9 kV step-up transformer; (i) an approximately 400-foot-long, 24.9 kV overhead power line tap connection to the Aspen Highlands circuit operated by Holy Cross Energy; and (j) appurtenant facilities.

The City of Aspen proposes the addition of up to 50 kW of generating capacity through two new small turbines, with two new attached generators placed at the existing diversion dam. These new units would generate power from the bypass flows released from the diversion dam without changing the timing or the amount of those releases. Flows utilized by new generation equipment would be returned to the same location on the stream immediately below the dam and headgate.

In addition, the City of Aspen proposes to continue implementing the following measures that are a part of the current license: (1) maintain a minimum flow of 6 cfs in the project's bypass reach, as measured immediately downstream from the confluence with Willow Creek, located a fourth of a mile downstream from the project's diversion dam, or maintain the natural flow in Maroon Creek downstream of the confluence with Willow Creek, whichever is less; (2) maintain streamflow gages to monitor minimum flow; (3) maintain the fish screening structure at the powerhouse intake; (4) use best management practices to minimize dust, noise, and traffic impacts to residents during delivery of equipment and construction; (5) revegetate any disturbed land surfaces; and (6) consult with Colorado Parks and Wildlife during the final design of the project.

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–10441–020). 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 (s) 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 Mailing List/Recipients By State. 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: *Maroon Creek Hydroelectric Project No. 10441–020.*

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–10441–020). 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 8, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–20996 Filed 10–13–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9709–070]

ECOsponsible, LLC; Notice of Termination of License (Major Project) by Implied Surrender and Soliciting Comments, Protests, and Motions To Intervene

Take notice that the following hydroelectric proceeding has been initiated by the Commission:

a. *Application Type:* Termination of License by Implied Surrender.

b. *Project No:* 9709–070.

c. *Date Initiated:* October 8, 2026.

d. *Licensee:* ECOsponsible, LLC.

e. *Name of Project:* Herkimer Hydroelectric Project.

f. *Location:* The Herkimer Hydroelectric Project is located on the West Canada Creek, Herkimer County, New York.

g. *Filed Pursuant to:* Standard Article 26.

h. *Applicant Contact:* 469 Snyder Road, East Aurora NY 14052–9710.

i. *FERC Contact:* David Rudisail, (202) 502–6376, *david.rudisail@ferc.gov*.

j. *Deadline for filing comments, motions to intervene and protests:* November 9, 2026.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket numbers P–9709–070. Comments emailed to Commission staff are not considered part of the Commission record.

k. *Description of Project Facilities:* The project works include: a timber crib dam with a 9-foot-high, 95-foot-long section reaching a crest elevation of 420 feet mean sea level (msl) and 12-foot-high, 145-foot-long section reaching a crest elevation of 419.2 feet msl; a reservoir with a surface area of 19 acres, storage capacity of 163 acre-feet, and normal water surface elevation of 420.5 feet msl; timber flashboards; an intake structure; a reinforced concrete and steel powerhouse containing four generating units with a capacity of 400 kilowatts (kW) each and an 80-kW minimum flow generator at the base of the dam for a total installed capacity of 1,680 kW; a 50-foot-long, 13.2-kilovolt transmission line; and appurtenant facilities. The project has not been operated since 2006.

l. *Description of Proceeding:* License Article 26 states in part: *If the licensee shall abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the licensee or its agent, the Commission will deem it to be the intent of the licensee to surrender the license.*

The project has fallen into disrepair and has not operated since 2006. The project was transferred to ECOsponsible, LLC, by order dated March 12, 2015 (2015 Order). The 2015 Order required the licensee to file a plan and schedule to restore project operation within 60 days. From June 2020 through October 2021, the Commission's Division of Dam Safety and Inspections New York Regional Office (NYRO) and Division of Hydropower Administration and Compliance issued 12 letters requiring the licensee to file a plan and schedule to make the needed repairs and to restore project operation. The licensee responded over the years with at least five plans, but all plans were deficient because they lacked sufficient detail for NYRO's review and approval. On August 26, 2021, NYRO inspected the project and found it in unsatisfactory condition and largely abandoned. The licensee did not attend the inspection and ceased communication with the Commission. On November 8, 2021, the Commission issued a notice of Termination of License by Implied Surrender. Several parties filed interventions and protests in response, including an intervention from, Mr. Dennis Ryan, Jr., purportedly on behalf of ECOsponsible. In order to explain, in part, a lapse in communication with the Commission, Mr. Ryan, Jr. explained that ECOsponsible's ''Founder, Management Committee Chairperson, and Treasurer Dennis Ryan, Sr. passed away suddenly.'' On March 31, 2022, Mr. Ryan, Jr., again purportedly acting on behalf of the existing licensee, ECOsponsible, filed a Notice of Intent to File an Application for a New License for the Herkimer project (NOI). On April 3, 2024, Commission staff rejected the NOI filed by Mr. Ryan, Jr., determining, among other things, that Mr. Ryan, Jr. was not authorized to do business on behalf of the licensee, ECOsponsible.[1] Also, on April 3, 2024, the Commission issued a notice Soliciting Notices of Intent to File a New License Application and Pre-Application Documents. Several entities, including Stone Ridge Hydro, LLC (Stone Ridge), filed responses indicating an interest in filing an application for the Herkimer Project. On March 21, 2025, Stone Ridge filed a final license application. On January 7, 2025, the Commission authorized Stone Ridge to use the Traditional Licensing Process to file an application to relicense the Herkimer project. On July 23, 2026, Stone Ridge withdrew its application for relicensing the Herkimer project. The withdrawal of the application became effective on August

[1] *See also ECOsponsible,* 188 FERC ¶ 61,061(2024) (Order addressing argument raised on rehearing).

7, 2026.[2] Because the project has been abandoned and there are no extant license applications for the project the Commission will proceed with termination of license by implied surrender.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. 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.*

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described proceeding. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments.

q. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS,'' ''PROTEST,'' or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001–385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the implied surrender. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener 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. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

(Authority: 18 CFR 2.1.)

Dated: October 8, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–20997 Filed 10–13–26; 8:45 am]

BILLING CODE 6717–01–P

[2] Commission staff August 7, 2026 Notice of Effectiveness of Withdrawal of License Application.

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: EC27–3–000.
Applicants: Astoria Energy II LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act of Astoria Energy II LLC.
Filed Date: 10/7/26.
Accession Number: 20261007–5236.
Comment Date: 5 p.m. ET 10/28/26.

Take notice that the Commission received the following Exempt Wholesale Generator filings:

Docket Numbers: EG27–4–000.
Applicants: Williams Power, LLC.
Description: Williams Power, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 10/8/26.
Accession Number: 20261008–5072.
Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: EG27–5–000.
Applicants: Fletcher Power, LLC.
Description: Fletcher Power, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 10/8/26.
Accession Number: 20261008–5073.
Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: EG27–6–000.
Applicants: Village BESS I LLC.
Description: Village BESS I LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 10/8/26.
Accession Number: 20261008–5074.
Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: EG27–7–000.
Applicants: Marici Project LLC.
Description: Marici Project LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 10/8/26.
Accession Number: 20261008–5075.
Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: EG27–8–000.
Applicants: Bypass BESS II LLC.
Description: Bypass BESS II LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 10/8/26.
Accession Number: 20261008–5076.
Comment Date: 5 p.m. ET 10/29/26.

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER20–2446–008.
Applicants: Bitter Ridge Wind Farm, LLC.
Description: Refund Report: Refund Report to be effective N/A.
Filed Date: 10/8/26.
Accession Number: 20261008–5098.
Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: ER26–3134–001.
Applicants: Southern California Edison Company.
Description: Compliance filing: WDAT IPE Alignment and Enhancements Compliance Filing to be effective 9/9/2026.
Filed Date: 10/8/26.
Accession Number: 20261008–5070.
Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: ER27–77–000.
Applicants: PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6237; AE2–290 to be effective 12/8/2026.
Filed Date: 10/8/26.
Accession Number: 20261008–5002.
Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: ER27–78–000.
Applicants: New York Independent System Operator, Inc.
Description: Tariff Amendment: Notice of Cancellation: SGIA Millers Grove Solar SA2868 to be effective 12/8/2026.
Filed Date: 10/8/26.
Accession Number: 20261008–5034.
Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: ER27–79–000.
Applicants: ITC Midwest LLC.
Description: 205(d) Rate Filing: ITC Midwest LLC submits tariff filing per 35.13(a)(2)(iii: 2026–10–08_SA 4882 ITC Midwest-Interstate Power and Light E&P (J2949) to be effective 10/7/2026.
Filed Date: 10/8/26.
Accession Number: 20261008–5068.
Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: ER27–80–000.

Applicants: Duke Energy Carolinas, LLC.

Description: 205(d) Rate Filing: DEC–TVA Transmission Interconnection Agreement and Emergency Energy Agreement to be effective 12/31/9998.

Filed Date: 10/8/26.

Accession Number: 20261008–5071.

Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: ER27–81–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of SA No. 6507; Queue Position No. MISO J793 to be effective 12/8/2026.

Filed Date: 10/8/26.

Accession Number: 20261008–5088.

Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: ER27–82–000.

Applicants: Stetson Holdings, LLC.

Description: 205(d) Rate Filing: Notice of Succession and eTariff Baseline Filing to be effective 10/9/2026.

Filed Date: 10/8/26.

Accession Number: 20261008–5089.

Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: ER27–83–000.

Applicants: Ninnescah Flats Energy Storage, LLC.

Description: 205(d) Rate Filing: Application for MBR Authority with Waivers—Ninnescah Flats Energy Storage, LLC to be effective 12/8/2026.

Filed Date: 10/8/26.

Accession Number: 20261008–5102.

Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: ER27–84–000.

Applicants: Rush Springs Energy Storage II, LLC.

Description: 205(d) Rate Filing: Application for MBR Authorization with Waivers—Rush Springs ES II, LLC to be effective 12/8/2026.

Filed Date: 10/8/26.

Accession Number: 20261008–5104.

Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: ER27–85–000.

Applicants: GridLiance Heartland LLC.

Description: 205(d) Rate Filing: Work Agreement between GLH & KEP to be effective 12/8/2026.

Filed Date: 10/8/26.

Accession Number: 20261008–5105.

Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: ER27–86–000.

Applicants: Stetson Wind II, LLC.

Description: 205(d) Rate Filing: Certificate of Concurrence to SFA and eTariff Baseline Filing to be effective 10/9/2026.

Filed Date: 10/8/26.

Accession Number: 20261008–5122.

Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: ER27–87–000.

Applicants: NorthWestern Corporation.

Description: 205(d) Rate Filing: SA 254—NWE MATL TLIA—3rd Revised Agreement to be effective 12/8/2026.

Filed Date: 10/8/26.

Accession Number: 20261008–5144.

Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: ER27–88–000.

Applicants: Idaho Power Company.

Description: Tariff Amendment: Cancellation of Rate Schedule Nos. 177, 178, and 179 to be effective 12/9/2026.

Filed Date: 10/8/26.

Accession Number: 20261008–5148.

Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: ER27–89–000.

Applicants: California Grid Holdings LLC.

Description: 205(d) Rate Filing: Request to Recover Regulatory Asset to be effective 12/7/2026.

Filed Date: 10/8/26.

Accession Number: 20261008–5159.

Comment Date: 5 p.m. ET 10/29/26.

Take notice that the Commission received the following Qualifying Facility filings:

Docket Numbers: QF27–44–000.

Applicants: Bolt Project SPV 1 LLC.

Description: Form 556 of Bolt Project SPV 1 LLC [meter 2].

Filed Date: 10/8/26.

Accession Number: 20261008–5131.

Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: QF27–45–000.

Applicants: Bolt Project SPV 1 LLC.

Description: Form 556 of Bolt Project SPV 1 LLC [Meter 3].

Filed Date: 10/8/26.

Accession Number: 20261008–5135.

Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: QF27–46–000.

Applicants: Bolt Project SPV 1 LLC.

Description: Form 556 of Bolt Project SPV 1 LLC [Meter4].

Filed Date: 10/8/26.

Accession Number: 20261008–5139.

Comment Date: 5 p.m. ET 10/29/26.

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 8, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–20957 Filed 10–13–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2275–052]

Public Service Company of Colorado; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC) regulations, 18 CFR part 380, Commission staff reviewed Public Service Company of Colorado's application to decommission and surrender the license for the Salida Hydro Nos. 1 & 2 Project No. 2275 and have prepared an Environmental Assessment (EA) for the project.[1] The licensee is proposing to surrender the project license and decommission and remove certain Salida U2 facilities and the remaining decommissioned Salida U1 powerhouse and adjacent substation. After decommissioning the site would be restored. The project is located on the South Arkansas River and Fooses Creek in Chaffee County, Colorado. The project is partially located on federal lands administered by U.S. Forest Service's Pike-San Isabel National Forests & Cimarron and Comanche National Grasslands—Salida Ranger District.

The EA contains Commission staff's analysis of the potential environmental effects of the proposed surrender, alternatives to the proposed action, and concludes that the proposed decommissioning and surrender of license for the Salida Hydro Nos. 1 & 2 Project would not constitute a major federal action that would significantly affect the quality of the human environment.

[1] The unique identification number for documents relating to this environmental review is EAXX–019–20–000–1780990050.

The EA may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number (P–2275) in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

All comments must be filed by November 9, 2026, 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2275–052.

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*.

For further information, contact Rebecca Martin at 202–502–6012 or *rebecca.martin@ferc.gov*.

(Authority: 18 CFR 2.1)

Dated: October 8, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–20999 Filed 10–13–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: October 15, 2026, 10:00 a.m.

PLACE: Room 2C, 888 First Street NE, Washington, DC 20426. Open to the public.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda

* Note—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Debbie-Anne A. Reese, Secretary, Telephone (202) 502–8400, for a recorded message listing items stricken from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed online at the Commission's website at *https://elibrary.ferc.gov/eLibrary/search* using the eLibrary link.

1140TH—MEETING OPEN

[October 15, 2026, 10:00 a.m.]

Item No.	Docket No.	Company
	Administrative	
A–1	AD27–1–000	Agency Administrative Matters.
A–2	AD27–2–000	Customer Matters, Reliability, Security and Market Operations.
	Electric	
E–1	EL25–92–001	*McKenzie Electric Cooperative, Inc.* v. *Basin Electric Power Cooperative.*
E–2	RR26–3–000	North American Electric Reliability Corporation.
E–3	EL26–84–000, QF26–1177–001	IGS CTS, LLC.
E–4	EC26–110–000	FirstLight Power Management LLC, FirstLight CT Housatonic LLC, FirstLight MA Hydro LLC, Northfield Mountain LLC and Hull Street Energy, LLC.
E–5	ER24–2045–005	PJM Interconnection, L.L.C.
E–6	ER26–2932–000, TS26–5–000	Mammoth Central LLC.
E–7	ER26–2949–000, TS26–6–000	Mammoth South LLC.
E–8	ER26–3431–000	Lost Island Wind Energy, LLC.
E–9	ER26–3333–000	Deseret Generation & Transmission Co-operative, Inc.
E–10	ER23–2595–001, ER23–2595–000, EL23–98–000.	Stony Creek Wind Farm, LLC.
E–11	EL26–80–000, QF14–355–003	Conyers Renewable Power, LLC.
	Gas	
G–1	RM93–11–004	Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992.
	RM20–14–005	Five-Year Review of the Oil Pipeline Index.
	Certificates	
C–1	RM26–2–001	Authorizations for Certain Activities at Liquefied Natural Gas Plants.
C–2	PL26–3–000	Environmental Review of Natural Gas Act Applications.

1140TH—MEETING OPEN—Continued

[October 15, 2026, 10:00 a.m.]

Item No.	Docket No.	Company
C–3	CP26–11–000	Columbia Gulf Transmission, LLC.
C–4	CP26–537–000	Louisiana LNG Infrastructure LLC.
	CP17–118–000	Driftwood Pipeline LLC.

A free webcast of this event is available through the Commission's website. Anyone with internet access who desires to view this event can do so by navigating to *www.ferc.gov's* Calendar of Events and locating this event in the Calendar. The Federal Energy Regulatory Commission provides technical support for the free webcasts. Please call (202) 502–8680 or email *customer@ferc.gov* if you have any questions.

Commission Open Meetings are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or (202) 208–8659 (TTY) or send a fax to (202) 208–2106 with the required accommodations.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters but will not be telecast.

Dated: October 8, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–20998 Filed 10–9–26; 4:15 pm]

BILLING CODE 6717–01–P

EXPORT-IMPORT BANK

[Public Notice: EIB–2026–0331]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of $100 Million: AP300185XX

AGENCY: Export-Import Bank of the United States.

ACTION: Notice.

SUMMARY: This Notice is to inform the public, in accordance with the Export-Import Bank Act of 1945, as amended, the Export-Import Bank of the United States (''EXIM'') has received an application for final commitment for a long-term loan or financial guarantee in excess of $100 million. Comments received within the comment period specified below will be presented to the EXIM Board of Directors prior to final action on this Transaction.

DATES: Comments must be received on or before November 9, 2026 to be assured of consideration before final consideration of the transaction by the Board of Directors of EXIM.

ADDRESSES: Comments may be submitted through *Regulations.gov* at *www.regulations.gov*. To submit a comment, enter EIB–2026–0331 under the heading ''Enter Keyword or ID'' and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB–2026–0331 on any attached document.

SUPPLEMENTARY INFORMATION:

Reference: AP300185XX.

Purpose and Use:

Brief description of the purpose of the transaction: To support the export of U.S.-manufactured commercial aircraft to Azerbaijan.

Brief non-proprietary description of the anticipated use of the items being exported: To provide cargo air transport between Azerbaijan and other countries.

To the extent that EXIM is reasonably aware, the item(s) being exported are not expected to be used to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

Parties:

Principal Supplier: The Boeing Company and GE Aerospace.

Obligor: Silk Way West Airlines LLC.

Guarantor(s): Silk Way Development LLC, Silk Way Holding LLC, Silk Way Airlines LLC.

Description of Items Being Exported: Boeing commercial jet aircraft.

Information on Decision: Information on the final decision for this transaction will be available in the ''Board Agenda and Meeting Minutes'' on *https://www.exim.gov/news/meeting-minutes.*

Confidential Information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

Authority: Section 3(c)(10) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635a(c)(10)).

Matthew Paprocki,

Attorney Advisor.

[FR Doc. 2026–20933 Filed 10–13–26; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0184]

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995, invites the general public and other Federal agencies to take this opportunity to comment on the renewal, without change, of the existing information collection described below (OMB Control No. 3064–0184). The notice of proposed renewal for this information collection were previously published in the **Federal Register** on July 31, 2026, allowing for a 60-day comment period. No comments were received.

DATES: Comments must be submitted on or before November 13, 2026.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency Website: https://www.fdic.gov/resources/regulations/federal-register-publications/.*
- *Email: comments@fdic.gov*. Include the name and number of the collection in the subject line of the message.
- *Mail:* Robert Meiers, Regulatory Counsel, MB–3013, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at

the rear of the 17th Street NW building (located on F Street NW), on business days between 7 a.m. and 5 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Robert Meiers, Regulatory Attorney, *Romeiers@fdic.gov*, MB–3013, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: *Proposal to renew the following currently approved collection of information:*

1. *Title:* Volcker Rule Restrictions on Proprietary Trading and Relationships with Hedge Funds and Private Equity Funds.

OMB Number: 3064–0184.

Form Number: None.

Affected Public: Private Sector; Insured state nonmember banks and state savings associations.

Burden Estimate:

TABLE 1—SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 3064–0184]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
Implementation/Initial Set-up					
1. Section 351.4(c)(3)(i)—Limit Breaches and Increases Initial Set-up (Mandatory).	Reporting (On occasion)	1 P	1	00:15	0
2. Section 351.20(d)—Requirements under Appendix A for Covered Banks with Significant Trading Assets & Liabilities Initial Set-up (Mandatory).	Reporting (Quarterly)	1 P	1	125:00	125
3. Section 351.20(i)—Notice and Response Initial Set-up (Voluntary).	Reporting (On occasion)	1 P	1	20:00	20
4. Section 351.3(d)(3)—Purchase and Sale of Securities in Accordance with Liquidity Management Plans Initial Set-up (Mandatory).	Recordkeeping (On occasion)	1 P	1	3:00	3
5. Section 351.4(b)(3)(i)(A)—Trading Desk Documentation Initial Set-up (Mandatory).	Recordkeeping (On occasion)	1 P	1	2:00	2
6. Section 351.4(c)(3)(i)—Limit Breaches and Increases Initial Set-up (Mandatory).	Recordkeeping (On occasion)	1 P	1	00:15	0
7. Section 351.5(c)—Hedging Instruments Documentation Initial Set-up (Mandatory).	Recordkeeping (On occasion)	1 P	1	80:00	80
8. Section 351.10(c)(18)(ii)(C)(1)—Customer Facilitation Vehicles Initial Set-up (Mandatory).	Recordkeeping (On occasion)	1 P	1	10:00	10
9. Section 351.11(a)(2)—Documentation on Advisory or Related Services to Customers Initial Set-up (Mandatory).	Recordkeeping (On occasion)	1 P	1	10:00	10
10. Section 351.20(b)—Compliance Program for Covered Banks with Significant Trading Assets & Liabilities Initial Set-up (Mandatory).	Recordkeeping (On occasion)	1 P	1	795:00	795
11. Section 351.20(c)—CEO Attestation for Covered Banks with Significant Trading Assets & Liabilities Initial Set-up (Mandatory).	Recordkeeping (Annual)	1 P	1	300:00	300
12. Section 351.20(d)—Requirements under Appendix A for Covered Banks with Significant Trading Assets & Liabilities Initial Set-up (Mandatory).	Recordkeeping (On occasion)	1 P	1	10:00	10
13. Section 351.20(e)—Additional Documentation for Covered Funds for Covered Banks with Significant Trading Assets & Liabilities Initial Set-up (Mandatory).	Recordkeeping (On occasion)	1 P	1	200:00	200
14. Section 351.20(f)(1)—Simplified Compliance Program for Covered Banks with No Trading Assets or Liabilities Initial Set-up (Mandatory).	Recordkeeping (On occasion)	1 P	1	8:00	8
15. Section 351.20(f)(2)—Simplified Compliance program for Covered Banks with Moderate Trading Assets and Liabilities Initial Set-up (Mandatory).	Recordkeeping (On occasion)	1 P	1	100:00	100
16. Section 351.11(a)(8)(i)—Offerings Disclosures Initial Set-up (Mandatory).	Third-party Disclosure (On Occasion)	1 P	1	00:30	1
Ongoing Compliance					
1. Section 351.4(c)(3)(i)—Limit Breaches and Increases Ongoing (Mandatory).	Reporting (On occasion)	5	20	00:15	25
2. Section 351.20(d)—Requirements under Appendix A for Covered Banks with Significant Trading Assets & Liabilities Ongoing (Mandatory).	Reporting (Quarterly)	2	4	41:00	328
3. Section 351.20(i)—Notice and Response Ongoing (Voluntary)	Reporting (On occasion)	5	1	20:00	100
4. Section 351.3(d)(3)—Purchase and Sale of Securities in Accordance with Liquidity Management Plans Ongoing (Mandatory).	Recordkeeping (On occasion)	5	1	1:00	5
5. Section 351.4(b)(3)(i)(A)—Trading Desk Documentation Ongoing (Mandatory).	Recordkeeping (On occasion)	5	4	2:00	40
6. Section 351.4(c)(3)(i)—Limit Breaches and Increases Ongoing (Mandatory).	Recordkeeping (On occasion)	5	40	00:15	50
7. Section 351.5(c)—Hedging Instruments Documentation Ongoing (Mandatory).	Recordkeeping (On occasion)	2	1	80:00	160
8. Section 351.10(c)(18)(ii)(C)(1)—Customer Facilitation Vehicles Ongoing (Mandatory).	Recordkeeping (On occasion)	5	1	10:00	50
9. Section 351.11(a)(2)—Documentation on Advisory or Related Services to Customers Ongoing (Mandatory).	Recordkeeping (On occasion)	5	1	10:00	50

TABLE 1—SUMMARY OF ESTIMATED ANNUAL BURDEN—Continued
[OMB No. 3064–0184]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
10. Section 351.20(b)—Compliance Program for Covered Banks with Significant Trading Assets & Liabilities Ongoing (Mandatory).	Recordkeeping (On occasion)	2	1	265:00	530
11. Section 351.20(c)—CEO Attestation for Covered Banks with Significant Trading Assets & Liabilities Ongoing (Mandatory).	Recordkeeping (Annual)	2	1	100:00	200
12. Section 351.20(d)—Requirements under Appendix A for Covered Banks with Significant Trading Assets & Liabilities Ongoing (Mandatory).	Recordkeeping (On occasion)	2	1	10:00	20
13. Section 351.20(e)—Additional Documentation for Covered Funds for Covered Banks with Significant Trading Assets & Liabilities Ongoing (Mandatory).	Recordkeeping (On occasion)	2	1	200:00	400
14. Section 351.20(f)(1)—Simplified Compliance Program for Covered Banks with No Trading Assets or Liabilities Ongoing (Mandatory).	Recordkeeping (On occasion)	1	1	8:00	8
15. Section 351.20(f)(2)—Simplified Compliance Program for Covered Banks with Moderate Trading assets and Liabilities Ongoing (Mandatory).	Recordkeeping (On occasion)	3	1	40:00	120
16. Section 351.11(a)(8)(i)—Offerings Disclosures Ongoing (Mandatory).	Third-party Disclosure (On Occasion)	5	26	00:30	65
Total Annual Burden (Hours):					3,815

Source: FDIC.
[P] The FDIC anticipates zero respondents in the upcoming cycle and uses a placeholder respondent count of 1 to preserve the potential burden.
Note: The estimated annual IC time burden is the product, rounded to the nearest hour, of the estimated annual number of responses and the estimated time per response for a given IC. The estimated annual number of responses is the product, rounded to the nearest whole number, of the estimated annual number of respondents and the estimated annual number of responses per respondent. This methodology ensures the estimated annual burdens in the table are consistent with the values recorded in OMB's consolidated information system.

General Description of Collection: Section 13 of the Bank Holding Company Act of 1956 (section 13) contains certain restrictions on the ability of a banking entity to engage in proprietary trading and to have certain interests in, or relationships with, a hedge fund or private equity fund. The FDIC's regulations at 12 CFR part 351 (part 351) implement section 13 with respect to FDIC-supervised insured depository institutions (IDIs). The requirements in part 351 do not apply to FDIC-supervised IDIs that have, and if every company that controls it has, total consolidated assets of $10 billion or less and total trading assets and trading liabilities, that are five percent or less of total consolidated assets.[1]

Part 351 contains provisions that constitute information collections (ICs) under the Paperwork Reduction Act corresponding to policies, rules, and regulations regarding periodic reporting requirements, documentation of trading activities and compliance programs, and various other recordkeeping and disclosure requirements for FDIC-supervised IDIs that are subject to the requirements of part 351 (covered bank). There is no change in the substance or methodology of this information collection. The estimated annual burden for this information collection is 3,815 hours, a decrease of 234 hours from the previous renewal. This decrease is attributed to a decrease in the estimated number of respondents.

[1] 12 CFR 351.2(r)(2)

Request for Comment

Comments are invited on: (a) whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on October 9, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2026–20976 Filed 10–13–26; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (''PRA''), the Federal Trade Commission (''FTC'' or ''Commission'') is seeking public comment on its proposal to extend for an additional three years the Office of Management and Budget clearance for information collection requirements in its Contact Lens Rule (or Rule). That clearance expires on January 31, 2027.

DATES: Comments must be filed by December 14, 2026.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Contact Lens Rule, PRA Comment, P145403'' on your comment, and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex E), Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Paul Spelman, Attorney, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, at (202) 326–2487; *pspelman@ftc.gov.*

SUPPLEMENTARY INFORMATION:

Title: Contact Lens Rule (Rule), 16 CFR part 315.

OMB Control Number: 3084–0127.

Type of Review: Extension of a currently approved collection.

Likely Respondents: Contact lens prescribers and contact lens sellers.

Estimated Annual Labor Hours Burden: 3,216,888 hours (derived from 2,070,288 contact lens prescriber hours + 1,146,600 contact lens seller hours).

- *Contact Lens Prescribers:* 750,000 hours (45 million contact lens wearers × 1 minute per prescription release/60 minutes) + 187,500 hours (33,750,000 contact lens wearers × 20 seconds per confirmation of prescription release/3600 seconds) + 62,500 hours (11,250,000 contact lens wearers × 20 seconds per affirmative consent to electronic prescription delivery/3600 seconds) + 320,288 hours (3,843,450 verification requests × 5 minutes per response/60 minutes) + 750,000 hours recordkeeping = 2,070,288 hours.
- *Contact Lens Sellers:* 1,146,600 (derived from 1,067,625 hours (12,811,500 orders × 5 minutes per verification/60 minutes) + 78,975 burden hours (4,738,500 orders × 1 minute recordkeeping/60 minutes) = 1,146,600) hours.

Estimated Total Labor Cost Burden: Approximately $133,334,992 (derived from $61,908,147 ($68.05 × 909,745 optometrist hours) + $23,514,733 ($146.47 × 160,543 ophthalmologist hours) + $47,912,112 ($22.32 × 2,146,600 prescriber and seller office clerk hours)).

Estimated Total Non-Labor Cost Burden: $640,575 (derived from 12,811,500 orders × $.05 per automated message recording).

Estimated Total Annual Cost Burden: $133,975,567 (derived from $133,334,992 labor cost + $640,575 non-labor cost).

The Contact Lens Rule was promulgated by the FTC pursuant to the Fairness to Contact Lens Consumers Act (''FCLCA''), Public Law 108–164 (Dec. 6, 2003), which was enacted to enable consumers to purchase contact lenses from the seller of their choice. The Rule became effective on August 2, 2004, and was most recently amended in 2020.[1] As mandated by the FCLCA, the Rule requires the release and verification of contact lens prescriptions which are generally valid for one year and contains recordkeeping requirements applying to both prescribers and sellers of contact lenses.

Specifically, the Rule requires that prescribers provide a copy of the prescription to the consumer upon the completion of a contact lens fitting, even if the patient does not request it, and verify or provide prescriptions to authorized third parties. The Rule also mandates that a contact lens seller may sell contact lenses only in accordance with a prescription that the seller either: (a) has received from the patient or prescriber; or (b) has verified through direct communication with the prescriber. Additional provisions in the Rule that constitute collections of information as defined by 5 CFR 1320.3(c) require that sellers who use calls containing automated verification messages record the entire call and preserve such recordings for at least three years. In addition, the Rule requires that prescribers: (a) obtain from patients, and maintain for a period of not less than three years, a signed confirmation of prescription release on a separate stand-alone document; or (b) obtain from patients, and maintain for a period of not less than three years, a patient's signature on a confirmation of prescription release included on a copy of a patient's prescription; or (c) obtain from patients, and maintain for a period of not less than three years, a patient's signature on a confirmation of prescription release included on a copy of a patient's contact lens fitting sales receipt; or (d) provide each patient with a copy of the prescription via online portal, electronic mail, or text message, and for three years retain evidence that such prescription was sent, received, or, if provided via an online-patient portal, made accessible, downloadable, and printable by the patient. For prescribers who choose to offer an electronic method of prescription delivery, the Rule requires that such prescribers maintain records or evidence of affirmative consent by patients to such digital delivery for three years. The Rule also requires prescribers to document, in their records, the medical reasons for setting a contact lens prescription expiration date of less than one year. Additionally, contact lens sellers are required to maintain records for three years of all direct communications involved in obtaining verification of a contact lens prescription, as well as prescriptions, or copies thereof, which they receive directly from customers or prescribers.

The information retained under the Rule's recordkeeping requirements is used by the Commission to substantiate compliance with the Rule and may also provide a basis for the Commission to bring an enforcement action. Without the required records, it would be difficult either to ensure that entities are complying with the Rule's requirements or to bring enforcement actions based on violations of the Rule.

As required by section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), the FTC is providing this opportunity for public comment before requesting that OMB extend the existing clearance for the information collection requirements contained in the Rule.

Burden Statement

Estimated annual hours burden: 3,216,888 hours.

This figure is derived by adding 2,070,288 disclosure, verification, and recordkeeping-hours for contact lens prescribers to 1,146,600 verification and recordkeeping hours for contact lens sellers. This estimate is an increase from the 3,104,050 hours annual burden hours submitted to OMB in 2023.

1. Prescribers and Their Office Staff

The Rule requires prescribers to collect information and make disclosures in three ways. Upon completing a contact lens fitting, the Rule requires that prescribers (1) provide a copy of the contact lens prescription to the patient,[2] (2) collect a patient's signature on either a Confirmation of Prescription Release or a consent-to-electronic-prescription-release and preserve such record, and (3) as directed by any person designated to act on behalf of the patient, provide or verify the contact lens prescription. Prescribers can verify a prescription either by responding affirmatively to a request for verification, or by not responding at all, in which case the prescription will be ''passively verified'' after eight business hours. Prescribers are also required to correct an incorrect prescription submitted by a seller and notify a seller if the prescription submitted for verification is expired or otherwise invalid. Staff believe that the burden of complying with these requirements is relatively low.

The number of contact lens wearers in the United States is estimated by the Centers for Disease Control and Prevention to be approximately 45

[1] Final Rule, 85 FR 50668 (Aug. 17, 2020).

[2] The 2020 amendments to the Contact Lens Rule altered the definition of ''provide to the patient a copy'' of the contact lens prescription to include electronic delivery of the prescription, such as via email, text, or by uploading it to a patient portal. In order to avail themselves of this option, prescribers must obtain and maintain evidence of the patients' affirmative consent to electronic delivery for three years.

million.[3] Therefore, assuming an annual contact lens exam for each contact lens wearer, approximately 45 million people would receive a copy of their prescription each year under the Rule and be required to either sign a Confirmation of Prescription Release or consent to electronic delivery of their prescription.[4]

At an estimated one minute per prescription, the annual time spent by prescribers complying with the requirement to release prescriptions to patients would be approximately 750,000 hours. [(45 million × 1 minute)/ 60 minutes = 750,000 hours]. Since the Rule requires that prescriptions be released automatically at completion of a fitting, the Commission—for purposes of calculating the PRA burden—continues to assume that prescription releases to patients are handled by the prescriber rather than the prescriber's office staff.[5] In all likelihood, this estimate overstates the actual burden because it includes the time spent by prescribers who already release prescriptions to patients in the ordinary course of business. Furthermore, this estimate allocates the same time for both paper and electronic delivery of prescriptions, even though the latter likely takes less time for the prescriber.

The time required to collect a signature from a patient confirming release of a prescription is estimated at twenty seconds.[6] It is estimated that 25% of patients would opt for electronic delivery of their prescriptions and thus would not need to sign a Confirmation of Prescription Release.[7] Based on our knowledge of the industry and how the medical field operates, the Commission believes most signed patient confirmations are obtained by prescribers' office staff rather than by the prescribers themselves. The time spent by prescribers' staff complying with the requirement to obtain signed confirmations from the other 75% of patients is approximately 187,500 hours annually [(75% × 45 million prescriptions yearly × 20 seconds) / 3600 seconds = 187,500 hours].

As noted above, it is estimated that approximately 25% of patients would opt for electronic delivery of their prescriptions. In order to opt for electronic delivery, patients are required to sign an affirmative consent to receive their prescription via email, text, or patient portal. The time required to collect an affirmative consent signature is estimated at twenty seconds,[8] and the annual time spent complying with the requirement to obtain such signatures is approximately 62,500 hours [(25% × 45 million prescriptions yearly × 20 seconds) / 3600 seconds = 62,500 hours]. Based on our knowledge of the industry and how the medical field operates, the Commission believes most signed patient consents are obtained by prescribers' office staff rather than by the prescribers themselves.

As stated above, prescribers may also be required to provide or verify contact lens prescriptions to sellers. According to survey data, approximately 39% of contact lens purchases are from a source other than the prescriber.[9] Assuming that each of the 45 million contact lens wearers in the U.S. makes one purchase per year, this means that approximately 17,550,000 contact lens purchases (45 million × 39% = 17,550,000) are made from sellers other than the prescriber.

Based on prior discussions with industry, approximately 73% of sales by non-prescriber sellers require verification, and prescribers affirmatively respond (by notifying the seller that the prescription is invalid or incorrect) to approximately 15% of those verification requests. Using a response rate of 15%, the FTC therefore estimates that prescribers' offices respond to approximately 1,921,725 verification requests annually [(17,550,000 purchases × 73%) × 15% = 1,921,725 responses]. Additionally, some prescribers may voluntarily respond to verification requests and confirm prescriptions (as opposed to simply letting the prescription passively verify). Because correcting or declining incorrect prescriptions is mandated by the Rule and occurs in response to approximately 15% of requests, staff assumes that prescribers voluntarily confirm prescriptions less often and confirm at most an additional 15% of prescriptions (and, in all likelihood, significantly less). Using a combined response rate of 30%, the FTC estimates that prescribers' offices respond to approximately 3,843,450 requests annually.

According to prior industry comments,[10] responding to verification requests requires approximately five minutes per request. Using that data, we estimate that these responses require an additional 320,288 hours annually [(3,843,450 × 5 minutes) / 60 minutes = 320,288 hours]. Based on investigations and anecdotal comments, FTC staff is aware that many verification requests are handled by office staff rather than by the prescribers themselves. FTC staff, however, does not possess reliable information as to what percentage of verification requests are performed by prescribers or their staff, and thus will allocate all such hours to prescribers, even though this may result in an estimated labor cost that is higher than in actuality.

Lastly, the Rule and FCLCA also impose recordkeeping requirements on prescribers' offices. First, they must maintain signed confirmations, or signed consent to electronic prescription delivery, and proof that such prescriptions were delivered via email, text, or patient portal for a period of three years. For purposes of PRA analysis, the Commission has used the assumption that all prescriber offices require a full minute to store and maintain each confirmation record and a full minute to store and maintain each consent to electronic prescription delivery and proof of electronic

[3] Centers for Disease Control and Prevention, About Contact Lenses, *https://www.cdc.gov/contact-lenses/about/index.html.*

[4] In the past, some commentators have suggested that typical contact lens wearers obtain annual exams every 18 months or so, not every year. However, because prescriptions under the Rule are valid for a minimum of one year, we continue to estimate that patients seek exams every 12 months. Staff believes a calculation that assumes adherence to the Rule will provide the best estimate of the Rule's contemplated burden, even if, in practical terms, it overestimates the burden.

[5] This assumption may be incorrect, particularly in instances where a contact lens fitting is not completed during the prescriber's examination itself, but rather after the patient tests out the lenses for a few days. Nonetheless, the Commission does not have empirical data on what percentage of prescriptions are released by prescribers or by prescribers' staff and thus will calculate the PRA with the assumption that they are all released by the prescriber.

[6] FTC Notice, Proposed Collection, 88 FR 88076, 88079–80 (Dec. 20, 2023). When the signed confirmation requirement was originally added to the Rule in 2020, the time estimated to collect a signature was calculated as taking 10 seconds. In 2023, this time allotment was increased to 20 seconds after staff received additional input from practitioners. The Office of Management and Budget subsequently approved the FTC's 2023 extension request for Contact Lens Clearance. Notice of Office and Management and Budget Action, OMB Control No. 3084–0127.

[7] *Id.*

[8] *Id.*

[9] Jason J. Nichols & Deborah Fisher, ''2025 Annual Report,'' Contact Lens Spectrum, Dec, 31, 2025, *https://digital.clspectrum.com/publication/frame.php?i=859052&p=&pn=&ver=html5&view=articleBrowser&article_id=5093364.* The estimated percentage of purchases from sellers other than the prescriber fluctuates, according to surveys of prescribers. In 2024, for instance, that number was estimated at 41%, in 2022 it was 50%, and in 2017 it was 36%. *Id.*; Jason J. Nichols & Deborah Fisher, ''Contact Lenses 2023,'' Contact Lens Spectrum, Jan. 1, 2024, *https://www.clspectrum.com/issues/2024/januaryfebruary/contact-lenses-2023/*; Jason J. Nichols & Deborah Fisher, ''2018 Annual Report,'' Contact Lens Spectrum, Jan. 1, 2019, *https://digital.clspectrum.com/publication/frame.php?i=552776&p=&pn=&ver=html5&view=articleBrowser&article_id=3269179.*

[10] Notice and Request for Comment, 81 FR 62501 (Sept. 9, 2016).

prescription delivery.[11] The Commission thus allots an additional 750,000 annual hours for prescribers' offices to store and maintain records of patient confirmations and consents. The Commission believes these labor hours are most likely performed by prescribers' office staff.

The Rule also requires prescribers to document the specific medical reasons for setting a contact lens prescription expiration date shorter than the one-year minimum established by the FCLCA. This burden is likely to be nil because the requirement applies only in cases when the prescriber invokes the medical judgment exception, which is expected to occur infrequently, and prescribers are likely to record this information in the ordinary course of business as part of their patients' medical records. As mentioned previously, the OMB regulation that implements the PRA defines ''burden'' to exclude any effort that would be expended regardless of a regulatory requirement.

Combining all hours spent annually disclosing prescriptions to consumers, obtaining confirmations of prescription release from consumers, obtaining affirmative consent to electronic prescription delivery from consumers, responding to verification requests, and maintaining records as required by the Rule, we estimate a total of 2,070,288 hours for all contact lens prescribers to comply with the Rule [750,000 prescription-release hours + 187,500 confirmation-collection hours + 62,500 electronic-delivery-consent hours + 320,288 verification-response hours + 750,000 recordkeeping hours = 2,070,288 hours]. Of this total, we estimate 1,070,288 are labor hours performed by prescribers and 1,000,000 are labor hours performed by prescribers' clerical office staff.

2. Sellers

As noted above, a seller may sell contact lenses only in accordance with a valid prescription that the seller has (a) received from the patient or prescriber or (b) verified through direct communication with the prescriber. The FCLCA also requires sellers to retain prescriptions and records of communications with prescribers relating to prescription verification for three years.

As stated previously, there are approximately 17,550,000 sales by non-prescriber sellers annually and approximately 73% of such sales require verification. Therefore, sellers verify approximately 12,811,500 orders annually and retain two records for such sales: the verification request and any response from the prescriber. Staff estimates that sellers' verification and recordkeeping for those orders will entail a maximum of five minutes per sale. At an estimated five minutes per sale to each of the approximately 12,811,500 orders, contact lens sellers will spend a total of 1,067,625 burden hours complying with this portion of the requirement [(12,811,500 × 5 minutes) / 60 minutes = 1,067,625 hours].

Approximately 27% of sales to non-prescriber sellers do not require verification and thus require only that the seller retain the prescription provided. Staff estimates that this recordkeeping burden requires at most one minute per order (in truth, in many cases this retention is electronic and automatic and will not require any time) for 4,738,500 orders [17,550,000 sales × 27%], resulting in 78,975 recordkeeping burden hours [(4,738,500 orders × 1 minute) / 60 minutes = 78,975 hours].

Combining burden hours for all orders [1,067,625 hours + 78,975 hours], staff estimates a total of 1,146,600 hours for contact lens sellers. It is likely that this estimate overstates the actual burden because it includes the time spent by sellers who already keep records pertaining to contact lens sales in the ordinary course of business, and those whose records are generated and preserved automatically when a customer orders online, which staff believes is the case for many online sellers.

Estimated total labor cost burden: Approximately $133,334,992.

This figure is derived from applying hourly wage figures for optometrists, ophthalmologists, and office clerical staff to the burden hours described above. This estimate is higher than the $117,606,598 labor cost estimate submitted to OMB in 2023 due to wage increases for optometrists, ophthalmologists, and office staff, and an increase in the percentage estimate of contact lens sales made by sellers other than the prescriber.

According to Bureau of Labor Statistics (BLS), salaried optometrists earn an average wage of $68.05 per hour, ophthalmologists—which are listed by BLS under ''surgeons''—earn an average wage of $146.47 per hour, and general office clerks earn an average wage of $22.32 per hour.[12] Based on our knowledge of the industry and the number of optometrists and ophthalmologists in the United States, we assume that of the 1,070,288 total prescriber labor hours relating to the Rule's prescription release requirement (750,000 hours) and response to verification requests (320,288 hours), optometrists are performing 85% of such hours and ophthalmologists are performing the remaining 15% of prescriber hours. We credit general office clerks for performing the remaining hours, both for prescribers' offices (1,000,000 hours) and for non-prescriber sellers (1,146,600 hours). Based on these assumptions and estimates above, the estimated total labor cost attributable to the Rule is approximately $133,334,992 [($68.05 × 909,745 optometrist hours = $61,908,147) + ($146.47 × 160,543 ophthalmologist hours = $23,514,733) + ($22.32 × 1,000,000 prescribers' office clerk hours = $22,320,000) + ($22.32 × 1,146,600 sellers' office clerk hours = $25,592,112) = $133,334,992].

Estimated annual non-labor cost burden: $640,575.

Staff believes that the Rule's disclosure and recordkeeping requirements described above impose negligible capital or other non-labor costs, as the affected entities are likely to have the necessary supplies and/or equipment already (*e.g.,* prescription pads, patients' medical charts, facsimile machines and paper, telephones, and recordkeeping facilities such as filing cabinets or other storage) to perform those requirements. The 2020 Rule amendments, however, modified the Rule to require that sellers who use automated verification messages record the calls and preserve the recordings for three years. The Commission does not believe that requiring sellers who use automated messages for verification to record the calls and preserve them will create a substantial burden. The requirement will not require additional labor time, since the calls will be for the same duration as they were previously, but may require capital and other non-labor costs to record the calls and store them electronically. Based on comments supplied during the Rule modification process, the Commission estimates the

[11] Final Rule, 85 FR 50668, 50709 (August 17, 2020).

[12] Economic News Release, Bureau of Labor Statistics, United States Department of Labor, Occupational Employment and Wage Statistics survey by occupation—May 2025, *https://www.bls.gov/news.release/ocwage.t01.htm.* Median salaries for prescribers and clerks are slightly lower than average salaries and, consequently, would result in a lower overall burden imposed by the Rule. It is possible that medians are more representative since they do not include salary outliers that can distort the average. Salaries can also vary by region. However, since Contact Lens Rule PRA submissions have historically used national salary averages to estimate the burden, the FTC will continue to do so for this submission.

cost to record each verification call at five cents apiece.[13]

Based on survey data, approximately 39% of contact lens purchases are from a source other than the prescriber. Assuming that each of the 45 million contact lens wearers in the U.S. makes on purchase per year, this would mean that approximately 17,550,000 contact lens purchases are made annually from sellers other than the prescribers. And since approximately 73% of sales by non-prescriber sellers require verification, this means that approximately 12,811,500 contact lens purchases would require verification calls, faxes, or emails. The Commission does not possess information as to the percentage of verifications completed by telephone versus fax or email, and thus for purposes of this analysis will assume that all verifications are performed via phone and deliver automated messages that are subject to the call-recording requirement. Based on the aforementioned assumptions, the Commission estimates that the requirement to record automated telephone verification messages will cost sellers, in aggregate, $640,575 (12,811,500 × $.05).

Combining the annual labor cost burden with the non-labor cost burden, the total cost burden of the Rule is estimated at $133,975,567 ($133,334,992 + $640,575 = $133,975,567). This is higher than the $118,197,898 cost submitted to OMB in 2023 due to rising wage rates and an increase in the estimated percentage of sales to non-prescriber sellers.

To put the total cost in perspective, a recent survey estimated that the U.S. contact lens market revenue is approximately $4.4 billion as of 2025, and growing at a healthy pace.[14] Therefore, the total cost burden estimate of $133,975,567, imposed by the Rule, while not insubstantial, represents just approximately 3% of the overall retail revenue generated.

Request for Comment

Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) whether the disclosure and recordkeeping requirements are necessary, including whether the information will be practically useful; (2) the accuracy of our burden estimates, including whether the methodology and assumptions used are valid; (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.

For the FTC to consider a comment, we must receive it on or before December 14, 2026. Your comment, including your name and your state, will be placed on the public record of this proceeding, including the *https://www.regulations.gov* website.

You can file a comment online or on paper. Due to heightened security screening, postal mail addressed to the Commission will be subject to delay. We encourage you to submit your comments online through the *https://www.regulations.gov* website.

If you file your comment on paper, write ''Contact Lens Rule, PRA Comment, P145403'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex E), Washington, DC 20580.

Because your comment will become publicly available at *https://www.regulations.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including, in particular, competitively sensitive information, such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must (1) be filed in paper form, (2) be clearly labeled ''Confidential,'' and (3) comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted publicly at *www.regulations.gov,* we cannot redact or remove your comment unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before December 14, 2026. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy*.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2026–20970 Filed 10–13–26; 8:45 am]

BILLING CODE 6750–01–P

[13] 85 FR 50711. It is possible this would be a one-time expense for sellers to invest in recording equipment, as opposed to an annual outlay. But in the absence of information as to how sellers manage such recordings, the Commission will assume, for the purpose of this PRA analysis, that recording expense is a recurring annual cost burden. It is also possible that this cost has declined with advances in recording technology, but the Commission does not have updated information on this expense and so will continue to estimate five cents per call.

[14] *See* USA Contact Lens Market, *https://www.kenresearch.com/industry-reports/usa-contact-lenses-market.* Total market estimates vary by a wide margin. Some estimates put the U.S. contact lens market much higher. *See also* Contact Lenses Market Report 2026–2035, *https://www.researchnester.com/reports/contact-lens-market/223,* estimating the market as $15.6 billion. However, in an effort to provide the most conservative numbers, we use the lower market estimate, resulting in a higher total cost burden percentage. If we were to use the $15.6 billion estimate, the percent of cost burden would be 0.9% of overall retail revenue.

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Federal Trade Commission (FTC or Commission) is seeking public comment on its proposal to reinstate and extend for three additional years the information collections contained in the FTC's rule entitled ''Use of Prenotification Negative Option Plans'' (''Negative Option Rule'' or ''Rule'') as that rule was written before courts vacated the final rule promulgated on

November 15, 2024. The current clearance expires on November 30, 2027.

DATES: Comments must be filed by December 14, 2026.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Paperwork Reduction Act Comment: FTC File No. P044403'' on your comment, and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex E), Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Hong Park, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, (202) 326–2158; *hpark@ftc.gov*.

SUPPLEMENTARY INFORMATION:

Title: Use of Prenotification Negative Option Plans, 16 CFR part 425.

OMB Control Number: 3084–0104.

Type of Review: Reinstatement of and extension of a previously approved collection.

Background

On February 13, 2024, the Office of Management and Budget (OMB) approved an extension of the information collections associated with the version of the Negative Option Rule effective at the time.[1] On November 15, 2024, the Commission published a final rule (''2024 Rule'') amending the Negative Option Rule.[2] On November 18, 2024, the OMB approved the additional information collections associated with the final rule amendments through November 30, 2027.[3]

On July 8, 2025, the U.S. Court of Appeals for the Eighth Circuit vacated the 2024 Rule.[4] On February 12, 2026, the Commission issued a final rule revising the Negative Option Rule to restore it in the form it existed before the 2024 Rule became effective.[5] Thus, only the information collections associated with the OMB's February 13, 2024 approval of an extension for information collections are now in effect and need to be extended for three additional years.

The Negative Option Rule, as now restored, governs the operation of prenotification subscription plans. Under these types of plans—which can include things such as a book-of-the-month club, food-of-the-month club, or clothing-items-of-the-month club—a seller provides a consumer with automatic shipments of merchandise unless the consumer affirmatively notifies the seller they do not want the shipment. The Rule requires that a seller notify a member that they will automatically ship merchandise to the member and bill the member for the merchandise if the subscriber fails to expressly reject the merchandise beforehand within a prescribed time. The Rule protects consumers by: (1) requiring that promotional materials disclose the terms of membership clearly and conspicuously; and (2) establishing procedures for the administration of such ''negative option'' plans.

Affected Public: Sellers of prenotification subscription plans.

Estimated Annual Burden Hours: 2,500 hours.

Estimated Annual Labor Costs: $160,755 (solely related to labor costs).

Estimated Annual Non-Labor Costs: $0 or de minimis.

As required by section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), the FTC is providing this opportunity for public comment before requesting that OMB reinstate and extend the clearance for the information collection requirements contained in the Negative Option Rule.

Burden Statement

Estimated Annual Burden Hours: 2,500.

Based on industry input, FTC staff estimates that no more than 25 sellers are subject to the disclosure requirements contained in the Rule.[6] FTC staff further estimates that each seller will require annually about 100 hours to comply with the Rule's disclosure requirements. This yields a total annual burden of 2,500 hours (25 sellers × 100 hours).

Estimated Annual Cost Burden: $160,755 (solely related to labor costs).

Based on recent data from the Bureau of Labor Statistics, the mean hourly wage for advertising and promotion managers is approximately $74.18 per hour;[7] compensation for office and administrative support personnel is approximately $24.79 per hour.[8] Assuming that managers perform the bulk of the work, and clerical personnel perform associated tasks (*e.g.,* placing advertisements and responding to inquiries about offerings or prices), the total cost to the industry for the Rule's information collection requirements would be approximately $160,755 [(80 hours managerial time × 25 sellers × $74.18 per hour) + (20 hours clerical time × 25 sellers × $24.79 per hour)].

Because the Rule has been in effect since 1974, the vast majority of the negative option sellers have no current start-up costs. For new sellers entering the market, the costs associated with the Rule's disclosure requirements, beyond the additional labor costs discussed above, are *de minimis*. Negative option sellers already have access to the ordinary office equipment necessary to comply with the Rule. Similarly, the Rule imposes few, if any, printing and distribution costs. The required disclosures generally constitute only a small addition to the advertising for negative option plans. Because printing and distribution expenditures are incurred to market the product regardless of the Rule, adding the required disclosures results in marginal incremental expense.

---

[1] Extension without change of a currently approved collection, ICR Ref. No. 202307–3084–005, OMB Control Number 3084–0104, 02/13/2024, available at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202307-3084-005*.

[2] FTC, Final Rule: Negative Option Rule, 89 FR 90476 (Nov. 15, 2024).

[3] Revision of a currently approved collection, ICR Ref. No. 202411–3084–002, OMB Control Number 3084–0104, 11/18/2024, available at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202411-3084-002*.

[4] *Custom Commc'ns, Inc.* v. *FTC,* 142 F.4th 1060, 1074 (8th Cir. 2025).

[5] 91 FR 6507 (Feb. 12, 2026).

[6] In 2023, FTC staff estimated 25 sellers were subject to the Rule's disclosure requirements based on industry input. 88 FR 59922 (Aug. 30, 2023). That estimate reflected a severe decline from 75 sellers estimated in 2020. 85 FR 46628 (Aug. 3, 2020). FTC staff anticipates that the number of sellers subject to the Rule's requirements continues to decline as firms offering prenotification negative option plans exit the market and other firms increasingly adopt a subscription-based approach without a prenotification feature. *See, e.g.,* Sam Spratford, *Subscription Addiction,* Publishers Weekly (May 8, 2026), *https://www.publishersweekly.com/pw/by-topic/industry-news/publisher-news/article/100363-subscription-addiction.html* (last visited Sept. 15, 2026) (noting book-of-the-month sellers offering monthly subscription without prenotification negative option feature); Jordan Valinsky, *Columbia House—yes, it still exists—is going out of business,* CNN (Aug. 19, 2026), *https://www.cnn.com/2026/08/19/media/columbia-house-shut-down* (last visited Sept. 9, 2026) (reporting that Columbia House, a pioneer of product-of-the-month plans with prenotification negative option feature, is ceasing operations).

[7] *See* Occupational Employment and Wages—May 2025, Table 1, at *https://www.bls.gov/news.release/ocwage.t01.htm* (mean hourly wage rate for advertising and promotion managers).

[8] *See id.* (mean hourly wage rate for office and administrative support occupations).

Request for Comment

Pursuant to section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will be practically useful; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including whether the methodology and assumptions used are valid; (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.

For the FTC to consider a comment, we must receive it on or before December 14, 2026. Your comment, including your name and your state, will be placed on the public record of this proceeding, including the *https://www.regulations.gov* website.

You can file a comment online or on paper. Due to heightened security screening, postal mail addressed to the Commission will be subject to delay. We encourage you to submit your comments online through the *https://www.regulations.gov* website.

If you file your comment on paper, write ''Paperwork Reduction Act Comment: FTC File No. P044403'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex E), Washington, DC 20580.

Because your comment will become publicly available at *https://www.regulations.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including, in particular, competitively sensitive information, such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must (1) be filed in paper form, (2) be clearly labeled ''Confidential,'' and (3) comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted publicly at *www.regulations.gov,* we cannot redact or remove your comment unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before December 14, 2026. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy*.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2026–20971 Filed 10–13–26; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–27–1198]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Use of the Cyclosporiasis National Hypothesis Generating Questionnaire (CNHGQ) During Investigations of Foodborne Disease Clusters and Outbreaks'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on June 2, 2026, to obtain comments from the public and affected agencies. CDC received four public comments. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Use of the Cyclosporiasis National Hypothesis Generating Questionnaire (CNHGQ) During Investigations of Foodborne Disease Clusters and Outbreaks (OMB Control No. 0920–1198, Exp. 10/31/2026)—Revision—The National Center for Emerging and

Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention is requesting a three-year Paperwork Reduction Act (PRA) clearance for a Revision to the approved information collection request (ICR) Use of the Cyclosporiasis National Hypothesis Generating Questionnaire (CNHGQ) During Investigations of Foodborne Disease Clusters and Outbreaks (OMB Control No. 0920–1198, Exp. 10/31/2026).

Foodborne outbreaks of cyclosporiasis have been reported in the United States since the mid-1990s and have been linked to various types of imported fresh produce, including raspberries, basil, snow peas, mesclun lettuce, cilantro, and parsley. During the 15-year period of 2000–2014, 31 U.S. foodborne outbreaks of cyclosporiasis were reported; the total case count was 1,562. Outbreaks were reported during 12 of the 15 years. Overall, a median of two outbreaks was reported per year, with a median of 20 reported cases per outbreak (range, three to 582 cases). However, it is likely that more cases (and outbreaks) occurred than were reported. In addition, because of insufficient data, many of the reported cases could not be directly linked to an outbreak or to a particular food vehicle.

From 2015–2025, the numbers of reported cases steadily increased and larger multistate outbreaks were reported. For example, an estimated 2,299 laboratory-confirmed, domestically acquired cases among persons who became ill from May to August, the typical timeframe of the cyclosporiasis ''season'' in the United States, were reported in 2018. This total was markedly higher than the numbers of cases reported for the same time period in 2016 (174) and 2017 (623). The number of reported cases continued to increase, reaching 2,717 laboratory-confirmed cases in 2024. As of April 30, 2026, a total of 2,862 laboratory-confirmed seasonal cases were reported to CDC.

Collecting the requisite data for the initial hypothesis-generating phase of investigations of multistate foodborne disease outbreaks is associated with multiple challenges, including the need to have high-quality hypothesis-generating questionnaire(s) that can be used effectively in multijurisdictional investigations. Such a questionnaire was developed in the past for use in the context of foodborne outbreaks caused by bacterial pathogens; that questionnaire is referred to as the Standardized National Hypothesis Generating Questionnaire (SNHGQ). The CNHGQ was based on the SNHGQ but was modified to address the exposure period of interest for *Cyclospora,* to delete questions about food items that are not considered biologically plausible for transmission of this parasite (*e.g.,* meat and dairy products), and to expand the data elements regarding fresh produce exposures (*e.g.,* include more detailed information about grocery stores and restaurants).

The CNHGQ was designed for administration over the telephone by public health officials, to collect data elements from case-patients or their proxies. Public health officials can use the CNHGQ or a locally developed form that includes CNHGQ data elements to collect information. The CNHGQ data elements and form will continue to improve the timeliness of hypothesis-generating analyses during outbreak investigations. This will be accomplished through the use of the CNHGQ to collect and submit data elements that will be maintained centrally for rapid pooling and analysis. There are no changes to the CNHGQ since the previous approval.

CDC requests OMB approval to collect information via the CNHGQ from persons who have developed symptomatic cases of *Cyclospora* infection during periods in which increased numbers of such cases are reported. Many foods investigated in outbreaks have multiple produce ingredients, like salsa or salads, making it difficult to narrow down to a single food item. The *Cyclospora* parasite is harder to track than many bacteria like Salmonella because whole genome sequencing is not available for this pathogen. Molecular typing methods for *Cyclospora* were developed in 2018 to determine genetic relatedness of cases associated with epidemiologic clusters. However, these methods cannot yet be used to identify new clusters of infection independent of epidemiologic data. Therefore, all temporally associated patients in whom cyclosporiasis is diagnosed must be interviewed to help determine if their case of infection could be part of an outbreak.

The CNHGQ is not expected to entail substantial burden for respondents. The estimated total annualized burden associated with administering the CNHGQ is 2100 hours (approximately 2,800 individuals interviewed × 45 minutes/response). There are no costs to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Ill individuals identified with cyclosporiasis ..	Cyclosporiasis National Hypothesis Generating Questionnaire.	2,800	1	45/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2026–20906 Filed 10–13–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-27–1368; Docket No. CDC–2026–1651]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Performance Monitoring of CDC's Comprehensive Suicide Prevention Program. This program seeks to reduce suicide morbidity and mortality by 10% in populations disproportionately impacted by suicide in participating jurisdictions.

DATES: CDC must receive written comments on or before December 14, 2026.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2026–1651 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

Performance Monitoring of CDC's Comprehensive Suicide Prevention Program (OMB Control No. 0920–1368, Exp. 11/30/2028)—Revision—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Suicide rates have increased by approximately 31% between 2000 and 2024. In January 2020, CDC received an appropriation for its Comprehensive Suicide Prevention program (CSP). This program seeks to reduce suicide morbidity and mortality by 10% in populations disproportionately impacted by suicide in participating jurisdictions. The 24 recipients of the CSP cooperative agreement are required to develop a comprehensive approach to suicide prevention and implement and evaluate this approach. Specifically, recipients will provide an accounting of their progress in each of six elements of the comprehensive approach (*i.e.*, partnerships, data, inventory, strategy selection and implementation, communications, and evaluation).

The results of the data collection have been vital to ensuring efficient management of the program since its inception in 2020. Results will continue to allow NCIPC staff to provide data-driven technical assistance to recipients. In addition, the data collection informs the continuous quality improvement process and allows NCIPC staff to make annual course corrections and describe the impact on suicide-related outcomes.

NCIPC will continue to use the information collected to perform program activities to accomplish the following objectives:

- Monitor each awardee's progress and identify facilitators and barriers to program implementation and achievement of outcomes.
- Identify trends in injury surveillance data to inform state priorities for suicide prevention and intervention strategies as well as the production of relevant reports, journal articles, and resources for state health departments.
- Identify, translate, and disseminate information about successful suicide prevention and control strategies implemented by recipients through the development of journal articles, tools, templates, and other suicide prevention resources/products.

NCIPC received initial OMB approval for this data collection in September 2022. This Revision is for the addition of a new instrument to monitor recipient progress related to budget, staffing, and activity implementation on a monthly schedule. The monthly report enables CSP recipients to provide monthly updates to CDC, describing any technical assistance needs, staffing changes, implementation successes and challenges, and evaluation updates. This ensures CDC is appraised of updates and activities conducted within jurisdictions.

CDC requests OMB approval for an estimated 912 annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
CSP Program Recipients	Annual Progress Report	24	1	12	288
CSP Program Recipients	Syndromic Surveillance Report	24	4	2	192
CSP Program Recipients	Monthly Report	24	12	1.5	432
Total					912

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2026–20919 Filed 10–13–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–27–0260]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Health Hazard Evaluations/Technical Assistance and Emerging Problems'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on June 18, 2026 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Health Hazard Evaluations/Technical Assistance and Emerging Problems (OMB Control No. 0920–0260, Exp. 1/31/2027)—Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Institute for Occupational Safety and Health (NIOSH) responds to requests for Health Hazard Evaluations (HHEs) to evaluate health concerns involving chemical, biological, or physical hazards in workplaces throughout the United States. Section 20(a)(6) of the Occupational Safety and Health Act of 1970 and Section 501(a)(11) of the Federal Mine Safety and Health Act of 1970 [Attachment A1] mandate NIOSH respond to these requests.

Data is collected through field evaluations, medical interviews, survey questions, and industrial hygiene exposure assessment techniques. Nearly all investigations use cross-sectional methods to assess current exposures and health status. For some investigations retrospective exposure information also is collected (*e.g.,* through record review). Investigations may draw upon medical, industrial hygiene, epidemiologic, organizational and industrial psychology, ergonomic, engineering, toxicologic, and communication expertise. Investigation results document current and potential workplace health hazards of concern to employers and employees specific to their workplace. Findings support recommendations for corrective or preventive measures to eliminate hazards and prevent work-related injury and illness in the investigated workplace. Findings also are used to identify future research needs.

In the previous Extension, an additional nine emerging problems were added in anticipation of additional need in this area. However, over the past three years the anticipated increase was not realized. Therefore, for this Extension request, the number of estimated emerging problem projects were reduced from 15 to six. NIOSH requests a three-year extension of approval for a total of 1,745 annualized burden hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response in hours
Employees/employee representatives/or employers.	HHE Request Form	250	1	12/60
Employees	HHE specific interview example †	1,470	1	15/60
Employees	HHE specific questionnaire example †	2,100	1	30/60
Employees	HHE specific medical survey informed consent form.	60	1	30/60
Employees	Employee Contact Postcard	1,225	1	5/60
Employer & employee representative	Initial Site Visit Followback Survey form	140	1	10/60
Employer & employee representative	Closeout for HHE Followback Survey with site visit.	140	1	20/60
Employer & employee representative	1 Year Later for HHE Followback Survey with site visit.	140	1	15/60
Employer & employee representative	Closeout for HHE without site visit	94	1	10/60
Employer & employee representative	1 Year Later for HHE without site visit	94	1	15/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2026–20905 Filed 10–13–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Statement of Delegation of Authority

Notice is hereby given that I have delegated to the Administrator, Centers for Medicare & Medicaid Services (CMS), the authorities vested in the Secretary of Health and Human Services under section 1128(b) of the Social Security Act. This delegation revises the limitations from the March 14, 2011, delegation of authority (76 FR 13618), which superseded the September 6, 1984, DOA as to Section F.50.—Limitations of Authority, subsection (1)(c).

CMS requested that the permissive exclusion authority under Section 1128(b) of the SSA be formally delegated to the CMS Administrator. As the agency directly responsible for administering Medicare and Medicaid, CMS is uniquely positioned to investigate, identify, and develop the evidentiary basis underpinning permissive exclusion determinations. Formalizing this delegation aligns investigative and enforcement responsibilities within a single operating division, reducing redundancy and improving program integrity outcomes.

This delegation will be exercised in accordance with the Department's applicable policies, procedures, guidelines, and regulations. These authorities may be redelegated. Excluded from this delegation is the authority to conduct hearings and to issue regulations. This delegation does not affect or diminish the Secretary's previous delegation of these authorities to the Inspector General of the Department of Health and Human Services under 53 FR 12993 (Apr. 20, 1988), nor does it affect any actions taken pursuant to that earlier delegation.

All redelegations and edits to this authority are required to be reviewed by the Division of Performance and Organizational Programs, Office of Human Capital, CMS, or its successor. Exercise of this authority is in accordance with established policies, procedures, guidelines, and regulations as prescribed by the Secretary. The Secretary retains the authority to submit reports to Congress and promulgate regulations.

This delegation is effective immediately. I affirm and ratify any actions taken by the Administrator or subordinates that involve the exercise of the authorities delegated therein prior to the effective date of the delegation.

Robert F. Kennedy, Jr.,

Secretary.

[FR Doc. 2026–21001 Filed 10–13–26; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–6739]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Requirements for Cosmetic Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) 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 13, 2026.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0599. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD

20852, 240–402–5733, *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.

Requirements for Cosmetic Products

OMB Control Number 0910–0599—Revision

This information collection supports the implementation of statutory and regulatory requirements that govern cosmetic products, including requirements most recently established under the Modernization of Cosmetics Regulation Act of 2022 (MoCRA). MoCRA amended the Federal Food, Drug, and Cosmetic Act by adding, in pertinent part, sections 604, 605, 607, 608, and 609 (21 U.S.C. 364b, 364c, 364e, and 364g), which establish or amend definitions and requirements related to adverse events, facility registration, cosmetic product listing, safety substantiation, and labeling. Agency regulations in 21 CFR part 701, subparts A, B, and C (§§ 701.1–701.30), establish cosmetic labeling requirements, including general provisions, package form requirements, and labeling requirements for specific ingredients. Respondents to the information collection consist primarily of responsible persons as defined in section 604(4) of the FD&C Act, meaning the manufacturer, packer, or distributor of a cosmetic product whose name appears on the label of such cosmetic product in accordance with section 609(a) of the FD&C Act or section 4(a) of the Fair Packaging and Labeling Act.

The respondent totals and burden figures are based on facility registration, cosmetic product listing, and labeling data derived from multiple submission pathways, including Cosmetics Direct, the Electronic Submission Gateway (ESG) Next Generation (NextGen), Structured Product Labeling (SPL) authoring software, and paper submissions. Cosmetics Direct is an online submission tool that allows users to enter required data, generate an SPL submission, and submit facility registrations, product listing, and renewals for cosmetic products directly to FDA. Alternatively, industry may use its own software to create an SPL-formatted submission and transmit the submission to FDA through the ESG.

To assist respondents with information collection and provide an alternative to the ESG NextGen electronic submission process, we have also developed Form FDA 5066, entitled ''Registration of Cosmetic Product Facility,'' and Form FDA 5067, entitled ''Cosmetic Product Listing,'' to be used for cosmetic product facility registrations and product listings, respectively. These forms are available electronically and in paper format at *https://www.fda.gov/cosmetics/registration-listing-cosmetic-product-facilities-and-products.*

We have also developed the guidance document, ''Registration and Listing of Cosmetic Product Facilities and Products'' (December 2024), available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-registration-and-listing-cosmetic-product-facilities-and-products.* The guidance document is intended to provide instruction in preparing and submitting registration and product listing information as required by section 607 of the FD&C Act. The guidance document discusses, among other things, who must register and list, when, and what information must be submitted to FDA.

In the **Federal Register** of July 17, 2026 (91 FR 9287), we published a 60-day notice requesting public comment on the proposed collections of information. Although two comments were received, neither discussed the information collection topics found in 5 CFR 1320.8(d)(1) for which the Agency sought comment, nor did they suggest that we revise the figures we attribute to the individual collection tasks.

We estimate the burden of the collections of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Information collection activity; FD&C act section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Sec. 605(e)(1): adverse event recordkeeping	1,165	1.2	1,398	0.6 (36 minutes)	839
Sec. 607(a)(1): initial facility registrations	8,343	1	8,343	0.5 (30 minutes)	4,172
Sec. 607(a)(2) and (5): biennial facility registration renewals and abbreviated facility registration renewals.	2,107	1	2,107	0.17 (10 minutes)	358
Sec. 607(a)(4): facility registration updates	3,141	1	3,141	0.25 (15 minutes)	785
Sec. 607(f): post-hearing corrective action plan	5	1	5	10	50
Sec. 607(c)(1) & (2): initial cosmetic product listing	22,564	14.64	330,337	1	330,337
Sec. 607(c)(3): abbreviated cosmetic product listing renewals	25,190	1	25,190	0.10 (6 minutes)	2,519
Sec. 607(c)(5): cosmetic product listing updates	3,020	8.15	24,613	0.25 (15 minutes)	6,153
Sec. 608(a): safety substantiation recordkeeping	22,564	1	22,564	1	22,564
Total			417,698		367,777

[1] There are no capital or operating and maintenance costs associated with the information collection.

Because 5 CFR 1320.3(m) defines a recordkeeping requirement to include the reporting to the Federal government regarding such records, we have denoted table 1 as recordkeeping burden, noting that applicable requirements include the submission of information to FDA. We estimate a total burden of 367,777 hours associated with annual reporting and recordkeeping requirements cumulatively.

For facility registration activity, we assume approximately 8,343 annual respondents will engage in initial facility registration. Respondents are required to register their facility only once and based on internal trials and communication with industry, we estimate that registration will take approximately 30 minutes to complete for a total of 4,172 burden hours. Facility registration renewal occurs every two years. Therefore, the initial facility registration figure does not represent all currently active registrations and may appear low compared to the number of cosmetic product listing activity respondents. Differences in the timing of respondents completing initial facility registrations account for differences in respondent totals for initial facility registration, registration renewals, and registration updates. Additionally, renewals and updates typically involve less information input than the initial registration which accounts for their smaller average burden per response and total burden hours.

For cosmetic product listing activity, we assume a total of approximately

22,564 cosmetic product listing respondents and 25,190 cosmetic product listing renewal respondents. However, these figures may overestimate the total number of unique respondents because some respondents may both list new products in compliance with section 607(c)(1) and (2) of the FD&C Act and renew existing cosmetic product listings under section or update cosmetic product listings 607(c)(5) of the FD&C Act. Additionally, the total number of cosmetic product listing and listing renewal respondents will differ due to variation in the timing of respondents completing initial cosmetic product listings, as well as the voluntary nature of product listing renewals. For cosmetic product listing, we estimate an average of ~ 14.64 responses per respondent, which amounts to 330,337 responses, at an average rate of 1 hour response, for a total of 330,337 total burden hours. Like facility registration, cosmetic product listing renewals and updates typically involve less information input than the initial product listing which accounts for their smaller average burden per response and total burden hours.

Adverse event reporting is captured on FDA Form 3500A, and the associated data are collected under OMB Control Number 0910–0291 (FDA's Adverse Event and Product Experience Reporting Program: MedWatch and the Safety Reporting Portal). Under section 605(e)(1) of the FD&C Act, a responsible person must maintain a record for six years (three years for qualifying small businesses) for each adverse event report that they are required to submit. Accordingly, the adverse event recordkeeping estimates presented in Table 1 are aligned with the data collected under OMB Control Number 0910–0291. However, because that information collection combines cosmetics-related adverse event reports with food and infant formula adverse event reports, the actual number of cosmetics adverse event reports may be lower than the figure presented here. We will update the estimate if more precise data becomes available.

We estimate that each of the 22,564 respondents will maintain, on average, one safety substantiation record. Because section 608(a) requires responsible persons to maintain records supporting the ''adequate substantiation of safety'' of cosmetic products, and because responsible persons have discretion in determining which records satisfy this requirement, we estimate that each respondent will create and maintain at least one record for compliance purposes.

TABLE 2—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Regulatory authority: information collection activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
21 CFR 701.3: declaration of ingredients in order of predominance	5,738	21	120,498	1	120,498
21 CFR 701.11: statement of identity	5,738	24	137,712	1	137,712
21 CFR 701.12: name and place of business	5,738	24	137,712	1	137,712
21 CFR 701.13: net quantity of contents	5,738	24	137,712	1	137,712
FD&C sec. 609(a): contact information to send adverse event reports	5,738	24	137,712	1	137,712
FD&C sec. 609(c): professional use only	402	12	4,824	1	4,824
Total	.....	.....	676,170	.....	676,170

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We estimate that 5,738 respondents will expend a total of 120,498–137,712 burden hours annually (21 CFR 701.3, 701.11–13) including required disclosures on an average of 21–24 product labels per respondent. Similarly, we estimate 5,738 respondents will expend a total of 137,712 hours per label annually to ensure that an average of 24 product labels display requisite adverse event reporting information, and that 402 respondents will expend an average of 4,824 hours annually disclosing requisite ''professional use only'' labeling on an average of 12 products.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–20990 Filed 10–13–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–7338]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Voluntary National Retail Food Regulatory Program Standards

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) 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 13, 2026.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0621. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Christopher Colburn, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8758, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed

collection of information to OMB for review and clearance.

Voluntary National Retail Food Regulatory Program Standards

OMB Control Number 0910–0621—Extension

This information collection helps support implementation of FDA's Voluntary National Retail Food Regulatory Program Standards (the Retail Program Standards). Regulatory Program Standards play a critical role in an integrated food safety system and serve as the foundation for mutual reliance between FDA and other regulatory agencies that work to ensure food safety. The Retail Program Standards define what constitutes a highly effective and responsive program for the regulation of foodservice and retail food establishments. The Retail Program Standards are intended to provide a foundation upon which continuous improvements can be made with the ultimate goal to reduce the occurrence of factors that cause and contribute to foodborne illness. In support of this goal, FDA works cooperatively with our State, local, territorial, and tribal partners using a risk-based approach to leverage limited resources. We engage in education and outreach efforts to facilitate collaboration with our partners in food safety. The Retail Program Standards represent an important component of a comprehensive strategic approach to help ensure the safety and security of the food supply at the retail level.

The Retail Program Standards were revised most recently in November 2024 and include the following elements: (1) regulatory foundation; (2) trained regulatory staff; (3) inspection program based on Hazard Analysis and Critical Control Point (HACCP) principles; (4) uniform inspection program; (5) foodborne illness and food defense preparedness and response; (6) compliance and enforcement; (7) industry and community relations; (8) program support and resources; and (9) program assessment. These elements are enumerated and discussed on our website at *https://www.fda.gov/food/voluntary-national-retail-food-regulatory-program-standards/voluntary-national-retail-food-regulatory-program-standards-november-2024* along with worksheets and assessments that allow FDA to determine conformance with the Retail Program Standards. State, local, territorial, tribal, and Federal regulatory agencies that participate in the voluntary program are required to report information demonstrating that a program self-assessment, a risk factor study of the regulated industry, and an independent outside audit (verification audit) have been completed. The information also includes Form FDA 3958, ''Voluntary National Retail Food Regulatory Program Standards FDA National Registry Report,'' which may be completed electronically at *https://www.fda.gov/food/voluntary-national-retail-food-regulatory-program-standards/voluntary-national-retail-food-regulatory-program-standards-november-2024*.

We have created a dedicated email at *retailfoodprotectionstaff@fda.hhs.gov* to receive requests for program documentation and the following instruments to support the standardization of food safety inspection officer candidates:

- Form FDA 5017, ''Standardized Retail Food Safety Inspection Officer Waiver of Annual Maintenance Requirement,'' pertains to requests for waivers from maintenance requirements, referenced in section 3–403 of the ''FDA Procedures for Standardization of Retail Food Safety Inspection Officers.'' FDA uses the information submitted on Form FDA 5017 to determine a retail food safety inspection officer's eligibility for restandardization.
- Form FDA 5018, ''Standardized Retail Food Safety Inspection Officer Annual Maintenance Form,'' provides verification that a retail food safety inspection officer has met program standardization requirements in accordance with section 3–403 of the ''FDA Procedures for Standardization of Retail Food Safety Inspection Officers.''
- Form FDA 5019, ''Standardized Retail Food Safety Inspection Officer Nomination Form,'' allows FDA to collect qualification information from retail food safety inspection officer candidates.

Description of Respondents: Respondents to the information collection are State, local, territorial, and tribal regulatory agencies.

In the **Federal Register** of July 17, 2026 (91 FR 44857), FDA published a 60-day notice requesting public comment on the proposed collection of information. One comment was received that was generally favorable of the collection of information.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Voluntary National Retail Program Standards (November 2024)	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Program self-assessments for element Nos. 1 through 8.	500	1	500	92.3	46,150
Program element No. 9; risk factor study and intervention strategy.	500	1	500	333	166,500
Program Verification audit	500	1	500	46.15	23,075
Program records; associated documentation/maintenance of worksheets, assessments, associated program tools.	500	1	500	94.29	47,145
FDA Form 3958; VNRFP National Registry Report	500	1	500	0.1 (6 minutes)	50
Requests for program documentation (dedicated email).	500	3	1,500	0.1 (6 minutes)	150
Proposed Form FDA 5017; Waiver of Annual Maintenance Requirement.	10	1	10	0.35 (21 minutes)	4
Proposed Form FDA 5018; Retail Food Safety Inspection Officer Annual Maintenance.	130	1	130	0.35 (21 minutes)	43
Proposed Form FDA 5019; Retail Food Safety Inspection Officer Nomination.	14	1	14	0.35 (21 minutes)	5

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]—Continued

Voluntary National Retail Program Standards (November 2024)	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Total			4,154		283, 122

[1] There are no capital or operational and maintenance costs associated with this collection of information.

Our estimate of burden for the associated program activities as identified in table 1 is based on our experience with the information collection, along with other regulatory standards programs we administer. 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. 2026–20981 Filed 10–13–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–0008]

Advisory Committee; Cellular, Tissue, and Gene Therapies Advisory Committee; Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of Federal advisory committee.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of the Cellular, Tissue, and Gene Therapies Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Cellular, Tissue, and Gene Therapies Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until the October 28, 2028, expiration date.

DATES: Authority for the Cellular, Tissue, and Gene Therapies Advisory Committee will expire on October 28, 2026, unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Advisory Committee Oversight and Management Staff, Office of the Chief Scientist, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 3215, Silver Spring, MD 20993–0002, (301) 796–8220, *ACOMSSubmissions@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 41 CFR 102–3.65, 21 CFR 14.40(b), and approval by the Department of Health and Human Services and by the General Services Administration, FDA is announcing the renewal of the Cellular, Tissue, and Gene Therapies Advisory Committee (the Committee). The Committee is a discretionary Federal advisory committee established to provide advice to the Commissioner. The Committee advises the Commissioner or designee in discharging responsibilities as they relate to helping to ensure safe and effective drugs and biologic products for human use and, as required, any other product for which FDA has regulatory responsibility.

The Committee reviews and evaluates available data concerning the safety, effectiveness, and appropriate use of human cells, human tissues, gene therapies, and xenotransplantation products which are intended for transplantation, implantation, infusion, and transfer in the prevention and treatment of a broad spectrum of human diseases and in the reconstruction, repair, or replacement of tissues for various conditions and makes appropriate recommendations to the Commissioner.

The Committee shall consist of a core of at least six voting members including the Chair. Subject to legal and regulatory requirements, members and the Chair are selected by and serve at the discretion of the Commissioner or designee. Each member, including the Chair, will be selected from among authorities knowledgeable in the fields of cellular therapies, tissue transplantation, gene therapies, and xenotransplantation. These may include biostatistics, bioethics, hematology/oncology, human tissues and transplantation, reproductive medicine, general medicine, and various medical specialties including surgery and oncology, immunology, virology, molecular biology, cell biology, developmental biology, tumor biology, biochemistry, rDNA technology, nuclear medicine, gene therapy, infectious diseases, cellular kinetics, and related specialties.

Members may be invited to serve for terms of up to four years, or for less time in the discretion of the Commissioner or designee. Non-Federal members of this committee will serve as Special Government Employees or representatives. Federal members will serve as Regular Government Employees or Ex-Officios.

In addition to the voting members, the Commissioner or designee may identify consumer and/or industry representatives to join the Committee (or serve as alternate representatives) as non-voting representative member(s), via a process consistent with legal and regulatory requirements. Individuals currently employed at FDA-regulated companies, such as pharmaceutical and medical device manufacturers, shall not be selected to serve as members of the Committee unless this Committee is expected to address issues for which inclusion of an industry representative is required by statute. If this Committee includes an industry representative, the Commissioner or designee will determine whether to invite them to participate in meetings on a case-by-case basis, according to applicable legal and regulatory requirements.

The Commissioner or designee shall have the authority to select members of other scientific and technical FDA advisory committees to serve temporarily as voting members and to designate Special Government Employees to serve temporarily as voting members when: (1) expertise is required that is not available among current voting standing members of the Committee (when additional voting members are added to the Committee to provide needed expertise, a quorum will be based on the combined total of regular and added members), or (2) to comprise a quorum when, because of unforeseen circumstances, a quorum is or will be lacking.

A quorum for the Committee is a majority of the current voting members present at the time, provided that FDA may specify a quorum that is less than a majority of the current voting members because of the size of the Committee and the variety in the types

of issues that it will consider, or other reason determined appropriate in accordance with legal and regulatory requirements. 21 CFR 14.22(d).

If functioning as a medical device panel, an additional non-voting representative member of consumer interests and an additional non-voting representative member of industry interests will be included in addition to the voting members.

Members appointed to an advisory committee serve for the duration of the committee, or until their terms expire, they resign, or they are removed from membership by the Commissioner or designee. Committee members' terms may be ended prior to their date of expiration, for reasons determined to be good cause. Good cause includes excessive absenteeism from committee meetings, a demonstrated bias that interferes with the ability to render objective advice, failure to abide by established procedures, or violation of other applicable rules and regulations.

Further information regarding the most recent charter and other information can be found at *https://www.fda.gov/advisory-committees/cellular-tissue-and-gene-therapies-advisory-committee/charter-cellular-tissue-and-gene-therapies-advisory-committee* or by contacting the Advisory Committee Oversight and Management Staff (see **FOR FURTHER INFORMATION CONTACT**). Because the committee's name and description of duties remain unchanged, 21 CFR 14.100 will not be amended.

Renewal Requirements and Justification: The Commissioner has determined that renewal of the Cellular, Tissue, and Gene Therapies Advisory Committee is in the public interest. This determination is based on the Committee's essential role in providing independent expert advice on the safety, effectiveness, and appropriate use of human cells, human tissues, gene therapies, and xenotransplantation products which are intended for transplantation, implantation, infusion, and transfer in the prevention and treatment of a broad spectrum of human diseases and in the reconstruction, repair, or replacement of tissues for various conditions, the continued need for specialized expertise in this therapeutic area, and the Committee's demonstrated value in supporting FDA's regulatory mission. The following information supports this determination in accordance with applicable legal and regulatory requirements.

Public Interest Determination

Pursuant to 41 CFR 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 CFR 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee.

Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: The overall budget for this committee is $99,231.

a. Federal personnel on a full-time equivalent (FTE) basis: The estimated person years of Federal staff support is 0.30 at an estimated annual cost of $46,028.

b. Other Federal internal costs: The anticipated total value in USD of other internal costs, such as cost associated with IT supplies for meeting is $19,690.

c. Proposed payments to members: The estimated annual payments to members is $2,520.

d. Proposed number of members: The anticipated number of members is six.

e. Reimbursable costs: The estimated annual reimbursable costs, including travel and related expenses for members is $4,000.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: N/A.

3. Criteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership.

Ensuring Necessary Expertise: Members must have background, education, and experience commensurate with the committee's function of advising FDA on the available data relating to the safety, effectiveness, and appropriate use of human cells, human tissues, gene therapies, and xenotransplantation products which are intended for transplantation, implantation, infusion, and transfer in the prevention and treatment of a broad spectrum of human diseases and in the reconstruction, repair, or replacement of tissues for various conditions. Scientific and technical competence is critical. Nominees should be acknowledged experts with demonstrated skills in critical evaluation of data and effective communication.

As outlined in the committee charter, the membership should include authorities knowledgeable in the fields of cellular therapies, tissue transplantation, gene therapies, and xenotransplantation. These may include biostatistics, bioethics, hematology/oncology, human tissues and transplantation, reproductive medicine, general medicine, and various medical specialties including surgery and oncology, immunology, virology, molecular biology, cell biology, developmental biology, tumor biology, biochemistry, rDNA technology, nuclear medicine, gene therapy, infectious diseases, cellular kinetics, and related specialties, as well as needed consumer and industry representation. FDA also follows the requirements in section 505(n)(3) of the Federal Food, Drug, and Cosmetic Act regarding membership of drug product advisory committees. (21 U.S.C. 355(n)(3)).

Ensuring Fair Balance: Appointments are made without discrimination. The committee is reviewed in totality for balance, characterized by inclusion of necessary knowledge, insight, and scientific perspective from the relevant community or expertise area. Nominations are sought from all geographic locations within the United States and its territories, and from diverse sources including professional and scientific societies, academia, government agencies, industry and trade associations, consumer and patient organizations, and current Agency staff.

4. List of all other Federal advisory committees of the agency:

- Anesthetic and Analgesic Drug Products Advisory Committee
- Antimicrobial Drugs Advisory Committee
- Blood Products Advisory Committee
- Cardiovascular and Renal Drugs Advisory Committee
- Dermatologic and Ophthalmic Drugs Advisory Committee
- Device Good Manufacturing Practice Advisory Committee
- Digital Health Advisory Committee
- Drug Safety and Risk Management Advisory Committee
- Endocrinologic and Metabolic Drugs Advisory Committee
- Genetic and Metabolic Disease Advisory Committee
- Medical Devices Advisory Committee
- National Mammography Quality Assurance Advisory Committee (Administratively Inactive)
- Nonprescription Drugs Advisory Committee

- Obstetrics, Reproductive and Urologic Drugs Advisory Committee
- Oncologic Drugs Advisory Committee
- Pediatric Advisory Committee
- Peripheral and Central Nervous System Advisory Committee
- Pharmacy Compounding Advisory Committee
- Psychopharmacologic Drugs Advisory Committee
- Pulmonary-Allergy Drugs Advisory Committee
- Risk Communication Advisory Committee (Administratively Inactive)
- Science Board to the Food and Drug Administration
- Technical Electronic Product Radiation Safety Standards Committee
- Tobacco Products Scientific Advisory Committee
- Vaccines and Related Biological Products Advisory Committee

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

The Cellular Tissue and Gene Therapies Advisory Committee provides independent expert advice to FDA on the available data relating to the safety, effectiveness, and appropriate use of human cells, human tissues, gene therapies, and xenotransplantation products which are intended for transplantation, implantation, infusion, and transfer in the prevention and treatment of a broad spectrum of human diseases and in the reconstruction, repair, or replacement of tissues for various conditions.

The topics considered by the Cellular, Tissue, and Gene Therapies Advisory Committee require specialized expertise in the fields of cellular therapies, tissue transplantation, gene therapies, and xenotransplantation. These may include biostatistics, bioethics, hematology/oncology, human tissues and transplantation, reproductive medicine, general medicine, and various medical specialties including surgery and oncology, immunology, virology, molecular biology, cell biology, developmental biology, tumor biology, biochemistry, rDNA technology, nuclear medicine, gene therapy, infectious diseases, and cellular kinetics, and related specialties. Potential topics that may need committee input include products related to the topics outlined in Section (6) below. These and other issues cannot be appropriately addressed by another standing committee without diminishing the depth and relevance of the expert input provided to the Agency.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

Summary of Previous Accomplishments: On July 30, 2026, the Committee met to discuss and make recommendations on Biologics License Application (BLA) 125827, from Replimune, Inc. for vusolimogene oderparepvec. The proposed indication (use) is in combination with nivolumab for the treatment of adult patients with advanced melanoma who have previously received an anti-PD–1 containing regimen.

On July 29, 2026, the Committee met to discuss and make recommendations on Biologics License Application (BLA) 125842 from Capricor, Inc. for deramiocel (human allogeneic cardiosphere-derived cells) the treatment of cardiomyopathy in Duchenne muscular dystrophy (DMD).

On November 21, 2024, the Committee met to discuss and make recommendations on supplemental biologics license application (sBLA) 125586/546 from Astra Zeneca for Andexxa (coagulation factor Xa (recombinant), inactivated -zhzo), for patients treated with rivaroxaban or apixaban when reversal of anticoagulation is needed due to life-threatening or uncontrolled bleeding.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

Reasons for Continuation: The Committee plays a critical role in enabling FDA to meet the requirements of section 505(n)(1) and (s)(1) of the Federal Food, Drug, and Cosmetic Act by providing expert scientific advice and recommendations. Without the Cellular, Tissue, and Gene Therapies Advisory Committee, FDA's ability to obtain external input on issues related to human cells, human tissues, gene therapies, and xenotransplantation products which are intended for transplantation, implantation, infusion, and transfer in the prevention and treatment of a broad spectrum of human diseases and in the reconstruction, repair, or replacement of tissues for various conditions would be significantly limited.

In conclusion, this public interest determination documents that renewing the committee is in the public interest, essential to the conduct of agency business, and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

This notice is issued under the Federal Advisory Committee Act as amended (5 U.S.C. 1001 *et seq.*). For general information related to FDA advisory committees, please visit us at *http://www.fda.gov/AdvisoryCommittees/default.htm.*

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–20989 Filed 10–13–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–7131]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Infant Formula Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) 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 13, 2026.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0256. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 240–402–5733, *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.

Infant Formula Requirements—21 CFR parts 106 and 107

OMB Control Number 0910–0256—Revision

Statutory requirements for infant formula under the Federal Food, Drug, and Cosmetic Act (FD&C Act) are intended to protect the health of infants and include a number of reporting and recordkeeping requirements. Among other things, section 412 of the FD&C Act (21 U.S.C. 350a) requires manufacturers of infant formula to establish and adhere to quality control procedures, notify us when infant formula that has left the manufacturers' control may be adulterated or misbranded, and keep records of infant formula distribution. We have issued regulations to implement the FD&C Act's requirements for infant formula in parts 106 and 107 (21 CFR parts 106 and 107). We also regulate the labeling of infant formula under the authority of section 403 of the FD&C Act (21 U.S.C. 343). Under our labeling regulations for infant formula in part 107, the label of an infant formula must include nutrient information and directions for use. Failure to comply with any of the applicable labeling regulations will render an infant formula misbranded under section 403 of the FD&C Act. The purpose of these labeling requirements is to ensure that consumers have the information they need to prepare and use infant formula appropriately.

While the infant formula regulations help ensure the consistent production of safe and nutritionally adequate infant formulas for healthy term infants, they apply with one narrow exception. Section 412(h)(1) of the FD&C Act exempts an infant formula represented and labeled for use by an infant with an inborn error of metabolism, low birth weight, or who otherwise has an unusual medical or dietary problem from the requirements of subsections 412(a), (b), and (c) of the FD&C Act. These formulas are customarily referred to as ''exempt infant formulas.'' Section 412(h)(2) of the FD&C Act authorizes us to establish terms and conditions for the exemption of an infant formula from the requirements of subsections 412(a), (b), and (c) of the FD&C Act.

In support of exempt infant formulas, we have issued the Agency guidance document titled ''Exempt Infant Formula Production: Current Good Manufacturing Practices (CGMPs), Quality Control Procedures, Conduct of Audits, and Records and Reports'' (April 2016). The guidance document includes our recommendation that manufacturers of exempt infant formulas follow, to the extent practicable, subparts A, B, C, D, and F of 21 CFR part 106, and is available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-exempt-infant-formula-production.*

We have also developed electronic Form FDA 3978 (Infant Formula Tracking System (IFTRACK)) so that infant formula manufacturers may electronically submit reports and notifications in a standardized format to FDA. However, manufacturers that prefer to submit paper submissions in a format of their own choosing will still have the option to do so. Form FDA 3978 prompts a respondent to include reports and notifications in a standard electronic format and helps the respondent organize their submission to include only the information needed for our review. Screenshots of Form FDA 3978 and instructions are available at *http://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/InfantFormula/default.htm.*

FDA has requested voluntary notifications pertaining to product samples found to be positive for Cronobacter spp. or Salmonella, even if the affected lot(s) have not been distributed. Associated recordkeeping requirements are found in 21 CFR 106.55(e). FDA has requested this information to help prevent future Cronobacter spp. illnesses associated with powdered infant formula. As part of a constituent update, available at *https://www.fda.gov/food/cfsan-constituent-updates/fda-calls-enhanced-safety-measures-letter-powdered-infant-formula-industry,* we issued a letter on March 8, 2023, to share current information to assist industry in improving the microbiological safety of powdered infant formula. As communicated in the letter, we shared the information with the expectation that infant formula manufacturers, packers, distributors, exporters, importers, and retailers will act to mitigate potential food safety risks in powdered infant formula in accordance with FDA regulations while further striving to improve operations, especially given the critical nature of these products.

Regulations in 21 CFR part 107, subpart E—Recalls (21 CFR 107.200 through 107.280) pertain to infant formula recalls. Specifically, § 107.230 requires manufacturing firms conducting infant formula recalls to:

(1) evaluate the hazard to human health;

(2) devise a written recall strategy;

(3) promptly notify each affected direct-account (customer) about the recall; and

(4) furnish the appropriate FDA district office with copies of these documents.

If the recalled formula presents a risk to human health, the recalling firm must also request that each establishment that sells the recalled formula post (at point of purchase) a notice of the recall and provide FDA with a copy of the notice.

Similarly, regulations in § 107.240 require recalling firms to:

(1) notify the appropriate FDA district office of the recall by telephone within 24 hours;

(2) submit a written report to that office within 14 days; and

(3) submit a written status report at least every 14 days until the recall is terminated.

Before terminating a recall, recalling firms are required to submit a recommendation for termination of the recall to the appropriate FDA district office and wait for written FDA concurrence. Where the recall strategy or implementation is determined to be deficient, FDA may require the firm to change the extent of the recall, carry out additional effectiveness checks, and issue additional notifications. Finally, to facilitate identifying the location of the product being recalled, the recalling firm is required to maintain distribution records for at least 1 year after the expiration of the shelf life of the infant formula.

We use the information collection to determine industry compliance with Agency regulations which implement public health protection provisions of the FD&C Act applicable to infants and all infant formula. Respondent disclosures are used by consumers when purchasing, storing, and preparing infant formula to help ensure its safe use.

Section 424(a)(1) of the FD&C Act (21 U.S.C. 350m) requires a manufacturer of a critical food to notify FDA of a permanent discontinuance or an interruption of the manufacture of a critical food that is likely to lead to a meaningful disruption in the supply of the food in the United States. Section 201(ss) of the FD&C Act (21 U.S.C. 321(ss)) defines a ''critical food'' as a food that is (1) an infant formula or (2) a medical food as defined in section 5(b)(3) of the Orphan Drug Act. A manufacturer of a critical food is required to notify FDA of a permanent discontinuance in the manufacture or an interruption of the manufacture of such food that is likely to lead to a meaningful disruption in the supply of such food in the United States, and the reasons for such discontinuance or interruption, as soon as practicable, but not later than 5 business days after such

discontinuance or such interruption. To help facilitate the process, FDA accepts notifications via email (*CriticalFoodShortage@fda.hhs.gov*).

The draft guidance titled ''Notifying FDA of a Permanent Discontinuance in the Manufacture or an Interruption of the Manufacture of an Infant Formula'' (December 2024), when finalized, will provide FDA's interpretation regarding the circumstances under which infant formula manufacturers should notify FDA. The draft guidance, available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/draft-guidance-industry-notifying-fda-permanent-discontinuance-manufacture-or-interruption,* provides recommendations for notifications to include certain information and how respondents should notify FDA of a permanent discontinuance or interruption of supply of infant formula.

Section 424(b) of the FD&C Act requires a manufacturer of a critical food to develop, maintain, and implement a redundancy risk management plan that identifies and evaluates risks to the supply of the food for each establishment in which a critical food is manufactured. A risk management plan may identify and evaluate risks to the supply of more than one critical food manufactured at the same establishment. A risk management plan may also identify mechanisms by which the manufacturer would mitigate the impacts of a supply disruption through alternative production sites, alternative suppliers, stockpiling of inventory, or other means. Records of a risk management plan are subject to FDA inspection and copying.

Description of Respondents: Respondents to this information collection are manufacturers of infant formula and include manufacturers of critical foods in the limited instance of a meaningful disruption in the supply of the food in the United States.

In the **Federal Register** of July 17, 2026 (91 FR 44859), we published a 60-day notice requesting public comment on the proposed collections of information. Two comments were received. Both comments supported FDA's need for the information collections established by the regulatory requirements and recommended in associated guidance, as well as the Agency's use of IFTRACK and other electronic mechanisms utilized for collection. The comments also encouraged the continued development of automated collection techniques that would enhance our ability to efficiently receive and evaluate information. We appreciate all comments and will continue to explore enhanced collection methods and upgrade respective IT systems as our limited resources permit. Finally, while both comments discussed specific considerations and criteria FDA should apply in evaluating the safety of infant formula products and in assessing effort necessary to complete the required recordkeeping tasks, they suggested no change to the burden estimates proffered in our 60-day notice. We therefore retain those figures, which are as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity; 21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Reports; Section 412(d) of the FD&C Act	5	13	65	10	650
Notifications; § 106.120(b)	1	1	1	4	4
Reports for exempt infant formula; § 107.50(b)(3) and (4)	3	2	6	4	24
Notifications for exempt infant formula; § 107.50(e)(2)	1	1	1	4	4
Requirements for quality factors—growth monitoring study exemption; § 106.96(c).	4	9	36	20	720
Requirements for quality factors—PER exemption; § 106.96(g).	1	34	34	12	408
New infant formula registration; § 106.110	4	9	36	0.50 (30 minutes)	18
New infant formula submission; § 106.120	4	9	36	10	360
Elements of infant formula recall; § 107.230	2	1	2	4,450	8,900
Notification requirements; § 107.240	2	1	2	1,482	2,964
Termination of infant formula recall; § 107.250	2	1	2	120	240
Revision of an infant formula recall; § 107.260	1	1	1	625	625
Notification of a permanent discontinuance or an interruption of the manufacture of a critical food; draft guidance for Notifying FDA of a Permanent Discontinuance in the Manufacture or an Interruption of the Manufacture of an Infant Formula.	8	1	8	2	16
Notify FDA of test results as discussed in constituent letter of March 8, 2023.	20	1	20	0.25 (15 minutes)	5
Total					14,938

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimates in table 1 are based on our experience with similar notification programs. Regarding activities found in the draft guidance, we estimate that each year 5 manufacturers of infant formula will submit notifications in compliance with section 424(a)(1) of the FD&C Act and following recommendations found in the draft guidance. We also estimate that each year 3 manufacturers of medical foods will submit notifications in compliance with section 424(a)(1) of the FD&C Act, for a total of 8 manufacturers of a critical food. We estimate that each manufacturer will submit 1 notification for 8 total annual notifications (8 manufacturers × 1 notification). Each submission will take an estimated 2 hours to complete for an annual reporting burden of 16 hours (8 notifications × 2 hours).

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1] [2]

Activity; FD&C Act or 21 CFR part	Number of record-keepers	Number of records per recordkeeper	Total annual records	Average burden per record	Total hours
SUBPART B: CGMP Requirements; Part 106	5	429.8	2,149	4.4	9,414
SUBPARTS C–G: Quality control; audits; quality factors; records and reports; Part 106	5	726.8	3,634	6	21,818
SUBPART C; Exempt infant formulas; Part 107	3	10	30	300	9,000
Exempt infant formula production; GMP; audits, recordkeeping, & reports	3	634	1,902	45	85,590
Risk management plan; draft guidance for Notifying FDA of a Permanent Discontinuance in the Manufacture or an Interruption of the Manufacture of an Infant Formula	11	1	11	60	660
Total [2]					126,482

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Figures have been rounded.

Regarding recordkeeping found in the draft guidance, we estimate that each year 11 manufacturers of critical foods will create and maintain a risk management plan in compliance with section 424(b) of the FD&C Act. We estimate that each risk management plan will take an estimated 60 hours to create and maintain for an annual recordkeeping burden of 660 hours (11 records × 60 hours).

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Activity; 21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average LI≤burden per disclosure	Total hours
Nutrient labeling; §§ 107.10(a) and 107.20	5	13	65	8	520
Elements of infant formula recall; § 107.230	2	1	2	50	100
Revision of an infant formula recall; § 107.260	1	1	1	25	25
Total					645

[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 are revising the information collection to include activities recommended in the draft guidance titled ''Notifying FDA of a Permanent Discontinuance in the Manufacture or an Interruption of the Manufacture of an Infant Formula.'' We are also removing burden associated with the guidance titled ''Infant Formula Transition Plan for Exercise of Enforcement Discretion'' (September 2022) as we are no longer experiencing disruptions in the supply of infant formula in the United States and therefore did not extend the guidance's in-effect end date. Lastly, we are correcting an inadvertent omission of 22 responses from the previous approval.

The draft guidance added 676 hours and 19 responses to the information collection. We also are adding 22 responses to correct an inadvertent omission. However, removal of the enforcement discretion guidance will reduce the burden estimate by 3,805 hours and 137 responses. Calculating hours and responses for the addition of the draft guidance and the correction along with the subtraction of the enforcement discretion guidance results in a net reduction of 3,129 hours (3,805 hours reduced for enforcement discretion guidance − 676 hours added for draft guidance) and 96 responses (137 responses reduced for enforcement discretion guidance − 19 responses added for draft guidance − 22 responses added for the correction).

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–20980 Filed 10–13–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Health Center Program Performance Period Extensions; Correction

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice; correction.

SUMMARY: HRSA published a document in the **Federal Register** on September 24, 2026, concerning performance period extensions for health centers scheduled to compete for a January, February, or March FY 2027 Service Area Competition. The document did not include one service area that was not eligible for a performance period extension at the time of publication but has since become eligible.

FOR FURTHER INFORMATION CONTACT: Patricia Burbano, Lead Public Health Analyst, Office of Program and Policy Development, Bureau of Primary Care, Health Resources and Services Administration, at *pburbano@hrsa.gov* and 301–443–7238.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of September 24, 2026, 2026–19578 (91 FR 60626), page 60632, column titled ''Grant No.'' add ''H80CS06645'' to the last row; column titled ''Budget period start'' add ''JAN;'' column titled ''Name'' add ''Sayre Health Center;'' column titled ''City'' add ''Philadelphia;'' column titled ''State'' add ''PA;'' and column

titled ''Estimated award amount'' add ''900,374.''

Maria G. Button

Director, Executive Secretariat.

[FR Doc. 2026–20960 Filed 10–13–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Request for Public Comment: 60-Day Notice for Proposed Information Collection: Indian Health Service Purchased/Referred Care Proof of Residency

AGENCY: Indian Health Service, HHS.

ACTION: Notice and request for comments; request for reinstatement.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, which requires a 60-day public comment period on proposed information collection projects, the Indian Health Service (IHS) invites the public to take this opportunity to comment on the information collection titled, ''Purchased/Referred Care (PRC) Proof of Residency'' The purpose of this notice is to announce our intent to seek reinstatement of the previously approved information collection by the Office of Management and Budget (OMB), and to allow 60 days for public comment to be submitted to the IHS. A copy of the draft supporting statement is available at *www.regulations.gov* (see Docket ID IHS_FRDOC_____).

DATES: Your comments regarding this information are best assured of having full consideration if received within 60 days of the date of publication. IHS must receive written comments on or before December 14, 2026.

ADDRESSES: This notice can be found at *https://federalregister.gov.*

FOR FURTHER INFORMATION CONTACT: Submit comments, requests for more information on the collection, or requests to obtain a copy of the data collection instrument and instructions to Mr. Thomas Hamby, Acting Information Collection Clearance Officer by email at *Thomas.Hamby@ihs.gov* or 240–252–0331.

SUPPLEMENTARY INFORMATION: The IHS is seeking renewal of this previously approved information collection and will submit it to OMB for review, as required by the PRA. This notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (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 collection techniques of other forms of information technology, *e.g.,* permitting electronic submission of responses.

Proposed Collection Title: ''Indian Health Service Purchased/Referred Care Proof of Residency.''

Type of Information Collection Request: This is a reinstatement of an expired information collection.

Title: Purchased/Referred Care Proof of Residency.

OMB Control Number: 0917–0040.

Need and Use of Information Collection: The IHS PRC Program needs the information requested on the PRC Proof of Residency form to verify that individuals seeking medical services through PRC meet the residency requirements specific to PRC under 42 CFR 136.23.

Agency Form Number: IHS–976.

Members of the Affected Public: Patients.

Type of Respondents: Individuals.

The table below provides: Type of respondent, form name, estimated number of respondents, number of responses per respondent, average burden minutes per response, and total annual burden hours.

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (hours) *	Total burden (hours)
Individual	IHS–976, PRC Proof of Residency	18,000	1	3	900
Total		18,000	1	3	900

* For ease of understanding, the average burden is provided in actual minutes.

There are no Capital Costs, Operating Costs, and/or Maintenance Costs to report.

Mark Cruz,

Director, Indian Health Service.

[FR Doc. 2026–20984 Filed 10–13–26; 8:45 am]

BILLING CODE 4166–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Division of Program Coordination, Planning, and Strategic Initiatives, Office of the Director Notice of Proposed Reorganization

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The Division of Program Coordination, Planning, and Strategic Initiatives (DPCPSI) in the Office of the Director (OD), National Institutes of Health (NIH) is seeking public comment regarding its proposal to establish the Office of the NIH Chief Artificial Intelligence Officer (OCAIO) within DPCPSI and move the Office of Dietary Supplements (ODS) under the Office of Nutrition Research (ONR) within DPCPSI in OD, NIH.

DATES: Any interested person may file written comments by sending an email to *DPCPSIreorgcomments@nih.gov* by 11:59 p.m. ET on October 28, 2026. The statement should include the individual's name, and when applicable, professional affiliation.

ADDRESSES: The following email address has been established for comments on the reorganization: *DPCPSIreorgcomments@nih.gov.*

FOR FURTHER INFORMATION CONTACT: Betina Orezzoli at

DPCPSIreorgcomments@nih.gov or 301–402–9852.

SUPPLEMENTARY INFORMATION: The program offices in DPCPSI share a common mission of identifying emerging scientific opportunities, rising public health challenges, or scientific knowledge gaps that deserve special emphasis. The proposed reorganization would establish clear organizational leadership for an emerging NIH-wide priority by creating the OCAIO and improve organizational alignment of closely related scientific areas by moving ODS to be a sub-office of ONR.

This notice is pursuant to the NIH Reform Act of 2006 (42 U.S.C.281 (d)(4)), DPCPSI will launch public website information at *https://dpcpsi.nih.gov/proposed-reorg-ods-ocaio* to further encourage public discussion of the proposal to reorganize. The public is encouraged to email *DPCPSIreorgcomments@nih.gov* for comments and questions.

Dated: October 1, 2026.

Matthew J. Memoli,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2026–20891 Filed 10–13–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cancer Immunology and Immunotherapy B.

Date: November 9–10, 2026.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Ola Mae Zack Howard, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7806, Bethesda, MD 20892, 301–451–4467, *howardz@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Synthetic and Medicinal Chemistry and Chemical Biology.

Date: November 9, 2026.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Andrea Samantha Gobin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–480–4959, *andi.gobin@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Kidney Physiology and Development.

Date: November 9–10, 2026.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301–435–1198, *sahaia@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Clinical Care and Health Interventions.

Date: November 9–10, 2026.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Karin Eyrich Garg, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–2988, *karin.garg@nih.gov*.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Neurological, Mental and Behavioral Health Study Section.

Date: November 9–10, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Allison Kurti, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1007J, Bethesda, MD 20892, 301–594–1814, *kurtian@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Collaborative International Research Projects on Neuroscience.

Date: November 9–10, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Samah Jafari, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge, Drive Bethesda, MD 20892, 301–435–1141, *jafaris2@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Complex mental Development and Changes across Lifespan.

Date: November 9–10, 2026.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: DeAnna L. Adkins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–6022, *deanna.adkins@nih.gov*.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Population based Research in Infectious Disease Study Section.

Date: November 9–10, 2026.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: James T. Snyder, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–443–7414, *snyderji@csr.nih.gov*.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Analytics and Statistics for Population Research Panel B Study Section.

Date: November 9–10, 2026.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Ivan Tadeu Rebustini, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–2467, *ivan.rebustini@nih.gov*.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Instrumentation and Systems Development Study Section.

Date: November 9–10, 2026.

Time: 9:30 a.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Poonam Tewary, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–761–7219, *tewaryp@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 9, 2026.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–21022 Filed 10–13–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biodata Management, Modeling, and Genomic Sciences.
Date: November 9–10, 2026.
Time: 9:30 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Michael L. Bloom, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7804, Bethesda, MD 20892, 301–451–0132, *bloomm2@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Neurobiology of Psychiatric and Neurological Disorders, and Language Development.
Date: November 9–10, 2026.
Time: 9:30 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Alicia Mariel Jais, PHMD Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, 301–435–3343, *mariel.jais@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Neural Basis of Substance Use, Reward, and Motivated Behavior.
Date: November 9–10, 2026.
Time: 10:00 a.m. to 9:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Caitlin Elizabeth Angela Moyer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–7880, *caitlin.moyer@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biomedical Imaging Approaches in Health Research.
Date: November 9, 2026.
Time: 10:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Vera A. Cherkasova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–443–8351, *vera.cherkasova@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; NIH Collaborative International Research Project.
Date: November 9, 2026.
Time: 10:00 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Marisa Srivareerat, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–0872, *marisa.srivareerat@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cancer Center Support Grants.
Date: November 9–10, 2026.
Time: 10:00 a.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Eun Ah Cho, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–496–3591, *EunAh.Cho@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biomedical Informatics, Modeling, and Data Science.
Date: November 9–10, 2026.
Time: 10:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Alexander O. Komendantov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–496–8739, *alexander.komendantov@nih.gov*.

Name of Committee: Infectious Diseases and Immunology B Integrated Review Group; Immunobiology of Transplantation and Alloimmunity Study Section.
Date: November 9–10, 2026.
Time: 10:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Anthony D. Foster, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–496–3297, *anthony.foster@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–AI–27–016: Tuberculosis Research Advancement Centers (TRACs) (P30).
Date: November 9–10, 2026.
Time: 11:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Yong Gao, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 240–402–8633, *yong.gao@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS).

Dated: October 9, 2026.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–21021 Filed 10–13–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below. The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having an effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

DATES: The date of January 22, 2027 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Franklin County, Alabama and Incorporated Areas Docket No.: FEMA–B–2157	
Unincorporated Areas of Franklin County	Franklin County Highway Department, 600 Park Boulevard NE, Russellville, AL 35653.
Seneca County, New York (All Jurisdictions) Docket No.: FEMA–B–2524	
Town of Covert	Covert Municipal Building, 8469 S Main Street, Interlaken, NY 14847.
Town of Fayette	Fayette Town Hall, 1439 Yellow Tavern Road, Waterloo, NY 13165.
Town of Junius	Junius Town Office, 655 Dublin Road, Clyde, NY 14433.
Town of Lodi	Town Hall, 8591 State Route 414, Lodi, NY 14860.
Town of Ovid	Ovid Village Offices, 2136 Brown Street, Ovid, NY 14521.
Town of Romulus	Romulus Town Hall, 1435 Prospect Street, Willard, NY 14588.
Town of Seneca Falls	Seneca Falls Municipal Building, 130 Ovid Street, Seneca Falls, NY 13148.
Town of Tyre	Tyre Municipal Building, 1082 Gravel Road, Seneca Falls, NY 13148.
Town of Varick	Varick Town Office, 4782 State Route 96, Romulus, NY 14541.
Town of Waterloo	Town Hall, 66 Virginia Street, Waterloo, NY 13165.
Village of Lodi	Village Hall, 8457 N Main Street, Lodi, NY 14860.
Village of Waterloo	Village Office, 41 W Main Street, Waterloo, NY 13165.
Branch County, Michigan (All Jurisdictions) Docket No.: FEMA–B–2561	
City of Coldwater	City Hall, One Grand Street, Coldwater, MI 49036.
Township of Algansee	Algansee Townhall, 378 S Ray Quincy Road, Quincy, MI 49082.
Township of Bronson	City Hall, 141 S Matteson Street, Bronson, MI 49028.
Township of California	California Townhall, 1019 Copeland Road, Montgomery, MI 49255.
Township of Coldwater	Coldwater Township Hall, 319 Sprague Road, Coldwater, MI 49036.
Township of Girard	Girard Township Clerk Office, 1009 Marshall Road, Coldwater, MI 49036.
Township of Kinderhook	Kinderhook Township Office, 797 S Angola Road, Coldwater, MI 49036.

Community	Community map repository address
Township of Matteson	Matteson Township Clerk Office, 850 S Werners Landing, Bronson, MI 49028.
Township of Ovid	Ovid Township Hall, 381 S Angola Road, Coldwater, MI 49036.
Township of Quincy	Village Offices, 11 N Main Street, Quincy, MI 49082.
Township of Sherwood	Township Hall, 548 N Main Street, Sherwood, MI 49089.
Village of Quincy	Village Offices, 47 Cole Street, Quincy, MI 49082.
Clinton County, Indiana, and Incorporated Areas Docket No.: FEMA–B–2526	
Town of Colfax	Clinton County Area Plan Commission, 301 E Clinton Street, Suite 107, Frankfort, IN 46041.
Unincorporated Areas of Clinton County	Clinton County Area Plan Commission, 301 E Clinton Street, Suite 107, Frankfort, IN 46041.
Richland County, Wisconsin and Incorporated Areas Docket No.: FEMA–B–2530	
Unincorporated Areas of Richland County	Richland County Courthouse, 181 W Seminary Street, Suite 100, Richland Center, WI 53581.
Village of Viola	Municipal Office, 106 W Wisconsin Street, Viola, WI 54664.
Trinity County, Texas and Incorporated Areas Docket No.: FEMA–B–2489	
City of Groveton	City Hall, 115 West Front Street, Groveton, TX 75845.
City of Trinity	City Hall, 101 West Madison Street, Trinity, TX 75862.
Unincorporated Areas of Trinity County	Trinity County Courthouse, 162 West 1st Street, Groveton, TX 75845.

[FR Doc. 2026–20915 Filed 10–13–26; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002; Internal Agency Docket No. FEMA–B–2629]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The current effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona:						
Cochise	Unincorporated Areas of Cochise County (26–09–0555P).	The Honorable Frank Antenori, Chair, Cochise County Board of Supervisors, 1415 Melody Lane, Building G, Bisbee, AZ 85603.	Cochise County Engineering and Natural Resources Division, 1415 Melody Lane, Building F, Bisbee, AZ 85603.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 22, 2026	040012
Navajo	City of Holbrook (25–09–0722P).	The Honorable Kathleen Smith, Mayor, City of Holbrook, 465 1st Avenue, Holbrook, AZ 86025.	City Hall, 465 1st Avenue, Holbrook, AZ 86025.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 26, 2026	040067
Navajo	Unincorporated Areas of Navajo County (25–09–0722P).	The Honorable Daryl Seymore, Chair, Board of Supervisors, Navajo County, 100 East Code Talkers Drive, Holbrook, AZ 86025.	Navajo County Flood Control, 100 East Code Talkers Drive, Holbrook, AZ 86025.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 26, 2026	040066
Pinal	City of Apache Junction (26–09–0587P).	Bryant Powell, City Manager, City of Apache Junction, 300 East Superstition Boulevard, Apache Junction, AZ 85119.	City Hall, 300 East Superstition Boulevard, Apache Junction, AZ 85119.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 13, 2026	040120
Pinal	City of Casa Grande (25–09–1050P).	The Honorable Larry Rains, City Manager, City of Casa Grande, 510 East Florence Boulevard, Casa Grande, AZ 85122.	City Hall, 510 East Florence Boulevard, Casa Grande, AZ 85122.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 25, 2026	040080
Pinal	Unincorporated Areas of Pinal County (25–09–1050P).	The Honorable Jeffrey McClure, Chair, Pinal County Board of Supervisors, P.O. Box 827, Florence, AZ 85132.	City Hall, 31 North Pinal Street, Florence, AZ 85132.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 25, 2026	040077
California:						
Contra Costa ..	City of Orinda (25–09–0871P).	The Honorable Brandyn Iverson, Mayor, City of Orinda, 22 Orinda Way, Orinda, CA 94563.	City Hall, 22 Orinda Way, Orinda, CA 94563.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 13, 2026	060722
Fresno	Unincorporated Areas of Fresno County (26–09–0054P).	Edward Hill, Chief Operating Officer, Fresno County, 2220 Tulare Street, Fresno, CA 93721.	Fresno County Department of Public Works and Planning, 2220 Tulare Street, 6th Floor, Fresno, CA 93721.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 19, 2026	065029
Orange	City of Placentia (26–09–0373P).	The Honorable Chad P. Wanke, Mayor, City of Placentia, 401 East Chapman Avenue, Placentia, CA 92870.	City Hall, 401 East Chapman Avenue, Placentia, CA 92870.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 6, 2026	060229
Riverside	City of Menifee (26–09–0169P).	Armando Villa, City Manager, City of Menifee, 29844 Haun Road, Menifee, CA 92586.	City Hall, 29844 Haun Road, Menifee, CA 92586.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 6, 2026	060176
Riverside	City of Riverside (26–09–0078P).	The Honorable Patricia Lock Dawson, Mayor, City of Riverside, 3900 Main Street, Riverside, CA 92522.	City Hall, 3900 Main Street, Riverside, CA 92522.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 4, 2026	060260
San Diego	City of Chula Vista (25–09–0950P).	The Honorable John McCann, Mayor, City of Chula Vista, 276 4th Avenue, Chula Vista, CA 91910.	City Hall, 276 4th Avenue, Chula Vista, CA 91910.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 6, 2026	065021

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
San Diego	City of Chula Vista (26–09–0700P).	The Honorable John McCann, Mayor, City of Chula Vista, 276 4th Avenue, Chula Vista, CA 91910.	City Hall, 276 4th Avenue, Chula Vista, CA 91910.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 13, 2026	065021
San Diego	City of Escondido (26–09–0126P.)	Sean McGlynn, City Manager, City of Escondido, 201 North Broadway, Second Floor, Escondido, CA 92025.	City Hall, 201 North Broadway, Escondido, CA 92025.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 13, 2026	060290
San Diego	City of San Diego (25–09–0950P).	The Honorable Todd Gloria, Mayor, City of San Diego, 202 C Street, 11th Floor, San Diego, CA 92101.	Stormwater Department, 9370 Chesapeake Drive, Suite 100, MS 1900, San Diego, CA 92123.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 6, 2026	060295
San Diego	City of San Diego (26–09–0700P).	The Honorable Todd Gloria, Mayor, City of San Diego, 202 C Street, 11th Floor, San Diego, CA 92101.	Stormwater Department, 9370 Chesapeake Drive, Suite 100, MS 1900, San Diego, CA 92123.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 13, 2026	060295
San Diego	Unincorporated Areas of San Diego County (26–09–0126P).	Ebony N. Shelton, Chief Administrative Officer, San Diego County, 1600 Pacific Highway, Room 209, San Diego, CA 92101.	San Diego County Administrative Center, 1600 Pacific Highway, San Diego, CA 92101.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 13, 2026	060284
Colorado:						
Arapahoe	City of Greenwood Village (25–08–0503P).	The Honorable George Lantz, Mayor, City of Greenwood Village, 6060 South Quebec Street, Greenwood Village, CO 80111.	City Hall, 6060 South Quebec Street, Greenwood Village, CO 80111.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 30, 2026	080195
Boulder	Town of Jamestown (26–08–0017P).	The Honorable Michael Box, Mayor, Town of Jamestown, P.O. Box 298, Jamestown, CO 80455.	Town Hall, 118 Main Street, Jamestown, CO 80455.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 15, 2026	080216
Boulder	Town of Lyons (26–08–0019P).	The Honorable Mark Browning, Mayor, Town of Lyons, P.O. Box 49, Lyons, CO 80540.	Town Hall, 432 5th Avenue, Lyons, CO 80540.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 26, 2026	080029
Boulder	Unincorporated Areas of Boulder County (26–08–0017P).	The Honorable Claire Levy, Chair, Boulder County Board of Commissioners, P.O. Box 471, Boulder, CO 80306.	Boulder County Community Planning and Permitting Building, 2045 13th Street, Boulder, CO 80302.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 15, 2026	080023
Boulder	Unincorporated Areas of Boulder County (26–08–0018P).	The Honorable Claire Levy, Chair, Boulder County Board of Commissioners, P.O. Box 471, Boulder, CO 80306.	Boulder County Community Planning and Permitting Building, 2045 13th Street, Boulder, CO 80302.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 26, 2026	080023
Boulder	Unincorporated Areas of Boulder County (26–08–0019P).	The Honorable Claire Levy, Chair, Boulder County Board of Commissioners, P.O. Box 471, Boulder, CO 80306.	Boulder County Community Planning and Permitting Building, 2045 13th Street, Boulder, CO 80302.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 26, 2026	080023
Clear Creek	City of Idaho Springs (25–08–0635P).	The Honorable Chuck Harmon, Mayor, City of Idaho Springs, P.O. Box 907, Idaho Springs, CO 80452.	City Hall, 1711 Miner Street, Idaho Springs, CO 80452.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 6, 2026	080036
Clear Creek	Unincorporated Areas of Clear Creek County (25–08–0635P).	The Honorable Rebecca Lloyd, Chair, Clear Creek County Board of Commissioners, P.O. Box 2000, Georgetown, CO 80444.	Clear Creek County Annex, 1111 Rose Street, Georgetown, CO 80444.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 6, 2026	080034
Larimer	City of Fort Collins (26–08–0214P).	The Honorable Emily Francis, Mayor, City of Fort Collins, 300 Laporte Avenue, Fort Collins, CO 80521.	Stormwater Utilities Department, 700 Wood Street, Fort Collins, CO 80521.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 30, 2026	080102
Larimer	Unincorporated Areas of Larimer County (26–08–0214P).	The Honorable Jody Shadduck-McNally, Chair, Larimer County Board of Commissioners, P.O. Box 1190, Fort Collins, CO 80522.	Larimer County Courthouse Offices Building, 200 West Oak Street, Suite 3000, Fort Collins, CO 80521.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 30, 2026	080101

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Idaho:						
Ada	Unincorporated Areas of Ada County (25-10-0502P).	The Honorable Rod Beck, Chair, Ada County Board of Commissioners, 200 West Front Street, Boise, ID 83702.	Ada County Development Services, 200 West Front Street, Boise, ID 83702.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 20, 2026	160001
Boundary	Unincorporated Areas of Boundary County (23–10–0872P).	The Honorable Ben Robertson, Chair, Boundary County Board of Commissioners, 6452 Kootenai Street, Bonners Ferry, ID 83805.	Boundary County Planning Department, 6447 Railroad Street, Suite D, Bonners Ferry, ID 83805.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 30, 2026	160207
Teton	Unincorporated Areas of Teton County (26–10–0309P).	The Honorable Brad Wolfe, Chair, Teton County Board of County Commissioners, 150 Courthouse Drive, #109, Driggs, ID 83422.	Teton County Courthouse, 150 Courthouse Drive, Driggs, ID 83422.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 13, 2026	160230
Utah: Weber	Unincorporated Areas of Weber County (26–08–0001P).	Gage Froerer, Chair, Weber County Commission, 2380 Washington Boulevard, Suite 360, Ogden, UT 84401.	Weber County Planning Division, 2380 Washington Boulevard, Suite 240, Ogden, UT 84401.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 4, 2026	490187

[FR Doc. 2026–20909 Filed 10–13–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002; Internal Agency Docket No. FEMA–B–2637]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before January 12, 2027.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2637, to David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Jackson County, Kansas and Incorporated Areas Project: 22–07–0015S Preliminary Date: May 29, 2026	
City of Circleville	City Hall, 201 Mill Street, Circleville, KS 66416.
City of Delia	City Hall, 412 Nora Avenue, Delia, KS 66418.
City of Denison	City Hall, 111 Central Avenue, Denison, KS 66419.
City of Holton	City Hall, 430 Pennsylvania Avenue, Holton, KS 66436.
City of Hoyt	City Office, 201 East 4th Street, Hoyt, KS 66440.
City of Soldier	City Office, 212 1st Street, Soldier, KS 66540.
City of Whiting	City Hall, 216 Whiting Street, Whiting, KS 66552.
Prairie Band Potawatomi Nation	Prairie Band Potawatomi Government Center, 16281 Q Road, Mayetta, KS 66509.
Unincorporated Areas of Jackson County	Jackson County Courthouse, 400 New York Avenue, Holton, KS 66436.

[FR Doc. 2026–20914 Filed 10–13–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below. The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having an effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

DATES: The date of February 5, 2027 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Carteret County, North Carolina and Incorporated Areas Docket No.: FEMA–B–1718 and B–2544	
Town of Atlantic Beach	Town Hall, 125 West Fort Macon Road, Atlantic Beach, NC 28512.
Town of Beaufort	Town Hall, 701 Front Street, Beaufort, NC 28516.
Town of Morehead City	City Hall, 1100 Bridges Street, Morehead City, NC 28557.
Town of Newport	Town Hall, 200 Howard Boulevard, Newport, NC 28570.
Unincorporated Areas of Carteret County	Carteret County Planning and Development, 3820 Bridges Street, Suite B, Morehead City, NC 28557.
Onslow County, North Carolina and Incorporated Areas Docket No.: FEMA–B–1718 and B–2544	
City of Jacksonville	City Hall, 815 New Bridge Street, Jacksonville, NC 28540.
Unincorporated Areas of Onslow County	Onslow County Floodplain Administration, 234 Northwest Corridor Boulevard, Jacksonville, NC 28540.

[FR Doc. 2026–20916 Filed 10–13–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below. The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having an effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

DATES: The date of February 19, 2027 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Trinity County, California and Incorporated Area Docket No.: FEMA–B–2482	
Unincorporated Areas of Trinity County	Trinity County Community Development Department, 530 Main Street, Weaverville, CA 96093.
Miami-Dade County, Florida and Incorporated Areas Docket No.: FEMA–B–2166	
City of Aventura	Community Development Department, 19200 West Country Club Drive, Aventura, FL 33180.
City of Coral Gables	Building Division, 427 Biltmore Way, Coral Gables, FL 33134.
City of Doral	Building Department, 8401 Northwest 53rd Terrace, Doral, FL 33166.

Community	Community map repository address
City of Florida City	Building Department, 404 West Palm Drive, Florida City, FL 33034.
City of Hialeah	Building Department, 501 Palm Avenue, Hialeah, FL 33010.
City of Hialeah Gardens	City Hall, 10001 Northwest 87th Avenue, Hialeah Gardens, FL 33016.
City of Homestead	City Hall, Building and Safety Division, 100 Civic Court, Homestead, FL 33030.
City of Miami	City Hall, Planning and Zoning Building Department, 444 Southwest 2nd Avenue, 4th Floor, Miami, FL 33130.
City of Miami Beach	Building Department, 1700 Convention Center Drive, Miami Beach, FL 33139.
City of Miami Gardens	City Hall, Building Department, 18605 Northwest 27th Avenue, Miami Gardens, FL 33056.
City of Miami Springs	City Hall, Building Department, 201 Westward Drive, Miami Springs, FL 33166.
City of North Bay Village	Village Hall, 1666 Kennedy Causeway, 3rd Floor, North Bay Village, FL 33141.
City of North Miami	City Hall, Building Department, 776 Northwest 125th Street, North Miami, FL 33161.
City of North Miami Beach	City Hall, Building, Planning and Zoning Department, 17050 Northeast 19th Avenue, 1st Floor, North Miami Beach, FL 33162.
City of Opa-Locka	City Hall, Building Department, 780 Fisherman Street, 4th Floor, Opa-Locka, FL 33054.
City of South Miami	Planning and Zoning Department, 6130 Sunset Drive, South Miami, FL 33143.
City of Sunny Isles Beach	Building Department, 18070 Collins Avenue, 3rd Floor, Sunny Isles Beach, FL 33160.
City of Sweetwater	Building and Zoning Department, Engineering Division, 1695 Northwest 110th Avenue, Unit 109, Sweetwater, FL 33172.
City of West Miami	Public Works Department, 901 Southwest 62nd Avenue, West Miami, FL 33144.
Town of Bay Harbor Islands	Building and Zoning Department, 1045 95th Street, Trailer 3, Bay Harbor Islands, FL 33154.
Town of Cutler Bay	Public Works Department, 10720 Caribbean Boulevard, Suite 105, Cutler Bay, FL 33189.
Town of Golden Beach	Building Department, 100 Ocean Boulevard, Golden Beach, FL 33160.
Town of Medley	Town Hall, 7777 Northwest 72nd Avenue, Medley, FL 33166.
Town of Miami Lakes	Building Department, 6601 Main Street, 1st Floor, Miami Lakes, FL 33014.
Town of Surfside	Building Department, 9293 Harding Avenue, Surfside, FL 33154.
Unincorporated Areas of Miami-Dade County	Miami-Dade County, Water Management Division, 3071 Southwest 38th Avenue, Miami, FL 33146.
Village of Bal Harbour Village	Bal Harbour Village, Building Department, 655 96th Street, Bal Harbour, FL 33154.
Village of Biscayne Park	Village Hall, 600 Northeast 114th Street, Biscayne Park, FL 33161.
Village of El Portal	Village Hall, 500 Northeast 87th Street, El Portal, FL 33138.
Village of Indian Creek Village	Village Hall, 9080 Bay Drive, Indian Creek Village, FL 33154.
Village of Key Biscayne	Building Department, 88 West McIntyre Street, Key Biscayne, FL 33149.
Village of Miami Shores Village	Miami Shores Village, Village Hall, Planning and Zoning Department, 10050 Northeast 2nd Avenue, Miami Shores, FL 33138.
Village of Palmetto Bay	Village Hall, Building Department, 9705 East Hibiscus Street, Palmetto Bay, FL 33157.
Village of Pinecrest	Building and Planning Department, 12645 Pinecrest Parkway, Pinecrest, FL 33156.
Village of Virginia Gardens	Village Hall, 6498 Northwest 38th Terrace, Virginia Gardens, FL 33166.

Genesee County, New York (All Jurisdictions)
Docket No.: FEMA–B–2539

City of Batavia	City Hall, One Batavia City Centre, Batavia, NY 14020.
Town of Alabama	Alabama Town Hall, 2218 Judge Road, Oakfield, NY 14125.
Town of Alexander	Town Hall, 3350 Church Street, Alexander, NY 14005.
Town of Batavia	Town Hall, 3833 W Main Street Road, Batavia, NY 14020.
Town of Bergen	Town Hall, 10 Hunter Street, Bergen, NY 14416.
Town of Bethany	Bethany Town Hall, 10510 Bethany Center Road, East Bethany, NY 14054.
Town of Byron	Town Hall, 7028 Byron Holley Road, Byron, NY 14422.
Town of Darien	Darien Town Hall, 10569 Alleghany Road, Darien Center, NY 14040.
Town of Elba	Town Hall, 7133 Oak Orchard Road, Elba, NY 14058.
Town of LeRoy	Town Hall, 48 Main Street, LeRoy, NY 14482.
Town of Oakfield	Community and Government Center, 3219 Drake Street, Oakfield, NY 14125.
Town of Pavilion	Town Building, One Woodrow Drive, Pavilion, NY 14525.
Town of Pembroke	Pembroke Town Office, 1145 Main Road, Corfu, NY 14036.
Town of Stafford	Town Hall, 8903 Route 237, Stafford, NY 14143.

Community	Community map repository address
Village of Alexander	Village Hall, 3350 Church Street, Alexander, NY 14005.
Village of Attica	Municipal Building, 9 Water Street, Attica, NY 14011.
Village of Bergen	Village Office, 11 N Lake Avenue, Bergen, NY 14416.
Village of Corfu	Clifford A. Fauth Memorial Fire Hall, 116 E Main Street, Corfu, NY 14036.
Village of Elba	Village Hall, 4 S Main Street, Elba, NY 14058.
Village of LeRoy	Village Hall, 3 W Main Street, LeRoy, NY 14482.
Village of Oakfield	Village Hall, 37 Main Street, Oakfield, NY 14125.
Cass County, Michigan (All Jurisdictions) Docket No.: FEMA–B–2502	
City of Dowagiac	City Hall, 241 S Front Street, Dowagiac, MI 49047.
Township of Calvin	Calvin Township Hall, 18693 Mount Zion Street, Cassopolis, MI 49031.
Township of Jefferson	Jefferson Township Hall, 24725 Jefferson Center Street, Cassopolis, MI 49031.
Township of Lagrange	Lagrange Township Hall, 58253 M–62, Cassopolis, MI 49031.
Township of Marcellus	Township Hall, 463 W Main Street, Marcellus, MI 49067.
Township of Mason	Mason Township Hall, 17049 US Highway 12, Edwardsburg, MI 49112.
Township of Newberg	Newberg Township Hall, 13020 Born Street, Jones, MI 49061.
Township of Ontwa	Ontwa Township Hall, 26225 US Highway 12, Edwardsburg, MI 49112.
Township of Penn	Penn Township Hall, 60717 S Main Street, Vandalia, MI 49095.
Township of Pokagon	Pokagon Township Hall, 30683 Peavine Street, Dowagiac, MI 49047.
Township of Porter	Porter Township Hall, 69373 Baldwin Prairie Road, Union, MI 49130.
Township of Silver Creek	Silver Creek Township Hall, 32764 Dixon Street, Dowagiac, MI 49047.
Township of Volinia	Volinia City Hall, 53254 Goodenough Road, Marcellus, MI 49067.
Township of Wayne	Wayne Township Hall, 53950 Glenwood Road, Dowagiac, MI 49047.
Village of Cassopolis	Village Hall, 121 N Disbrow Street, Cassopolis, MI 49031.
Village of Edwardsburg	Village Hall, 26296 US Highway 12, Edwardsburg, MI 49112.
Village of Vandalia	Village Hall, 18035 State Street, Vandalia, MI 49095.

[FR Doc. 2026–20917 Filed 10–13–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002; Internal Agency Docket No. FEMA–B–2622]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before January 12, 2027.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2622, to David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be

considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Windham County, Vermont (All Jurisdictions) Project: 22–01–0014S Preliminary Date: November 13, 2023	
Town and Village of Newfane	Town Office, 555 Vermont Route 30, Newfane, VT 05345.
Town of Athens	Town Office, 25 Brookline Road, Athens, VT 05143.
Town of Brattleboro	Municipal Offices, 230 Main Street, Suite 202, Brattleboro, VT 05301.
Town of Brookline	Town Office, 734 Grassy Brook Road, Brookline, VT 05345.
Town of Dover	Dover Town Office, 102 Route 100, 2nd Floor, West Dover, VT 05356.
Town of Dummerston	Dummerston Town Offices, 1523 Middle Road, East Dummerston, VT 05346.
Town of Grafton	Town Office, 117 Main Street, Grafton, VT 05146.
Town of Guilford	Town Office, 236 School Road, Guilford, VT 05301.
Town of Halifax	Halifax Town Office, 246 Branch Road, West Halifax, VT 05358.
Town of Jamaica	Town Office, 28 Town Office Road, Jamaica, VT 05343.
Town of Londonderry	Londonderry Town Office, 100 Old School Street, South Londonderry, VT 05155.
Town of Marlboro	Town Office, 510 South Road, Marlboro, VT 05344.
Town of Putney	Town Hall, 127 Main Street, Putney, VT 05346.
Town of Rockingham	Rockingham Town Hall, 7 Square, 3rd Floor, Bellows Falls, VT 05101.
Town of Somerset	Windham County Superior Court, 7 Court Street, Newfane, VT 05345.
Town of Stratton	Town Office, 9 W Jamaica Road, Stratton, VT 05360.
Town of Townshend	Town Office, 2006 Route 30, Townshend, VT 05353.
Town of Vernon	Town Office, 567 Governor Hunt Road, Vernon, VT 05354.
Town of Wardsboro	Town Hall, 71 Main Street, Wardsboro, VT 05355.
Town of Westminster	Town Hall, 3651 U.S. Route 5, Westminster, VT 05158.
Town of Whitingham	Whitingham Municipal Center, 2948 VT Route 100, Jacksonville, VT 05342.
Town of Wilmington	Town Office, 2 E Main Street, Wilmington, VT 05363.
Town of Windham	Town Office, 5976 Windham Hill Road, Windham, VT 05359.
Village of Bellows Falls	Rockingham Town Hall, 7 Square, 3rd Floor, Bellows Falls, VT 05101.
Peoria County, Illinois and Incorporated Areas Project: 12–05–1529S Preliminary Date: June 26, 2024	
City of Chillicothe	City Hall, 908 N 2nd Street, Chillicothe, IL 61523.
City of Elmwood	City Hall, 201 W Main Street, Elmwood, IL 61529.
City of Pekin	City Hall, 111 S Capitol Street, Pekin, IL 61554.
City of Peoria	Public Works Department, 3505 N Dries Lane, Peoria, IL 61604.
City of West Peoria	City Hall, 2421 W Rohmann Avenue, West Peoria, IL 61604.
Unincorporated Areas of Peoria County	Peoria County Courthouse, 324 Main Street, Room 301, Peoria, IL 61602.
Village of Bartonville	Village Hall, 5912 S Adams Street, Bartonville, IL 61607.
Village of Bellevue	Village Hall, 414 S Main Street, Bellevue, IL 61604.
Village of Dunlap	Village Hall, 104 N 2nd Street, Dunlap, IL 61525.
Village of Glasford	Village Hall, 305 S Oak Street, Glasford, IL 61533.
Village of Kingston Mines	Village Hall, 209 Washington Street, Kingston Mines, IL 61539.
Village of Mapleton	Village Hall, 8524 W Main Street, Mapleton, IL 61547.
Village of Norwood	Village Hall, 1515 N Norwood Boulevard, Peoria, IL 61604.
Village of Peoria Heights	Village Hall, 4901 N Prospect Road, Peoria Heights, IL 61616.
Village of Princeville	Village Hall, 206 N Walnut Avenue, Princeville, IL 61559.

[FR Doc. 2026–20910 Filed 10–13–26; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov*.

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The current effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov*.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Arizona:					
Coconino (FEMA Docket No.: B–2614).	City of Flagstaff (25–09–0460P).	The Honorable Becky Daggett, Mayor, City of Flagstaff, 211 West Aspen Avenue, Flagstaff, AZ 86001.	City Hall, 211 West Aspen Avenue, Flagstaff, AZ 86001.	Jul. 10, 2026	040020
Maricopa (FEMA Docket No.: B–2614).	City of Avondale (24–09–1094P).	The Honorable Mike Pineda, Mayor, City of Avondale, 11465 West Civic Center Drive, Avondale, AZ 85323.	City Hall, 11465 West Civic Center Drive, Avondale, AZ 85323.	Jun. 26, 2026	040038
Maricopa (FEMA Docket No.: B–2614).	City of Buckeye (25–09–0895P).	The Honorable Eric Orsborn, Mayor, City of Buckeye, 530 East Monroe Avenue, Buckeye, AZ 85326.	City Hall, 945 N 215th Avenue, Suite 137, Buckeye, AZ 85326.	May 11, 2026	040039
Maricopa (FEMA Docket No.: B–2614).	City of Glendale (25–09–0112P).	The Honorable Jerry P. Weiers, Mayor, City of Glendale, 5850 West Glendale Avenue, Glendale, AZ 85301.	Municipal Building, 5850 West Glendale Avenue, Glendale, AZ 85301.	May 15, 2026	040045
Maricopa (FEMA Docket No.: B–2614).	City of Glendale (25–09–0371P).	The Honorable Jerry P. Weiers, Mayor, City of Glendale, 5850 West Glendale Avenue, Glendale, AZ 85301.	Municipal Building, 5850 West Glendale Avenue, Glendale, AZ 85301.	May 15, 2026	040045
Maricopa (FEMA Docket No.: B–2614).	City of Glendale (25–09–0751P).	The Honorable Jerry P. Weiers, Mayor, City of Glendale, 5850 West Glendale Avenue, Glendale, AZ 85301.	Municipal Building, 5850 West Glendale Avenue, Glendale, AZ 85301.	May 29, 2026	040045
Maricopa (FEMA Docket No.: B–2614).	City of Goodyear (25–09–0930P).	The Honorable Joe Pizzillo, Mayor, City of Goodyear, 1900 North Civic Square, Goodyear, AZ 85395.	Development Services Department, 1900 North Civic Square, Goodyear, AZ 85395.	May 22, 2026	040046
Maricopa (FEMA Docket No.: B–2614).	City of Phoenix (24–09–0543P).	The Honorable Kate Gallego, Mayor, City of Phoenix, 200 West Washington Street, Phoenix, AZ 85003.	City Hall, 200 West Washington Street, Phoenix, AZ 85003.	May 22, 2026	040051
Maricopa (FEMA Docket No.: B–2614).	City of Phoenix (25–09–0651P).	The Honorable Kate Gallego, Mayor, City of Phoenix, 200 West Washington Street, Phoenix, AZ 85003.	City Hall, 200 West Washington Street, Phoenix, AZ 85003.	Jul. 3, 2026	040051
Maricopa (FEMA Docket No.: B–2614).	City of Phoenix (25–09–0964P).	The Honorable Kate Gallego, Mayor, City of Phoenix, 200 West Washington Street, Phoenix, AZ 85003.	City Hall, 200 West Washington Street, Phoenix, AZ 85003.	May 15, 2026	040051

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Maricopa (FEMA Docket No.: B–2614).	City of Surprise (25–09–0509P).	The Honorable Kevin Sartor, Mayor, City of Surprise, 16000 North Civic Center Plaza, Surprise, AZ 85374.	City Hall, 16000 North Civic Center Plaza, Surprise, AZ 85374.	Jul. 10, 2026	040053
Maricopa (FEMA Docket No.: B–2614).	Unincorporated Areas of Maricopa County (24–09–1094P).	Jennifer Pokorski, County Manager, Maricopa County, 301 West Jefferson Street, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	Jun. 26, 2026	040037
Maricopa (FEMA Docket No.: B–2614).	Unincorporated Areas of Maricopa County (25–09–0112P).	Jennifer Pokorski, County Manager, Maricopa County, 301 West Jefferson Street, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	May 15, 2026	040037
Maricopa (FEMA Docket No.: B–2614).	Unincorporated Areas of Maricopa County (25–09–0371P).	Jennifer Pokorski, County Manager, Maricopa County, 301 West Jefferson Street, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	May 15, 2026	040037
Maricopa (FEMA Docket No.: B–2614).	Unincorporated Areas of Maricopa County (25–09–0751P).	Jennifer Pokorski, County Manager, Maricopa County, 301 West Jefferson Street, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	May 29, 2026	040037
Mohave (FEMA Docket No.: B–2614).	City of Kingman (25–09–1174X).	The Honorable Ken Watkins, Mayor, City of Kingman, 310 North 4th Street, Kingman, AZ 86401.	Flood Control District, 3250 East Kino Avenue, Kingman, AZ 86409.	Jun. 18, 2026	040060
Pima (FEMA Docket No.: B–2614).	Unincorporated Areas of Pima County (24–09–0202P).	The Honorable Jan Lesher, County Administrator, Pima County, 115 North Church Avenue, Suite 231, Tucson, AZ 85701.	Pima County Flood Control Department, 201 North Stone Avenue, 9th Floor, Tucson, AZ 85701.	Jun. 26, 2026	040073
California:					
Contra Costa (FEMA Docket No.: B–2614).	City of Brentwood (25–09–0653P).	The Honorable Susannah Meyer, Mayor, City of Brentwood, 150 City Park Way, Brentwood, CA 94513.	City Hall, 150 City Park Way, Brentwood, CA 94513.	Jul. 13, 2026	060439
Orange (FEMA Docket No.: B–2614).	City of Irvine (25–09–1003P).	The Honorable Larry Agran, Mayor, City of Irvine, 1 Civic Center Plaza, Irvine, CA 92606.	City Hall, Community Development Department, 1 Civic Center Plaza, Irvine, CA 92606.	May 20, 2026	060222
Placer (FEMA Docket No.: B–2614).	City of Roseville (24–09–0892P).	Dominick Casey, City Manager, City of Roseville, 311 Vernon Street, Roseville, CA 95678.	City Hall, 311 Vernon Street, Roseville, CA 95678.	May 11, 2026	060243
Placer (FEMA Docket No.: B–2614).	Unincorporated Areas of Placer County (24–09–0892P).	Daniel Chatigny, Placer County Chief Executive Officer, 175 Fulweiler Avenue, Auburn, CA 95603.	Placer County Public Works Department, 3091 County Center Drive, Auburn, CA 95603.	May 11, 2026	060239
Placer (FEMA Docket No.: B–2614).	Unincorporated Areas of Placer County (25–09–0359P).	Daniel Chatigny, Placer County Chief Executive Officer, 175 Fulweiler Avenue, Auburn, CA 95603.	Placer County Public Works Department, 3091 County Center Drive, Auburn, CA 95603.	May 18, 2026	060239
Riverside (FEMA Docket No.: B–2614).	City of Banning (25–09–0780P).	The Honorable Richard Royce, Mayor, City of Banning, 99 East Ramsey Street, Banning, CA 92220.	City of Banning, 99 East Ramsey Street, Banning, CA 92220.	June 15, 2026	060246
Riverside (FEMA Docket No.: B–2614).	City of Hemet (25–09–0882P).	Noah Rau, Interim City Manager, City of Hemet, 445 East Florida Avenue, Hemet, CA 92543.	City Hall, 445 East Florida Avenue, Hemet, CA 92543.	May 15, 2026	060253
Riverside (FEMA Docket No.: B–2614).	City of Lake Elsinore (25–09–0668P).	The Honorable Robert ''Bob'' MaGee, Mayor, City of Lake Elsinore, 130 South Main Street, Lake Elsinore, CA 92530.	Engineering Division 130 South Main Street, Lake Elsinore, CA 92530.	May 13, 2026	060636
Riverside (FEMA Docket No.: B–2614).	City of Riverside (25–09–1209P).	The Honorable Patricia Lock Dawson, Mayor, City of Riverside, 3900 Main Street, Riverside, CA 92522.	City Hall, 3900 Main Street, Riverside, CA 92522.	May 14, 2026	060260
Riverside (FEMA Docket No.: B–2614).	Unincorporated Areas of Riverside County (25–09–0882P).	The Honorable Karen Spiegel, Chair, Riverside County Board of Supervisors, 4080 Lemon Street, 5th Floor, Riverside, CA 92501.	Riverside County Flood Control District Building, 1995 Market Street, Riverside, CA 92501.	May 15, 2026	060245
Riverside (FEMA Docket No.: B–2614).	Unincorporated Areas of Riverside County (25–09–1093P).	The Honorable Karen Spiegel, Chair, Riverside County Board of Supervisors, 4080 Lemon Street, 5th Floor, Riverside, CA 92501.	Riverside County Flood Control District Building, 1995 Market Street, Riverside, CA 92501.	Jun. 26, 2026	060245
San Benito (FEMA Docket No.: B–2614).	Unincorporated Areas of San Benito County (25–09–0610P).	Esperanza Colio Warren, County Administrative Officer, San Benito County, 481 4th Street, 1st Floor, Hollister, CA 95023.	San Benito County Planning and Land Use Division, 2301 Technology Parkway, Hollister, CA 95023.	Jul. 20, 2026	060267
San Diego (FEMA Docket No.: B–2614).	City of Oceanside (25–09–0886P).	The Honorable Esther C. Sanchez, Mayor, City of Oceanside, 300 North Coast Highway, Oceanside, CA 92054.	City Hall, 300 North Coast Highway, Oceanside, CA 92054.	Jun. 23, 2026	060294
San Joaquin (FEMA Docket No.: B–2614).	City of Lathrop (25–09–1018P).	The Honorable Paul Akinjo, Mayor, City of Lathrop, 390 Town Center Drive, Lathrop, CA 95330.	City Hall, 390 Town Center Drive, Lathrop, CA 95330.	Jul. 13, 2026	060738
Orange (FEMA Docket No.: B–2614).	City of Orange (25–09–0729P).	The Honorable Dan Slater, Mayor, City of Orange, 300 East Chapman Avenue, Orange, CA 92866.	City Hall, 300 East Chapman Avenue, Orange, CA 92866.	Jun. 12, 2026	060228
Shasta (FEMA Docket No.: B–2614).	Unincorporated Areas of Shasta County (25–09–0611P).	The Honorable Chris Kelstrom, Chair, Shasta County Board of Supervisors, 1450 Court Street, Suite 308B, Redding, CA 96001.	Shasta County Department of Public Works, 1855 Placer Street, Redding, CA 96001.	Jul. 9, 2026	060358
Solano (FEMA Docket No.: B–2614).	City of Vacaville (25–09–0937P).	The Honorable John Carli, Mayor, City of Vacaville, 650 Merchant Street, Vacaville, CA 95688.	City Hall, 650 Merchant Street, Vacaville, CA 95688.	Jun. 26, 2026	060373
Colorado:					
Adams (FEMA Docket No.: B–2614).	City of Arvada (25–08–0272P).	The Honorable Lauren Simpson, Mayor, City of Arvada, 8101 Ralston Road, Arvada, CO 80002.	Engineering Division, 8101 Ralston Road, Arvada, CO 80002.	May 15, 2026	085072

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Adams (FEMA Docket No.: B–2614).	City of Brighton (25–08–0550P).	The Honorable Greg Mills, Mayor, City of Brighton, 500 South 4th Avenue, Brighton, CO 80601.	City of Brighton, 22 South 4th Avenue, Brighton, CO 80601.	Jun. 26, 2026	080004
Adams (FEMA Docket No.: B–2614).	City of Thornton (25–08–0129P).	The Honorable Janifer Kulmann, Mayor, City of Thornton, 9500 Civic Center Drive, Thornton, CO 80229.	City Hall, 9500 Civic Center Drive, Thornton, CO 80229.	Jun. 12, 2026	080007
Adams (FEMA Docket No.: B–2614).	Unincorporated Areas of Adams County (24–08–0586P).	The Honorable Julie Duran Mullica, Chair, Adams County Board of Commissioners, 4430 South Adams County Parkway, Brighton, CO 80601.	Adams County Community and Economic Development, 4430 South Adams County Parkway, 1st Floor, Suite W2000, Brighton, CO 80601.	June 19, 2026	080001
Adams (FEMA Docket No.: B–2614).	Unincorporated Areas of Adams County (25–08–0272P).	The Honorable Julie Duran Mullica, Chair, Adams County Board of Commissioners, 4430 South Adams County Parkway, Brighton, CO 80601.	Adams County Community and Economic Development, 4430 South Adams County Parkway, 1st Floor, Suite W2000, Brighton, CO 80601.	May 15, 2026	080001
Adams (FEMA Docket No.: B–2614).	Unincorporated Areas of Adams County (25–08–0550P).	The Honorable Julie Duran Mullica, Chair, Adams County Board of Commissioners, 4430 South Adams County Parkway, Brighton, CO 80601.	Adams County Community and Economic Development, 4430 South Adams County Parkway, 1st Floor, Suite W2000, Brighton, CO 80601.	Jun. 26, 2026	080001
Arapahoe (FEMA Docket No.: B–2614).	City of Centennial (25–08–0403P).	The Honorable Stephanie Piko, Mayor, City of Centennial, 13133 East Arapahoe Road, Centennial, CO 80112.	Southeast Metro Stormwater Authority, 7437 South Fairplay Street, Centennial, CO 80112.	May 15, 2026	080315
Arapahoe (FEMA Docket No.: B–2614).	City of Cherry Hills Village (24–08–0542P).	The Honorable Katy Brown, Mayor, City of Cherry Hills Village, 2450 East Quincy Avenue, Cherry Hills Village, CO 80113.	Village Center, 2450 Easy Quincy Avenue, Cherry Hills Village, CO 80113.	Jul. 3, 2026	080013
Boulder (FEMA Docket No.: B–2614).	Town of Lyons (25–08–0283P).	The Honorable Mark Browning, Mayor, Town of Lyons, P.O. Box 49, Lyons, CO 80540.	Town Hall, 432 5th Avenue, Lyons, CO 80540.	Jul. 20, 2026	080029
Boulder (FEMA Docket No.: B–2614).	Unincorporated Areas of Boulder County (25–08–0283P).	The Honorable Claire Levy, Chair, Boulder County Board of Commissioners, P.O. Box 471, Boulder, CO 80302.	Boulder County Community Planning and Permitting Building, 2045 13th Street, Boulder, CO 80302.	Jul. 20, 2026	080023
Boulder (FEMA Docket No.: B–2614).	Unincorporated Areas of Boulder County (25–08–0629P).	The Honorable Claire Levy, Chair, Boulder County Board of Commissioners, P.O. Box 471, Boulder, CO 80302.	Boulder County Community Planning and Permitting Building, 2045 13th Street, Boulder, CO 80302.	Jul. 13, 2026	080023
Denver (FEMA Docket No.: B–2614).	City and County of Denver (25–08–0172P).	The Honorable Mike Johnston, Mayor, City and County of Denver, 1437 North Bannock Street, Room 300, Denver, CO 80202.	Department of Transportation and Infrastructure, 201 West Colfax Avenue, Department 507, Denver, CO 80202.	May 20, 2026	080046
Eagle (FEMA Docket No.: B–2614).	Town of Basalt (24–08–0675P).	The Honorable David Knight, Mayor, Town of Basalt, 101 Midland Avenue, Basalt, CO 81621.	Engineering Department, 101 Midland Avenue, Basalt, CO 81621.	Jun. 5, 2026	080052
Eagle (FEMA Docket No.: B–2614).	Unincorporated Areas of Eagle County (24–08–0675P).	The Honorable Tom Boyd, Chair, Eagle County Board of County Commissioners, 500 Broadway, Eagle, CO 81631.	Eagle County Engineering Department, 500 Broadway Street, Eagle, CO 81631.	Jun. 5, 2026	080051
El Paso (FEMA Docket No.: B–2614).	Unincorporated Areas of El Paso County (25–08–0597P).	The Honorable Carrie Geitner, Chair, El Paso County Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903.	El Paso County Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, CO 80910.	Jun. 18, 2026	080059
Jefferson (FEMA Docket No.: B–2614).	Unincorporated Areas of Jefferson County (25–08–0302P).	The Honorable Andy Kerr, Chair, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Suite 5550, Golden, CO 80419.	Jefferson County Planning and Zoning Division, 100 Jefferson County Parkway, Suite 3550, Golden, CO 80419.	Jul. 10, 2026	080087
Larimer (FEMA Docket No.: B–2614).	City of Fort Collins (25–08–0144P).	Kelly DiMartino, City Manager, City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522.	Stormwater Utilities Department, 700 Wood Street, Fort Collins, CO 80521.	Jun. 29, 2026	080102
Larimer (FEMA Docket No.: B–2614).	Unincorporated Areas of Larimer County (25–08–0144P).	The Honorable Jody Shadduck-McNally, Chair, Larimer County Board of Commissioners, 200 West Oak Street, Suite 2200, Fort Collins, CO 80521.	Larimer County Administrative Offices Engineering Department, 200 West Oak Street, Suite 3000, Fort Collins, CO 80521.	Jun. 29, 2026	080101
Montrose (FEMA Docket No.: B–2614).	City of Montrose (25–08–0104P).	The Honorable Michael J. Badagliacco, Mayor, City of Montrose, P.O. Box 790, Montrose, CO 81402.	City Hall, 433 South 1st Street, Montrose, CO 81401.	May 14, 2026	080125
Montrose (FEMA Docket No.: B–2614).	Unincorporated Areas of Montrose County (25–08–0104P).	The Honorable Kristin Copeland, Chair, Montrose County Board of Commissioners, 320 South 1st Street, Suite 300, Montrose, CO 81401.	Montrose County, 320 South 1st Street, Montrose, CO 81401.	May 14, 2026	080124
Pitkin (FEMA Docket No.: B–2614).	Unincorporated Areas Pitkin County (24–08–0675P).	The Honorable Jeffrey Woodruff, Chair, Pitkin County Board of County Commissioners, 530 East Main Street, Suite 302, Aspen, CO 81611.	Pitkin County Planning and Zoning Department, 530 East Main Street, Suite 205, Aspen, CO 81611.	Jun. 5, 2026	080287
Weld (FEMA Docket No.: B–2614).	Town of Eaton (25–08–0039P).	The Honorable Scott Moser, Mayor, Town of Eaton, 223 1st Street, Eaton, CO 80615.	Town Hall, 223 1st Street, Eaton, CO 80615.	Jun. 29, 2026	080180
Weld (FEMA Docket No.: B–2614).	Unincorporated Areas of Weld County (25–08–0039P).	The Honorable Scott James, Chair, Weld County Board of Commissioners, 1150 O Street, P.O. Box 758, Greeley, CO 80631.	Weld County Administrative Building, 1150 O Street, Greeley, CO 80631.	Jun. 29, 2026	080266

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Hawaii: Maui (FEMA Docket No.: B–2614).	Maui County (25–09–0835P).	The Honorable Richard T. Bissen, Jr., Mayor, Maui County, 200 South High Street, Kalana O Maui Building, 9th Floor, Wailuku, HI 96793.	Maui County, 200 South High Street, Kalana O Maui Building, Wailuku, HI 96793.	Jul. 24, 2026	150003
Nevada:					
Clark (FEMA Docket No.: B–2614).	City of Henderson (26–09–0230X).	The Honorable Michelle Romero, Mayor, City of Henderson, 240 South Water Street, Henderson, NV 89015.	City Hall, 240 South Water Street, Henderson, NV 89015.	May 21, 2026	320005
Douglas (FEMA Docket No.: B–2614).	Unincorporated Areas of Douglas County (26–09–0271X).	The Honorable Mark Gardner, Chair, Douglas County Board of Commissioners, 1594 Esmeralda Avenue, Minden, NV 89423.	Douglas County Community Development, 1594 Esmeralda Avenue, Room 202, Minden, NV 89423.	Jul. 9, 2026	320008
Washoe (FEMA Docket No.: B–2614).	Unincorporated Areas of Washoe County (25–09–0198P).	Kate Thomas, Interim Washoe County Manager, 1001 East 9th Street, Reno, NV 89512.	Washoe County Government Building, 1001 East 9th Street, Reno, NV 89512.	May 18, 2026	320019
South Dakota:					
Pennington (FEMA Docket No.: B–2614).	City of Box Elder (25–08–0122P).	Hank Prim, City Administrator, City of Box Elder, 420 Villa Drive, Box Elder, SD 57719.	City Hall, 420 Villa Drive, Box Elder, SD 57719.	Jun. 12, 2026	460089
Pennington (FEMA Docket No.: B–2614).	Unincorporated Areas of Pennington County (25–08–0122P).	The Honorable Ron Weifenbach, Chair, Pennington County Board of Commissioners, P.O. Box 6160, Rapid City, SD 57709.	Pennington County Administration Building, 130 Kansas City Street, Rapid City, SD 57701.	Jun. 12, 2026	460064
Utah:					
Salt Lake (FEMA Docket No.: B–2614).	City of Cottonwood Heights (25–08–0414P).	The Honorable, Gay Lynn Bennion, Mayor, City of Cottonwood Heights, 2277 Bengal Boulevard, Cottonwood Heights, UT 84121.	City Hall, 2277 Bengal Boulevard, Cottonwood Heights, UT 84121.	May 14, 2026	490028
Salt Lake (FEMA Docket No.: B–2614).	City of West Jordan (25–08–0266P).	The Honorable Dirk Burton, Mayor, City of West Jordan, 8000 South Redwood Road, West Jordan, UT 84088.	City Hall, 8000 South Redwood Road, West Jordan, UT 84088.	Jul. 9, 2026	490108

[FR Doc. 2026–20908 Filed 10–13–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002; Internal Agency Docket No. FEMA–B–2635]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before January 12, 2027.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2635, to David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Lafayette County, Mississippi and Incorporated Areas Project: 22–04–0018S Preliminary Date: July 10, 2026	
City of Oxford	City Hall, 107 Courthouse Square, Oxford, MS 38655.
Unincorporated Areas of Lafayette County	Lafayette County Chancery Courthouse, 300 North Lamar Boulevard, Oxford, MS 38655.
Village of Taylor	Town Hall, 12 Main Street, Taylor, MS 38673.

[FR Doc. 2026–20912 Filed 10–13–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002; Internal Agency Docket No. FEMA–B–2636]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before January 12, 2027.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2636, to David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation

process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Missoula County, Montana and Incorporated Areas Project: 22–08–0034S Preliminary Date: August 28, 2025 and May 29, 2026	
City of Missoula	City Hall, 435 Ryman Street, Missoula, MT 59802.
Unincorporated Areas of Missoula County	Missoula County Planning, Development and Sustainability, 131 East Main Street, Missoula, MT 59802.

[FR Doc. 2026–20913 Filed 10–13–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002; Internal Agency Docket No. FEMA–B–2631]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before January 12, 2027.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2631, to David N. Bascom, Acting Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Acting Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective

Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
City of St. Louis, Missouri (Independent City) Project: 19–07–0057S Preliminary Dates: October 17, 2024 and January 29, 2026	
City of St. Louis	City of St. Louis Building, 1200 Market Street, Room 400, St. Louis, MO 63103.
St. Louis County, Missouri and Incorporated Areas Project: 19–07–0057S Preliminary Dates: October 17, 2024 and January 29, 2026	
City of Ballwin	Government Center, 1 Government Center, Ballwin, MO 63011.
City of Bel-Ridge	City Hall, 8920 Natural Bridge Road, Bel-Ridge, MO 63121.
City of Bella Villa	City Hall, 751 Avenue H, Bella Villa, MO 63125.
City of Bellefontaine Neighbors	Bellefontaine Neighbors City Hall, 9641 Bellefontaine Road, St. Louis, MO 63137.
City of Bellerive Acres	Bellerive Acres Administrative Offices, 3915 Roland Boulevard, St. Louis, MO 63121.
City of Berkeley	City Hall, 8425 Airport Road, Berkeley, MO 63134.
City of Black Jack	City Hall, 12500 Old Jamestown Road, Black Jack, MO 63033.
City of Breckenridge Hills	City Hall, 9623 St. Charles Rock Road, Breckenridge Hills, MO 63114.
City of Brentwood	City Hall, 2348 South Brentwood Boulevard, Brentwood, MO 63144.
City of Bridgeton	Government Center, 12355 Natural Bridge Road, Bridgeton, MO 63044.
City of Chesterfield	City Hall, 690 Chesterfield Parkway West, Chesterfield, MO 63017.
City of Clarkson Valley	Clarkson Valley City Hall, 15933 Clayton Road, Ballwin, MO 63011.
City of Clayton	City Hall, 10 North Bemiston Avenue, Clayton, MO 63105.
City of Cool Valley	City Hall, 100 Signal Hill Drive, Cool Valley, MO 63121.
City of Country Club Hills	City Hall, 7422 Eunice Avenue, Country Club Hills, MO 63136.
City of Crestwood	City Hall, 1 Detjen Drive, Crestwood, MO 63126.
City of Creve Coeur	Government Center, 300 North New Ballas Road, Creve Coeur, MO 63141.
City of Crystal Lake Park	St. Louis County Administration Building, 41 South Central Avenue, Clayton, MO 63105.
City of Dellwood	City Hall, 1415 Chambers Road, Dellwood, MO 63135.
City of Des Peres	City Hall, 12325 Manchester Road, Des Peres, MO 63131.
City of Ellisville	City Hall, 1 Weis Avenue, Ellisville, MO 63011.
City of Eureka	City Hall, 100 City Hall Drive, Eureka, MO 63025.
City of Fenton	City Hall, 625 New Smizer Mill Road, Fenton, MO 63026.
City of Ferguson	City Hall, 110 Church Street, Ferguson, MO 63135.
City of Flordell Hills	City Hall, 7001 Brandon Avenue, Flordell Hills, MO 63136.
City of Florissant	City Hall, 955 Rue Saint Francois Street, Florissant, MO 63031.
City of Frontenac	City Hall, 10555 Clayton Road, Frontenac, MO 63131.
City of Glendale	City Hall, 424 North Sappington Road, Glendale, MO 63122.
City of Green Park	City Hall, 11100 Mueller Road, Suite 6, Green Park, MO 63123.
City of Hazelwood	City Hall, 415 Elm Grove Lane, Hazelwood, MO 63042.
City of Huntleigh	St. Louis County Administration Building, 41 South Central Avenue, Clayton, MO 63105.
City of Jennings	City Hall, 2120 Hord Avenue, Jennings, MO 63136.
City of Kinloch	City Hall, 5825 Martin Luther King Boulevard, Kinloch, MO 63140.
City of Kirkwood	City Hall, 139 South Kirkwood Road, Kirkwood, MO 63122.
City of Ladue	City Hall, 9345 Clayton Road, Ladue, MO 63124.
City of Lakeshire	Community Center, 10000 Puttington Drive, Lakeshire, MO 63123.
City of Manchester	City Hall, 14317 Manchester Road, Manchester, MO 63011.
City of Maplewood	City Hall, 7601 Manchester Road, Maplewood, MO 63143.
City of Maryland Heights	Government Center, 11911 Dorsett Road, Maryland Heights, MO 63043.
City of Moline Acres	Moline Acres City Hall, 2449 Chambers Road, St. Louis, MO 63136.
City of Normandy	City Hall, 7700 Natural Bridge Road, Normandy, MO 63121.
City of Northwoods	City Hall, 4600 Oakridge Boulevard, Northwoods, MO 63121.
City of Oakland	St. Louis County Administration Building, 41 South Central Avenue, Clayton, MO 63105.
City of Olivette	City Hall, 1140 Dielman Road, Olivette, MO 63132.
City of Overland	City Hall, 9119 Lackland Road, Overland, MO 63114.
City of Pagedale	City Hall, 1420 Ferguson Avenue, Pagedale, MO 63133.
City of Pine Lawn	City Hall, 6250 Steve Marre Avenue, Pine Lawn, MO 63121.
City of Richmond Heights	City Hall, 1330 South Big Bend Boulevard, Richmond Heights, MO 63117.

Community	Community map repository address
City of Rock Hill	City Hall, 827 North Rock Hill Road, Rock Hill, MO 63119.
City of Shrewsbury	City Hall, 5200 Shrewsbury Avenue, Shrewsbury, MO 63119.
City of St. Ann	City Hall, 10405 St. Charles Rock Road, St. Ann, MO 63074.
City of St. John	Municipal Center, 8944 St. Charles Rock Road, St. John, MO 63114.
City of Sunset Hills	City Hall, 3939 South Lindbergh Boulevard, Sunset Hills, MO 63127.
City of Town and Country	City Hall, 1011 Municipal Center Drive, Town and Country, MO 63131.
City of University City	City Hall, 6801 Delmar Boulevard, University City, MO 63130.
City of Valley Park	City Hall, 55 Crescent Avenue, Valley Park, MO 63088.
City of Velda City	Velda City City Hall, 2560 Lucas and Hunt Road, St. Louis, MO 63121.
City of Vinita Park	City Hall, 8374 Midland Boulevard, Vinita Park, MO 63114.
City of Warson Woods	City Hall, 10015 Manchester Road, Warson Woods, MO 63122.
City of Webster Groves	City Hall, 4 East Lockwood Avenue, Webster Groves, MO 63119.
City of Wellston	City Hall, 6203 Cote Brilliante Avenue, Wellston, MO 63133.
City of Wildwood	Municipal Building, 16860 Main Street, Wildwood, MO 63040.
City of Woodson Terrace	City Hall, 4323 Woodson Road, Woodson Terrace, MO 63134.
Unincorporated Areas of St. Louis County	St. Louis County Administration Building, 41 South Central Avenue, Clayton, MO 63105.
Village of Champ	St. Louis County Administration Building, 41 South Central Avenue, Clayton, MO 63105.
Village of Grantwood	Town Hall, 1 Missionary Ridge, Grantwood, MO 63123.
Village of Hanley Hills	City Hall, 7713 Utica Drive, Hanley Hills, MO 63133.
Village of Hillsdale	City Hall, 6428 Jesse Jackson Avenue, Hillsdale, MO 63121.
Village of Marlborough	Marlborough Village Hall, 7826 Wimbledon Drive, Webster Groves, MO 63119.
Village of Norwood Court	St. Louis County Administration Building, 41 South Central Avenue, Clayton, MO 63105.
Village of Riverview	City Hall, 9699 Lilac Drive, Riverview, MO 63137.
Village of Velda Village Hills	City Hall, 3501 Avondale Avenue, Velda Village Hills, MO 63121.
Village of Westwood	St. Louis County Administration Building, 41 South Central Avenue, Clayton, MO 63105.

[FR Doc. 2026–20926 Filed 10–13–26; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002; Internal Agency Docket No. FEMA–B–2633]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before January 12, 2027.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2633, to David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the

flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Franklin County, Iowa and Incorporated Areas Project: 24–07–0035S Preliminary Date: May 27, 2026	
City of Alexander	City Hall, 421 Harriman Street, Alexander, IA 50420.
City of Coulter	City Hall, 108 Main Street, Coulter, IA 50431.
City of Geneva	Franklin County Courthouse, 12 1st Avenue NW, Hampton, IA 50441.
City of Hampton	City Hall, 122 1st Avenue NW, Hampton, IA 50441.
City of Hansell	City Hall, 1466 Timber Avenue, Hansell, IA 50441.
City of Latimer	City Hall, 108 South Akir Street, Latimer, IA 50452.
City of Popejoy	City Hall, 1006 Main Street, Popejoy, IA 50227.
City of Sheffield	City Hall, 110 South 3rd Street, Sheffield, IA 50475.
Unincorporated Areas of Franklin County	Franklin County Courthouse, 12 1st Avenue NW, Hampton, IA 50441.
Webster County, Iowa and Incorporated Areas Project: 24–07–0038S Preliminary Date: June 3, 2026	
City of Badger	City Hall, 120 1st Street SE, Badger, IA 50516.
City of Barnum	Mayor's Office, 402 Pierce Street, Barnum, IA 50518.
City of Callender	City Hall, 415 Thomas Street, Callender, IA 50523.
City of Dayton	City Hall, 202 1st Avenue SW, Dayton, IA 50530.
City of Duncombe	City Hall, 421 Main Street, Duncombe, IA 50532.
City of Fort Dodge	Municipal Building, 819 1st Avenue S, Fort Dodge, IA 50501.
City of Gowrie	City Hall, 1206 Market Street, Gowrie, IA 50543.
City of Harcourt	City Hall, 204 South Ash Street, Harcourt, IA 50544.
City of Lehigh	City Hall, 241 Elm Street, Lehigh, IA 50557.
City of Moorland	Moorland Community Center, 416 3rd Street W, Moorland, IA 50566.
City of Vincent	Municipal Building, 104 Arthur Street, Vincent, IA 50594.
Unincorporated Areas of Webster County	Webster County Courthouse, 701 Central Avenue, Fort Dodge, IA 50501.
Barton County, Missouri and Incorporated Areas Project: 25–07–0042S Preliminary Date: June 5, 2026	
City of Golden City	City Hall, 701 Depot Avenue, Golden City, MO 64748.
City of Lamar	City Hall, 132 West 10th Street, Lamar, MO 64759.
City of Lamar Heights	Barton County Courthouse, 1004 Gulf Street, Lamar, MO 64759.
City of Liberal	City Hall, 209 South Main Street, Liberal, MO 64762.
City of Mindenmines	City Hall, 613 Main Street, Mindenmines, MO 64769.
Unincorporated Areas of Barton County	Barton County Courthouse, 1004 Gulf Street, Lamar, MO 64759.
Village of Milford	Barton County Courthouse, 1004 Gulf Street, Lamar, MO 64759.
Bates County, Missouri and Incorporated Areas Project: 24–07–0026S Preliminary Date: June 5, 2026	
City of Adrian	City Hall, 16 East 5th Street, Adrian, MO 64720.
City of Amoret	Bates County Administration Building, 103 West Dakota Street, Butler, MO 64730.
City of Amsterdam	Bates County Administration Building, 103 West Dakota Street, Butler, MO 64730.
City of Butler	City Hall, 22 West Ohio Street, Butler, MO 64730.
City of Rich Hill	City Hall, 120 North 7th Street, Rich Hill, MO 64779.
City of Rockville	Bates County Administration Building, 103 West Dakota Street, Butler, MO 64730.
Unincorporated Areas of Bates County	Bates County Administration Building, 103 West Dakota Street, Butler, MO 64730.

Community	Community map repository address
Village of Foster	Bates County Administration Building, 103 West Dakota Street, Butler, MO 64730.
Village of Merwin	Bates County Administration Building, 103 West Dakota Street, Butler, MO 64730.

[FR Doc. 2026–20911 Filed 10–13–26; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6549–N–04]

Notice of Federal Advisory Committee Meeting; Manufactured Housing Consensus Committee (MHCC)

AGENCY: Office of the Assistant Secretary for Housing–Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda for a virtual meeting of the Manufactured Housing Consensus Committee (MHCC) to be held on October 27, 2026, and October 28, 2026, from 11:00 a.m. to 5:00 p.m., Eastern Daylight Time (EDT). The meeting is open to the public. The agenda provides an opportunity for interested parties to comment on the business before the MHCC.

DATES: The MHCC meeting will be held on October 27, 2026 and October 28, 2026, from 11:00 a.m. to 5:00 p.m., Eastern Daylight Time (EDT).

ADDRESSES: The meeting will be held via teleconference. The teleconference number for the meeting is:

Phone: (669) 444–9171.

Meeting ID: 865 0804 1852.

To access the webinar, use the following link: *https://us06web.zoom.us/j/86508041852.*

FOR FURTHER INFORMATION CONTACT: Mary Jo Houton, Administrator, Office of Manufactured Housing Programs, Department of Housing and Urban Development, 451 7th Street SW, Room 9252, Washington, DC 20410, telephone (202) 708–6423 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as from individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

SUPPLEMENTARY INFORMATION:

Background

Notice of these meetings is provided in accordance with the Federal Advisory Committee Act (FACA) and implementing regulations. 5 U.S.C. 1009(a)(2), 41 CFR 102–3.150. The Manufactured Housing Consensus Committee (MHCC) was established by the National Manufactured Housing Construction and Safety Standards Act of 1974. Public Law 93–383, 88 Stat. 633, codified at 42 U.S.C. 5401 *et seq.* This Act was later amended by the Manufactured Housing Improvement Act of 2000 (Pub. L. 106–569, 114 Stat. 2944). Under 42 U.S.C. 5403, the purposes of the MHCC are to:

(1) Provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with subsection 5403(a);

(2) Provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring, in accordance with subsection 5403(b); and

(3) Be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation.

The MHCC is deemed an advisory committee not composed of Federal employees.

Public Comment

Interested parties wishing to make comments on the business of the MHCC are encouraged to register by or before Wednesday, October 21, 2026, by contacting HUD's Administering Organization (AO) for the MHCC, Home Innovation Research Labs; Attention: John Peavy and Tynica Stefun, 400 Prince Georges Blvd., Upper Marlboro, MD 20774, or email to *mhcc@homeinnovation.com* or call 1–888–602–4663. Written comments should be submitted on or before Monday, October 19, 2026, to give MHCC members an opportunity to review the comments and come prepared to the meeting. Timely submission of comments will allow adequate opportunity to consider stakeholder input and help facilitate meaningful discussions. The MHCC strives to accommodate citizen comments to the extent possible within the time constraints of the meeting agenda. Advance registration is strongly encouraged. The MHCC will provide an opportunity for public comments on specific matters before the MHCC.

The U.S. Department of Housing and Urban Development's (HUD), Office of Manufactured Housing Programs, is providing an opportunity for the MHCC to discuss standards for new rules it is responsible to promulgate under the 21st Century ROAD to Housing Act, enacted on July 11, 2026, which amends the Manufactured Housing Construction and Safety Standards Act of 1974 (Section 603 (42 U.S.C. 5402) and Section 604 (42 U.S.C. 5403). Specifically, HUD seeks the input of the MHCC to identify the necessary changes to the standards for manufactured housing as it relates to the removal of the permanent chassis on the lowest floor, including anticipated costs and benefits. HUD also seeks MHCC input on state certifications and recertification that verify that certain state laws treat manufactured homes without a chassis in parity with manufactured homes with a chassis.

HUD is scheduling this meeting with the MHCC to allow robust discussion, analysis, and consideration as the committee is responsible for providing recommendations to the Secretary for the purposes of proceeding with changes to the standards. This meeting is scheduled for two days to provide sufficient time for thorough consideration and collection of MHCC recommendations. HUD, therefore, strongly encourages active participation by committee members, stakeholders, and other interested parties.

Tentative Agenda for Tuesday, October 27, 2026

(1) Call to Order—MHCC Chair & *Mary Jo Houton,* Designated Federal Officer (DFO)
(2) Roll Call—AO
(3) Opening Remarks—Office of Manufactured Housing Programs Deputy Assistant Secretary, DFO, & MHCC Chair
(4) Introductions;
(a) MHCC Members;
(b) HUD Staff; and
(c) Guests.

(5) Administrative Announcements—DFO & AO
(6) Public Comment Period—30 minutes (Public Encouraged to Sign Up with AO)
(7) 21st Century ROAD to Housing Act Introduction and Overview
(8) Permanent Chassis Removal Requirements
(9) Public Comment Period—30 minutes (Public Encouraged to Sign Up with AO)
(10) Wrap Up—DFO & AO
(11) Adjourn for the Day

Tentative Agenda for Wednesday, October 28, 2026

(1) Reconvene Meeting—MHCC Chair & DFO
(2) Call to Order—MHCC Chair & *Mary Jo Houton,* Designated Federal Officer (DFO)
(3) Roll Call—AO
(4) Opening Remarks—MHCC Chair & DFO
(5) Administrative Announcements—DFO & AO
(6) Public Comment Period—30 minutes (Public Encouraged to Sign Up with AO)
(7) State Certification and Re-Certification Framework
(8) Public Comment Period—30 minutes (Public Encouraged to Sign Up with AO)
(9) Wrap Up—DFO & AO
(10) Meeting Adjourned

Joseph M. Gormley,

President of the Government National Mortgage Association, Performing the delegable duties of the Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2026–20953 Filed 10–13–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7110–N–18; OMB Control No.: 2502–0485]

60-Day Notice of Proposed Information Collection: Congregate Housing Services Program (CHSP)

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: December 14, 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: Congregate Housing Services Program (CHSP).

OMB Approval Number: 2502–0485.

Type of Request: Extension of a currently approved collection.

Form Number: HUD–90006, HUD–90198, HUD–91180–A, 91178–A, SF–425.

Description of the need for the information and proposed use: Grantees' completion of the Annual Report gives HUD the information needed to know who each grant is serving and what services participants receive with grant funds. The Summary Budget and Annual Program Budget together form the grantee's annual extension request, showing itemized anticipated costs and a matrix of budgeted yearly costs; including how matching funds, participant fees, and grant funds are combined to run the program. Field staff use this budget to approve annual extension funding requests and to confirm grantees are meeting statutory and regulatory requirements. The Payment Voucher lets HUD monitor grant fund use for eligible activities over the grant term, and grantees can similarly use it to track and record payment reimbursement requests.

Respondents: State, Indian tribe, unit of general local government, or local nonprofit housing sponsor, IHA, PHA, or for-profit or not-for-profit owner,

Estimated Number of Respondents: 30.

Estimated Number of Responses: 330.

Frequency of Response: Semi-annually to annually.

Average Hours per Response: .82.

Total Estimated Burdens: 1,050.

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. 2026–21011 Filed 10–13–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[278A2100DD AAKE200000/A0A501010.000000]

Indian Gaming; Approval by Operation of Law of the Stillaguamish Tribe and State of Washington Gaming Compact

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces the approval by operation of law of the Memorandum of Incorporation Between the Stillaguamish Tribe of Indians and the Washington State Gambling Commission Regarding Tribal Lottery System Purchase Price Increase governing the operation and regulation of class III gaming activities.

DATES: The Compact takes effect on October 14, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Troy Woodward, Acting Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, *IndianGaming@bia.gov;* (202) 219–4066.

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act of 1988, 25 U.S.C. 2701 *et seq.,* (IGRA) provides the Secretary of the Interior (Secretary) with 45 days to review and approve or disapprove the Tribal-State compact governing the conduct of class III gaming activity on the Tribe's Indian lands. *See* 25 U.S.C. 2710(d)(8). If the Secretary does not approve or disapprove a Tribal-State compact within the 45 days, IGRA provides the Tribal-State compact is considered to have been approved by the Secretary, but only to the extent the compact is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(D). The IGRA also requires the Secretary publish in the **Federal Register** notice of the approved Tribal-State compacts for the purpose of engaging in class III gaming activities on Indian lands. *See* 25 U.S.C. 2710(d)(8)(D). As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary. The Compact revises Appendix E to increase the purchase price for a single scratch ticket and online wager limits to $50. The Secretary took no action on the Compact within the 45-day statutory review period. Therefore, the Compact is considered to have been approved, but only to the extent it is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(C).

Kennis M. Bellmard,

Deputy Assistant Secretary—Indian Affairs for Policy and Economic Development, Exercising by delegation the authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2026–20896 Filed 10–13–26; 8:45 am]

BILLING CODE 4337–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–644 and 731–TA–1494 (Review)]

Non-Refillable Steel Cylinders From China; Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the antidumping and countervailing duty orders on non-refillable steel cylinders from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission instituted these reviews on April 1, 2026 (91 FR 16220) and determined on July 6, 2026, that it would conduct expedited reviews (91 FR 50894, August 6, 2026).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on October 8, 2026. The views of the Commission are contained in USITC Publication 5799 (October 2026), entitled *Non-Refillable Steel Cylinders from China: Investigation Nos. 701–TA–644 and 731–TA–1494 (Review).*

By order of the Commission.

Issued: October 8, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–20918 Filed 10–13–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–639, 641–642 and 731–TA–1475–1479, 1481–1483, 1485–1492 (Review)]

Common Alloy Aluminum Sheet From Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey; 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 countervailing duty orders on common alloy aluminum sheet (''CAAS'') from Bahrain, India, and Turkey and the revocation of the antidumping duty orders on CASS from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey 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 7, 2026.

FOR FURTHER INFORMATION CONTACT: Julie Duffy (202-(202) 708–2579), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these reviews 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 reviews were such that full reviews should proceed (91 FR 35706, June 12, 2026); accordingly, full reviews are 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 reviews 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 these reviews 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

[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 Negatu did not participate.

filed a notice of appearance following publication of the Commission's notice of institution of the reviews 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 reviews.

For further information concerning the conduct of these reviews 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 these reviews available to authorized applicants under the APO issued in the reviews, 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 reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews 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 reviews will be placed in the nonpublic record on March 1, 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 reviews beginning at 9:30 a.m. on March 18, 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 March 10, 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 reviews, 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 March 17, 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 17, 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 reviews 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 9, 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 29, 2027. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before 5:15 p.m. on March 29, 2027. On April 22, 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 26, 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 reviews must be served on all other parties to the reviews (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: These reviews are 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 8, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–20904 Filed 10–13–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1526]

Certain Vertical Power Delivery Systems, Components Thereof, and Computing Systems Containing the Same; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 9, 2026, under section 337 of the Tariff Act of 1930, as amended, on behalf of Vicor Corporation of Andover, Massachusetts. A supplement to the complaint was filed on September 10, 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 vertical power delivery systems, components thereof, and computing systems containing the same by reason of the infringement of certain claims of U.S. Patent No. 10,903,734 (''the '734 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests 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 9, 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 1–8, 11–14, 18–26, 40–56, 65–71, 80, 81, 83, 84, 90–93, and 95 of the '734 patent, and whether an industry in the United States exists 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 ''vertical power delivery systems and components thereof, used in data center server, artificial intelligence and cloud computing systems, to power artificial intelligence ('AI') accelerators, tensor processing units ('TPU'), graphical processing units ('GPU') and central processing units ('CPU'), and computing systems containing the same'';

(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 complainant is:

Vicor Corporation, 25 Frontage Road, Andover, MA 01810.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Delta Electronics, Inc., 186, Ruey Kuang Road, Neihu Dist., Taipei 114501, Taiwan.

Delta Electronics (Americas) Ltd., 46101 Fremont Blvd., Fremont, CA 94538.

DET Logistics (USA) Corporation, 46101 Fremont Blvd., Fremont, CA 94538.

Infineon Technologies AG, Am Campeon 1–12, D–85579 Neubiberg/Munich, Federal Republic of Germany.

Luxshare Precision Industry Co., Ltd., 313 Beihuan Road, Qingxi Town, Dongguan, Guangdong 523642, China.

Dongguan Luxshare Technology Co., Ltd. a/k/a Luxshare-Tech, 8th Floor, Digital Technology Industrial Park, CIMC Industrial City, No. 1 Yile Road, Songshan Lake High-Tech Zone, Dongguan City, Guangdong, China.

Monolithic Power Systems, Inc., 5808 Lake Washington Blvd. NE, Kirkland, Washington 98033.

Chengdu Monolithic Power Systems Co., Ltd., #8 Kexin Road, Hi-Tech Comprehensive Bonded Zone, Chengdu, Sichuan 611731, China.

MPS International (Shanghai) Ltd., Suite 704–705, Tian An Centre, No. 338 Nanjing Road (West), Shanghai 200003, China.

Flex Ltd., 12515–8 Research Blvd., Suite 300, Austin, Texas 78759.

Celestica Inc., 5140 Yonge Street, Suite 1900 Toronto, Ontario, Canada.

Quanta Computer Inc., No. 211, Wenhua 2nd Rd., Guishan Dist., Taoyuan City 333, Taiwan.

Quanta Cloud Technology Inc., 1F, No. 211 Wenhua 2nd Rd., Guishan Dist., Taoyuan City 33377, Taiwan.

Quanta Cloud Technology USA LLC, 1010 Rincon Circle, San Jose, CA 95131.

Quanta Computer USA Inc., 45630 Northport Loop East, Fremont, CA 94538.

Hon Hai Precision Industry Co. Ltd. (d/b/a Foxconn), No. 2, Zihyou St., Tucheng Dist., New Taipei City 236, Taiwan.

Foxconn Industrial Internet Co. Ltd., 2F C1 Foxconn Technology Park 2 Donghuan 2, Road Longhua, Shenzhen, 518109 China.

FII USA Inc. (a/k/a Foxconn Industrial Internet USA Inc.), 611 East Wisconsin Ave., Milwaukee, WI 53202.

Ingrasys Technology Inc., 5F., No. 1188, Nanqing Rd., Luzhu Dist., Taoyuan City, Taiwan.

Ingrasys Technology USA Inc., 2025 Gateway Place, Ste. 190, San Jose, CA 95110.

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

The Commission is interested in the development of a thorough record on domestic industry in this investigation to facilitate a holistic review of all relevant considerations. Accordingly, the presiding administrative law judge may wish to consider what information will be necessary to make a determination with respect to complainant's domestic industry allegations under subparagraphs (A), (B), and (C) of section 337(a)(3) based on an industry that exists or is in the process of being established; including the extent to which these allegations rely on expenditures made by third parties; and the extent to which expenditures are made outside the United States related to the domestic industry article(s) by any entity.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: October 9, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–20993 Filed 10–13–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–785–786 and 731–TA–1773–1774 (Final)]

Fatty Acids From Indonesia and Malaysia; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–785–786 and 731–TA–1773–1774 (Final) pursuant to the Tariff Act of 1930 to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of fatty acids from Indonesia and Malaysia, provided for in subheadings 2915.70.01, 2915.90.10, 2916.15.10, 2916.15.51, 3823.11.00, 3823.12.00, 3823.19.20, and 3823.19.40 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce (''Commerce'') to be subsidized and sold at less-than-fair-value.

DATES: September 22, 2026.

FOR FURTHER INFORMATION CONTACT: Stamen Borisson ((202) 205–3125), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Scope.—For purposes of these investigations, Commerce has defined the subject merchandise as ''certain fatty acids, which are organic acids made of a hydrocarbon chain with a carboxylic acid group at one end with a carbon chain length of C6, C8, C10, C12, C14, C16, or C18, with an iodine value below 105g/100 g and with a ratio of free fatty acids to triglycerides of at least 97 percent, including single fatty acid (also referred to as ''pure cut''), and blends containing a combination of two or more carbon chain lengths.'' (91 FR 60096; 91 FR 60092, September 22, 2026)

Background.—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by Commerce that certain benefits which constitute subsidies within the meaning of § 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in Indonesia and Malaysia of fatty acids, and that such products are being sold in the United States at less than fair value within the meaning of § 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on January 28, 2026, by Vantage Specialty Chemicals, Inc., Deerfield, Illinois.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on January 21, 2027, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on February 4, 2027. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before January 28, 2027. Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear via videoconference must include a statement explaining why the witness cannot appear in person; the Chairman, or other person designated to conduct the investigation, may in their discretion for good cause shown, grant such a request. Requests to

appear as remote witness due to illness or a positive COVID–19 test result may be submitted by 3:00 p.m. the business day prior to the hearing. Further information about participation in the hearing will be posted on the Commission's website at *https://www.usitc.gov/calendarpad/calendar.html.*

A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference, if deemed necessary, to be held at 9:30 a.m. on Monday, February 1, 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 February 3, 2027. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is January 28, 2027. Parties shall also file written testimony in connection with their presentation at the hearing, and posthearing briefs, which must conform with the provisions of § 207.25 of the Commission's rules. The deadline for filing posthearing briefs is February 11, 2027. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before February 11, 2027. On February 26, 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 March 2, 2027, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to § 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: October 8, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–20903 Filed 10–13–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Spectral Flow Cytometry Systems and Components Thereof, DN 3943;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Cytek Biosciences, Inc. on October 8, 2026. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain spectral flow cytometry systems and components thereof. The complaint names as respondents: Beckman Coulter, Inc. of Brea, CA; and Beckman Coulter Biotechnology (Suzhou) Co., Ltd. of China. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant,

its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business (5:15 p.m.),[1] eight calendar days after publication of this notice in the **Federal Register**. Complainant(s) may file replies to any written submissions no later than three calendar days after the date on which the written submissions were due. Notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure, the deadlines for written submissions and replies shall be counted by calendar days starting with the first calendar day following the **Federal Register** publication date or the due date for written submissions, respectively. The provisions of § 201.14(a) regarding the last day of the period still apply concerning the due date of any filings. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3943'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [2]). Please note the Secretary's Office will accept only electronic filings unless an exemption is granted. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*.) Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[3] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[4]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: October 8, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–20932 Filed 10–13–26; 8:45 am]

BILLING CODE 7020–02–P

[1] *See* 19 CFR 201.3(c).

[2] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf.*

[3] All contract personnel will sign appropriate nondisclosure agreements.

[4] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–802–804 and 731–TA–1799–1803 (Preliminary)]

Linear Hydraulic Cylinders From Canada, China, India, Mexico, and South Korea, Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of linear hydraulic cylinders from Canada, China, India, Mexico, and South Korea, provided for in subheadings 8412.21.00 and 8412.90.90 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'') and subsidized by the governments of China, India, and Mexico.[2] [3]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in § 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under §§ 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under §§ 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Any other party may file an entry of appearance for the final phase of the investigations after publication of the final phase notice of scheduling. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 91 FR 58060; 91 FR 58067 (September 14, 2026).

[3] Commissioner Samuel T. Negatu not participating.

prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations. As provided in section 207.20 of the Commission's rules, the Director of the Office of Investigations will circulate draft questionnaires for the final phase of the investigations to parties to the investigations, placing copies on the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*), for comment.

Background

On July 29, 2026, the Hydraulic Cylinders Fair Trade Coalition and its individual members—Aggressive Hydraulics Inc., Cedar, Minnesota; Hol-Mac Corporation, Bay Springs, Mississippi; Ligon Hydraulics, Tonawanda, New York; Prince Manufacturing Corporation, Lexington, South Carolina; PTC Alliance LLC, Wexford, Pennsylvania; Rosenboom Machine and Tool Inc., Sheldon, Iowa; Scot Industries Inc., Lone Star, Texas; Stillwell Inc., Burnsville, Minnesota; and Texas Hydraulics Inc., Temple, Texas—filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of linear hydraulic cylinders from China, India, and Mexico and LTFV imports of linear hydraulic cylinders from Canada, China, India, Mexico, and South Korea. Accordingly, effective July 29, 2026, the Commission instituted countervailing duty investigation Nos. 701–TA–802–804 and antidumping duty investigation Nos. 731–TA–1799–1803 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of August 4, 2026 (91 FR 49442).[4] The Commission conducted its conference on August 19, 2026. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on October 9, 2026. The views of the Commission are contained in USITC Publication 5800 (October 2026), entitled *Linear Hydraulic Cylinders from Canada, China, India, Mexico, and South Korea: Investigation Nos. 701–TA–802–804 and 731–TA–1799–1803 (Preliminary).*

By order of the Commission.

Issued: October 9, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–20988 Filed 10–13–26; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Katherine Curtis, N.P.; Decision and Order

On December 15, 2025, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Katherine Curtis, N.P., of Carmel, Indiana (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 9. The OSC proposed the revocation of Registrant's DEA Certificate of Registration No. MS5411765, alleging that Registrant has no state authority to handle controlled substances and that Registrant's continued registration would be inconsistent with the public interest. *Id.* at 1 (citing 21 U.S.C. 823(g)(1), 824(a)(3), 824(a)(4)).[1]

Specifically, the OSC alleged that Registrant is ''currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of Indiana, the state in which [she is] registered with DEA.'' *Id.* at 3 (citing 21 U.S.C. 824(a)(3)). The OSC further alleged that Registrant ''issued multiple prescriptions that were not for a legitimate medical purpose and which did not adhere to the Indiana standard of care.'' *Id.,* at 3; *see* 21 U.S.C. 823(g)(1)(B), (D)).[2]

On February 4, 2026, the Government submitted an RFAA requesting that the Agency issue a default final order revoking Registrant's registration. RFAA, at 3. After carefully reviewing the entire record and conducting the analysis as set forth in detail below, the Agency grants the Government's request for final agency action and revokes Registrant's registration.

I. Default Determination

Under 21 CFR 1301.43, a registrant entitled to a hearing who fails to file a timely hearing request ''within 30 days after the date of receipt of the [OSC] . . . shall be deemed to have waived their right to a hearing and to be in default'' unless ''good cause'' is established for the failure. 21 CFR 1301.43(a) & (c)(1). In the absence of a demonstration of good cause, a registrant who fails to timely file an answer also is ''deemed to have waived their right to a hearing and to be in default.'' 21 CFR 1301.43(c)(2). Unless excused, a default is deemed to constitute ''an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

Here, the OSC notified Registrant of her right to file a written request for hearing, and that if she failed to file such a request, she would be deemed to have waived her right to a hearing and be in default. RFAAX 1, at 8 (citing 21 CFR 1301.43). According to the Government's RFAA, Registrant failed to request a hearing. RFAA, at 1–2. Thus, the Agency finds that Registrant is in default and therefore has admitted to the factual allegations in the OSC. 21 CFR 1301.43(e).

II. Loss of State Authority

A. Findings of Fact

According to the OSC, on October 31, 2025, Registrant's Indiana advanced practice registered nurse (APRN) license expired by its own terms. RFAAX 1, at 3. On October 31, 2025, Registrant's Indiana controlled substance registration (CSR) license expired by its own terms. *Id.* On November 20, 2025, Registrant's APRN license was suspended. *Id.* According to Indiana online records, of which the Agency takes official notice,[3] both Registrant's Indiana APRN license and Registrant's Indiana CSR license are expired. State of Indiana License Search, *https://mylicense.in.gov/*everification (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to practice as an APRN nor to handle controlled

[4] Due to the notice of extension of the deadline for determining the adequacy of the antidumping and countervailing duty petitions by Commerce, the Commission revised its schedule for this proceeding. The revised schedule was published in a subsequent notice in the **Federal Register** on August 26, 2026 (91 FR 55112).

[1] Based on the Government's submissions in its RFAA dated February 4, 2026, the Agency finds that service of the OSC on Registrant was adequate. Specifically, the included Form DEA–12, signed by Registrant, indicates that on December 29, 2025, a DEA Diversion Investigator (DI) personally served Registrant with the OSC. RFAAX 2.

[2] The Agency need not adjudicate the criminal violations alleged in the OSC. *Ruan* v. *United Stares,* 597 U.S. 450 (2022) (decided in the context of criminal proceedings).

[3] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

substances in Indiana, the state in which she is registered with DEA.[4]

B. Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding that the registrant . . . has had his [or her] State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *Gonzales* v. *Oregon,* 546 U.S. 243, 270 (2006) (''The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. [21 U.S.C.] 802(21).''). The Agency has applied these principles consistently. *See, e.g., Ashley Vermillion, N.P.,* 91 FR 35270 (2026); *Benson Sergiles, P.A.,* 90 FR 32016 (2025); *Mark D. Beale, M.D.,* 85 FR 48564 (2020).[5]

According to Indiana statute, and subject to exceptions irrelevant here, ''[e]very person who dispenses or proposes to dispense any controlled substance within Indiana must have a registration issued by the [Indiana Board of Pharmacy] in accordance with the board's rules.'' Ind. Code § 35–48–3–3(b) (2025). Further, ''dispense'' means ''to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner and includes the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.'' *Id.* § 35–48–1.1–11 (2025).

Here, the undisputed evidence in the record is that Registrant lacks authority to handle controlled substances in Indiana because her Indiana CSR license is expired. As discussed above, a person must hold an Indiana controlled substance registration to dispense a controlled substance in Indiana. Thus, because Registrant lacks authority to handle controlled substances in Indiana, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency finds that Registrant's lack of state authority to handle controlled substances provides an independent basis for revocation of Registrant's DEA registration. 21 U.S.C. 824(a)(3).

III. Public Interest Determination

A. Overview of Law

The Attorney General ''may deny, suspend, or revoke [a] registration if . . . the [registrant's] registration would be 'inconsistent with the public interest.' '' *Gonzales* v. *Oregon,* 546 U.S. at 251 (quoting 21 U.S.C. 824(a)(4)). The Attorney General's ''discretion in exercising [the authority to register and deregister practitioners] is spelled out in very broad terms.'' *Id.* at 292 (Scalia, J., dissenting); *see also Neumann's Pharmacy, L.L.C.* v. *Drug Enf't Admin.,* 167 F.4th 320, 323 (5th Cir. 2026) (''DEA unquestionably has broad authority to deregister pharmacies and substantial discretion to shape policy within statutory bounds.''). In executing this broad mandate, DEA must continuously balance the CSA's public interest goals of curbing the ''illegal . . . distribution[ ] and possession[,] and improper use of controlled substances[, which has] a substantial and detrimental effect on the health and general welfare of the American people,'' while ensuring that the public has access to medications that ''have a useful and legitimate medical purpose and are necessary to maintain the health and general welfare of the American people.'' 21 U.S.C. 801(1), (2); *see* Joanna R. Lampe, Cong. Rsch. Serv., R45948, The Controlled Substances Act (CSA): A Legal Overview for the 119th Congress (2025), *https://www.congress.gov/crs-product/R45948.*

In the case of a practitioner, Congress directed the Attorney General to consider five factors in making the public interest determination. 21 U.S.C. 823(g)(1)(A)–(E).[6] Just as the phrase ''inconsistent with the public interest'' is broad, the five factors that Congress directed DEA to consider in determining the public interest are similarly broad, suggesting that Congress intended for DEA to have discretion and flexibility to interpret this language as necessary to implement its critical mission to protect the public from drug abuse and diversion. *See Loper Bright Enters.* v. *Raimondo,* 603 U.S 369, 394–95 (2024) (noting that ''[i]n a case involving an agency . . . the statute's meaning may well be that the agency is authorized to exercise a degree of discretion,'' such as where the statute uses terms or phrases like '' 'appropriate or reasonable' '' (internal citations omitted)). Indeed, courts have recognized the Agency's broad discretion to deny applications and deregister practitioners for a wide variety of conduct that the Agency has determined is inconsistent with the public interest. *See, e.g., Orusa* v. *Drug Enf't Admin.,* No. 22–3132, 2023 WL 3886403 (6th Cir. June 8, 2023) (physician issuing prescriptions outside the usual course of professional practice and beneath the standard of care); *St. Croix* v. *Drug Enf't Admin.,* No. 21–1116, 2022 WL 2092177 (D.C. Cir. June 10, 2022) (physician failing to maintain adequate records, prescribing controlled substances without a legitimate medical purpose, storing controlled substances at an unregistered location, failing to

[4] Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' The material fact here is that Registrant, as of the date of this Decision and Order, is not licensed to practice as an APRN nor to handle controlled substances in Indiana. Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the DEA Office of the Administrator, Drug Enforcement Administration, at *dea.addo.attorneys@dea.gov.*

[5] This rule derives from the text of two provisions of the Controlled Substances Act (CSA). First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he or she is no longer authorized to dispense controlled substances under the laws of the state in which he or she practices. *See, e.g., Hooper,* 76 FR at 71371–72; *Sheran Arden Yeats, M.D.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51104, 51105 (1993); *Bobby Watts, M.D.,* 53 FR 11919, 11920 (1988); *Blanton,* 43 FR at 27617.

[6] The five factors are:

(A) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(B) The [registrant's] experience in dispensing, or conducting research with respect to controlled substances.

(C) The [registrant's] conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(D) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(E) Such other conduct which may threaten the public health and safety.

21 U.S.C. 823(g)(1)(A)–(E).

provide effective controls to guard against theft or diversion of these substances); *Suntree Pharmacy* v. *Drug Enf't Admin.,* No. 20–14626, 2022 WL 444357 (11th Cir. Feb. 14, 2022), cert. denied, 143 S. Ct. 305 (2022) (pharmacy filling prescriptions outside the usual course of practice).

The CSA's five public interest factors are considered in the disjunctive. *Gonzales* v. *Oregon,* 546 U.S. at 292–93 (Scalia, J., dissenting) (''It is well established that these factors are to be considered in the disjunctive,'' quoting *In re Arora,* 60 FR 4447, 4448 (1995)); *Robert A. Leslie, M.D.,* 68 FR 15227, 15230 (2003). Each factor is weighed on a case-by-case basis. *David H. Gillis, M.D.,* 58 FR 37507, 37508 (1993); *see Morall* v. *Drug Enf't Admin.,* 412 F.3d 165, 181 (D.C. Cir. 2005) (describing the Agency's adjudicative process as ''applying a multi-factor test through case-by-case adjudication,'' quoting *LeMoyne-Owen Coll.* v. *N.L.R.B.,* 357 F.3d 55, 61 (D.C. Cir. 2004)). Any one factor, or combination of factors, may be decisive, *David H. Gillis, M.D.,* 58 FR at 37508, and the Agency ''may give each factor the weight . . . deem[ed] appropriate in determining whether a registration should be revoked or an application for registration denied.'' *Morall,* 412 F.3d. at 185 n.2 (Henderson, J., concurring) (quoting *Robert A. Smith, M.D.,* 70 FR 33207, 33208 (2007)); *see also Penick Corp.* v. *Drug Enf't Admin.,* 491 F.3d 483, 490 (D.C. Cir. 2007).

Moreover, while the Agency is required to consider each of the factors, it ''need not make explicit findings as to each one.'' *MacKay* v. *Drug Enf't Admin.,* 664 F.3d 808, 816 (10th Cir. 2011) (quoting *Volkman* v. *U.S. Drug Enf't Admin.,* 567 F.3d 215, 222 (6th Cir. 2009)); *Jones Total Health Care Pharmacy, LLC* v. *Drug Enf't Admin.,* 881 F.3d 823, 830 (11th Cir. 2018); *Hoxie* v. *Drug Enf't Admin.,* 419 F.3d 477, 482 (6th Cir. 2005). ''In short, . . . the Agency is not required to mechanically count up the factors and determine how many favor the Government and how many favor the registrant. Rather, it is an inquiry which focuses on protecting the public interest; what matters is the seriousness of the registrant's misconduct.'' *Jayam Krishna-Iyer, M.D.,* 74 FR 459, 462 (2009). Accordingly, as the Tenth Circuit has recognized, Agency decisions have explained that findings under a single factor can support the revocation of a registration. *MacKay,* 664 F.3d at 821.

The Government has the burden of proof in this proceeding, 21 CFR. 1301.44(e), and the Agency must make its findings based on ''substantial [record] evidence.'' 5 U.S.C. 556(d); *see* 5 U.S.C. 706(2); 21 U.S.C. 877. If the Government meets its burden of establishing a *prima facie* case that Registrant's registration is not in the public interest, then the burden shifts to Registrant to rebut the Government's case. *Pharmacy Doctor Enters., Inc.* v. *Drug Enf't Admin.,* 789 Fed. Appx. 724, 729 (11th Cir. 2019) (citing *Jones Total Health Care Pharmacy,* 881 F.3d at 830).

Registrant is registered in Indiana, and the OSC has alleged violations of state laws in Indiana. RFAAX 1, at 3–8. Accordingly, the Agency must evaluate the Government's evidence under Indiana law. *See Henry Emery, M.D.,* 90 FR 46927, 46929 (2025) (explaining the Agency analyzes public interest allegations according to the laws in the state where registrant is registered with DEA); *see also* 21 U.S.C. 903 (''No provision of this subchapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which that provision operates, including criminal penalties, to the exclusion of any State law on the same subject matter which would otherwise be within the authority of the State, unless there is a positive conflict between that provision of this subchapter and that State law so that the two cannot consistently stand together.'').

B. Applicable State Law

According to the CSA's implementing regulations, a lawful controlled substance prescription is one that is ''issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.'' 21 CFR 1306.04(a); *see Gonzales* v. *Oregon,* 546 U.S. at 274; *United States* v. *Hayes,* 595 F.2d 258, 260 (5th Cir. 1979), *rehearing den.,* 598 F.2d 620 (5th Cir. 1979), *cert. denied,* 444 U.S. 866 (1979); RFAAX 1, at 2. ''A practitioner must establish and maintain a *bona fide* doctor-patient relationship in order to act 'in the usual course of . . . professional practice' and to issue a prescription for a 'legitimate medical purpose.' '' *Dewey C. MacKay, M.D.,* 75 FR 49956, 49973 (2010).

As for state law, Indiana statute requires a practitioner who uses telehealth to establish a provider-patient relationship, and at a minimum, requires obtaining the patient's medical history and other information required to establish a diagnosis. Ind. Code § 25–1–9.5–7; RFAAX 1, at 2. Further, Indiana statute prohibits a prescriber from issuing a prescription for an opioid through telehealth when the prescriber has not previously examined the patient in person. Ind. Code § 25–1–9.5–8; RFAAX 1, at 2.

Additionally, Indiana regulations set the standards for each nurse practitioner, which include, but are not limited to, diagnosing health problems, developing and implementing nursing treatment plans, and using appropriate critical thinking skills to make independent decisions. 848 Ind. Admin. Code § 4–2–1; RFAAX 1, at 2. Indiana regulations also require nurse practitioners to perform a focused history and physical exam on the patient, review records, complete an objective pain assessment tool, and assess the mental health of the patient and risk for abuse. 848 Ind. Admin. Code § 5–4–4; RFAAX 1, at 2.

Lastly, Indiana regulations require that an APRN with prescriptive authority consult Indiana's Prescription Drug Monitoring Program (INSPECT) prior to prescribing an opioid medication to a patient, at least annually thereafter run another report through INSPECT for the patient, and document in the patient's chart whether the INSPECT reports are consistent with the APRN's knowledge of the patient's controlled substance use history. Ind. Admin. Code § 5–4–7; RFAAX 1, at 7.

C. Findings of Fact

In light of Registrant's default, the factual allegations in the OSC are deemed admitted. 21 CFR 1301.43(e). Accordingly, Registrant admits and the Agency finds that from June 2024 to May 2025, Registrant repeatedly issued controlled substance prescriptions that were not for a legitimate medical purpose and which did not adhere to the Indiana standard of care. RFAAX 1, at 3–8.

Improper Prescribing to J.H.

Registrant admits that approximately monthly, between July 2024 and May 2025, she prescribed dextroamphetamine-amphetamine (a Schedule II stimulant), oxycodone (a Schedule II opioid), oxycodone-acetaminophen, and fentanyl (a Schedule II opioid), in various doses, to J.H. *Id.* at 4. Registrant also admits that approximately monthly, between July 2024 and May 2025, she prescribed pregabalin 75 mg (a Schedule V anticonvulsant) to J.H. *Id.*

Registrant admits that she issued the above prescriptions to J.H. despite failing to establish a medical condition sufficient to support the use of controlled substances. *Id.* Registrant admits that, among other things, she: failed to establish a proper provider-patient relationship, specially failing to obtain a proper medical history and

information necessary to establish a diagnosis; failed to conduct a psychiatric, addiction, or physical evaluation that could result in a diagnosis or support a treatment plan for the use of controlled substances; between March 2025 and May 2025, prescribed oxycodone, dextroamphetamine-amphetamine, and fentanyl without justification or notation in the patient record; and failed to monitor patient compliance with the medication regimen by ordering and reviewing urine drug screening. *Id.* Registrant also admits that she prescribed opioids via telehealth without first examining J.H. in person. *Id.*

Registrant admits that her prescribing of the above controlled substances to J.H. constituted a departure from the standard of care in Indiana and was outside the usual course of professional practice in violation of federal and state law. *Id.*

Improper Prescribing to C.D.

Registrant admits that between October 2024 and May 2025, Registrant prescribed clonazepam 1 mg (a Schedule IV benzodiazepine), hydrocodone-acetaminophen (a Schedule II opioid), oxycodone-acetaminophen, tramadol 50 mg (a Schedule IV opioid), dextroamphetamine-amphetamine, alprazolam 1 mg (a Schedule IV benzodiazepine), and zolpidem tartrate 5 mg (a Schedule IV sedative) to C.D. *Id.* Registrant admits that between October 2024 and May 2025, Registrant also administered ketamine (a Schedule III anesthetic) and esketamine (a Schedule III anesthetic/anti-depressant) to C.D. *Id.*

Registrant admits that she issued the above prescriptions to C.D. despite failing to establish a medical condition sufficient to support the use of controlled substances. *Id.* Registrant admits that, among other things, she: failed to establish a proper provider-patient relationship, specifically failing to obtain a proper medical history and information necessary to establish a diagnosis; failed to conduct a psychiatric, addiction, or physical evaluation that could result in a diagnosis or support a treatment plan for the use of controlled substances; failed to monitor the evolution of depressive symptoms in C.D.; inappropriately prescribed and administered overlapping controlled substances without articulating a need for such combinations, which placed C.D. at risk of psychiatric, addiction-related, medical, and lethal consequences;[7] and failed to monitor patient compliance with the medication regimen by ordering and reviewing urine drug screening. *Id.* at 4–5.

Registrant admits that her prescribing of the above controlled substances to C.D. constituted a departure from the standard of care in Indiana and was outside the usual course of professional practice in violation of federal and state law. *Id.* at 5.

Improper Prescribing to DC

Registrant admits that between June 2024 and May 2025, Registrant prescribed dextroamphetamine-amphetamine in various doses, clonazepam 1 mg, alprazolam 1 mg, zolpidem tartrate 5 mg, and esketamine 84 mg to DC *Id.*

Registrant admits that she issued the above prescriptions to DC despite failing to establish a medical condition sufficient to support the use of controlled substances. *Id.* Registrant admits that, among other things, she: failed to establish a proper provider-patient relationship, specifically failing to obtain a proper medical history and information necessary to establish a diagnosis; failed to conduct a psychiatric, addiction, or physical evaluation that could result in a diagnosis or support a treatment plan for the use of controlled substances; prescribed and administered esketamine in excess of the recommended amounts without documented medical analysis; and failed to monitor patient compliance with the medication regimen by ordering and reviewing urine drug screening. *Id.*

Registrant admits that her prescribing of the above controlled substances to DC constituted a departure from the standard of care in Indiana and was outside the usual course of professional practice in violation of federal and state law. *Id.* at 6.

Improper Prescribing to J.S.

Registrant admits that between February 2025 and April 2025, she issued four prescriptions for oxycodone in various doses and one prescription for dextroamphetamine-amphetamine 10 mg to J.S. *Id.*

Registrant admits that she issued the above prescriptions to J.S. despite failing to establish a medical condition sufficient to support the use of controlled substances. *Id.* Registrant admits that, among other things, she: failed to establish a proper provider-patient relationship, specifically failing to obtain a proper medical history and information necessary to establish a diagnosis; failed to conduct a psychiatric, addiction, or physical evaluation that could result in a diagnosis or support a treatment plan for the use of controlled substances; on April 9, 2025, prescribed dextroamphetamine-amphetamine without justification or notation in the patient record and without informed consent regarding the potential adverse consequences that the combination of and opioid and a stimulant presented; and failed to monitor patient compliance with the medication regimen by ordering and reviewing urine drug screening. *Id.* Registrant also admits that she prescribed opioids via telehealth without first examining J.S. in person. *Id.*

Registrant admits that her prescribing of the above controlled substances to J.S. constituted a departure from the standard of care in Indiana and was outside the usual course of professional practice in violation of federal and state law. *Id.*

Improper Prescribing to K.T.

Registrant admits that between February 2025 and March 2025, she issued two prescriptions for oxycodone in various dosages and one prescription for alprazolam 1 mg to K.T. *Id.*

Registrant admits that she issued the above prescriptions to K.T. despite failing to establish a medical condition sufficient to support the use of controlled substances. *Id.* Registrant admits that, among other things, she: failed to establish a proper provider-patient relationship, specifically failing to obtain a proper medical history and information necessary to establish an appropriate diagnosis; on March 18, 2025, prescribed oxycodone and alprazolam without justification or notation in the patient record and without informed consent regarding the potential adverse consequences that the combination presented; failed to either consult INSPECT or to consider prior prescribing in her decision to prescribe opioids; and failed to monitor patient compliance with the medication regimen by ordering and reviewing urine drug screening. *Id.* at 6–7. Registrant also admits that she prescribed opioids via telehealth without first examining K.T. in person. *Id.* at 7.

Registrant admits that her prescribing of the above controlled substances to K.T. constituted a departure from the standard of care in Indiana and was outside the usual course of professional

[7] Registrant admits that, for example, she inappropriately prescribed ketamine and esketamine in excessive doses despite the heightened risk of side effects and no additional benefit. RFAAX 1, at 5.

practice in violation of federal and state law. *Id.*

Improper Prescribing to T.H.

Registrant admits that between January 2025 and March 2025, she issued three prescriptions for oxycodone-acetaminophen in various dosages, three prescriptions for dextroamphetamine-amphetamine 30 mg, and two prescriptions for oxycodone in various doses to T.H. *Id.*

Registrant admits that she issued the above prescriptions to T.H. despite failing to establish a medical condition sufficient to support the use of controlled substances. *Id.* Registrant admits that, among other things, she: failed to establish a proper provider-patient relationship, specifically failing to obtain a proper medical history and information necessary to establish an appropriate diagnosis; failed to provide a diagnosis supported by an independent psychiatric evaluation prior to prescribing a stimulant and, instead, relied on T.H.'s representation that she was prescribed stimulants by a prior practitioner; prescribed high doses of opioids in rapidly increasing quantities to a patient who was not previously prescribed opioids (*i.e.,* an opioid-naïve patient) without determining the cause of the pain; failed to either consult INSPECT or to consider prior prescribing in her decision to prescribe opioids; and failed to monitor patient compliance with the medication regimen by ordering and reviewing urine drug screening. *Id.* at 7–8. Registrant also admits that she prescribed opioids via telehealth without first examining T.H. in person. *Id.* at 8.

Registrant admits that her prescribing of the above controlled substances to T.H. constituted a departure from the standard of care in Indiana and was outside the usual course of professional practice in violation of federal and state law. *Id.*

DEA retained an independent medical expert who reviewed materials including Registrant's medical records for J.H., C.D., DC, J.S., K.T., and T.H. and information concerning the controlled substance prescriptions that Registrant issued. *Id.* Based upon Registrant's deviations from the standard of care, the medical expert concluded that the above controlled substance prescriptions violated minimal medical standards applicable to the practice of medicine in Indiana. *Id.*

In consideration of the above, the Agency has found substantial record evidence that from June 2024 to May 2025, Registrant repeatedly issued controlled substance prescriptions to six individuals that lacked a legitimate medical purpose and were issued outside the usual course of professional practice in Indiana.

D. Discussion

While the Agency has considered all the public interest factors of 21 U.S.C. 823(g)(1), the Government's evidence in support of its *prima facie* case primarily implicates Factors B and D. RFAA, at 2–3; RFAAX 1, at 3–8. Evidence is considered under Factor B when it reflects experience dispensing controlled substances and under Factor D when it reflects compliance or non-compliance with laws related to controlled substances. *Kareem Hubbard, M.D.,* 87 FR 21156, 21162 (2022). Although Factors B and D have some overlap, such that the Agency has frequently analyzed them together, Congress must have intended Factor B to encompass conduct that is not captured under Factor D. *See Kungys* v. *United States,* 485 U.S. 759, 778 (1988) (referencing the ''cardinal rule of statutory interpretation that no provision should be construed to be entirely redundant'').

i. Factor B

As already discussed, the CSA gives the Attorney General authority to revoke a registration if he determines that the registrant ''has committed such acts as would render his registration . . . inconsistent with the public interest as determined under [section 823].'' 21 U.S.C. 824(a). One of the five factors that the Attorney General must consider in making this determination is the registrant's ''experience in dispensing . . . controlled substances.'' 21 U.S.C. 823(g)(1)(B) (Factor B). Neither the statute nor the implementing regulations define the term ''experience'' or places any limitations on the type of conduct that may be considered as ''experience'' under Factor B.[8]

Historically, the Agency's Factor B[9] analysis considered ''both the qualitative manner and quantitative volume of the [practitioner's] experience . . . as expressed through his patients and employees,'' and concluded that the record must contain quantitative evidence regarding the practitioner's experience for the Agency to find that Factor B weighs against a practitioner. *E.g., Clair L. Pettinger,* 78 FR 61592, 61619 (2013). In 2015, the Agency abandoned this language, observing that the text of Factor B did not require DEA to consider the practitioner's ''quantity'' of prescribing. *See JM Pharmacy Group, Inc.,* 80 FR 28667, 28667–68 (2015); *see also Wesley Pope, M.D.,* 82 FR 14944, 14982 (2017). The Agency reviewed dictionary definitions of ''experience,'' including:

> (1) The ''direct observation of or participation in events as a basis for knowledge,'' (2) ''the fact or state of having been affected by or gained knowledge through direct observation or participation,'' (3) ''practical knowledge, skill, or practice derived from direct observation of or participation in events or in a particular activity,'' and (4) ''the length of such participation.''

80 FR at 28667 n.2 (citing *Webster's Collegiate Dictionary* 409 (10th ed. 1998); *The Random House Dictionary of the English Language* 681 (2d ed. 1987)).

The word ''dispense'' means ''to deliver a controlled substance[ ] to an ultimate user or research subject by, or pursuant to the lawful order of a practitioner, including the prescribing or administering of a controlled substance and the packaging, labeling or compounding necessary to prepare the substance for such delivery.'' 21 U.S.C. 802(10). This definition encompasses, among other things, practitioners who prescribe controlled substances and pharmacies who fill controlled substance prescriptions. *Id.* The term ''controlled substance'' simply means ''a drug or other substance . . . included in schedule I, II, III, IV, or V . . . .'' 21 U.S.C. 802(6). Thus, the phrase ''experience in dispensing'' means the direct participation in the act of delivering, prescribing, dispensing, or administrating a controlled substance to an ultimate user.

The phrase ''experience in dispensing'' must be considered within the context of DEA's broad mandate under 21 U.S.C. 824(a) to deregister practitioners who ''ha[ve] committed such acts as would render [their] registration . . . inconsistent with the public interest.'' 21 U.S.C. 824(a)(4). In other words, in determining what type

[8] The only limitation discussed in the legislative history on DEA's authority under Factor B is that DEA should not ''construe[this factor] in anyway to hinder registration of recent graduates of professional schools who may have no professional experience dispensing or conducting research with controlled substances.'' H.R. REP. NO. 98–835, pt. 1, at 14 (1984).

[9] Historically, the Agency referred to ''Factor B'' as ''Factor Two.'' Effective December 2, 2022, the Medical Marijuana and Cannabidiol Research Expansion Act, Public Law 117–215, 136 Stat. 2257 (2022) (Marijuana Research Amendments or MRA), amended the CSA and other statutes. Relevant to this matter, the MRA redesignated the public interest factors outlined at 21 U.S.C. 823(f)(1)–(5), which the Agency referred to as Factors One through Five, as 21 U.S.C. 823(g)(1)(A)–(E), which the Agency now refers to as Factors A through E. Accordingly, this Decision cites to the current designation, 21 U.S.C. 823(g)(1)(B), ''Factor B.''

of conduct is relevant under Factor B, DEA's primary focus is to determine whether a registrant's ''experience in dispensing'' is ''inconsistent with the public interest'' or whether a registrant's dispensing constitutes ''acts'' that are inconsistent with the public interest. 21 U.S.C. 823(g)(1), 824(a)(4).

The word ''inconsistent'' is not defined in the CSA, but it is commonly defined as ''lacking consistency: such as (a) not compatible with another fact or claim, [and] (b) containing incompatible elements.'' *Inconsistent,* Merriam-Webster, *https://www.merriam-webster.com/dictionary/inconsistent* (last visited on the date of signature). ''Public interest'' is a broad, discretionary term not explicitly defined in the CSA, but Congress identifies the primary goals in the CSA's introductory section as ensuring access to controlled substances used for a ''legitimate medical purpose'' while protecting the public from the ''illegal . . . distribution . . . and improper use of controlled substances[, which] have a substantial and detrimental effect on the health and general welfare of the American people.'' 21 U.S.C. 801(1) & (2).

Considering these goals, DEA's Factor B analysis primarily concerns whether a registrant's ''experience in dispensing'' reflects illegal distribution or improper use of controlled substances that is inconsistent with the public interest. *Id.* In the context of a practitioner, this would require the Agency to evaluate whether the practitioner has dispensed controlled substances in a manner that is improper, illegal, or inconsistent with the public interest; for example, by issuing prescriptions without conducting a proper examination or developing a supported diagnosis; ignoring patient indications of abuse, diversion, or improper use; issuing a prescription in a manner that is inconsistent with state law or the state's standards of practice; or issuing prescriptions for controlled substances in a way that creates a risk of diversion.[10]

Of course, the Agency is not only concerned with acts of intentional diversion,[11] as DEA has explained that ''[c]areless or negligent handling of controlled substances creates the opportunity for diversion and [can] justify the revocation of an existing registration . . .'' *Samson K. Orusa, M.D.,* 87 FR 2986, 3018 (2022) (quoting *Paul J. Caragine, Jr.,* 63 FR 51592, 51602 (1998)); *see also Dewey C. MacKay, M.D.,* 75 FR 49956, 49974 n.35 (2010) (''Accordingly, under the public interest standard, DEA has authority to consider those prescribing practices of a physician, which, while not rising to the level of intentional or knowing misconduct, nonetheless create a substantial risk of diversion.''). Indeed, neither 21 U.S.C. 824(a) nor 21 U.S.C. 823(g) requires DEA to find that a registrant has intentionally diverted controlled substances. Ultimately, a registrant whose dispensing practices create an environment that encourages or is indifferent to the abuse or diversion of controlled substances is acting outside the public's interest. As the opioid epidemic surges and other controlled substances, such as amphetamines, ketamine, and benzodiazepines, are increasingly abused, DEA must remain vigilant to protect the public against registrants who fail to employ the CSA's safeguards to ensure the health and general wellness of the American public.

Registrants ''may continue to introduce evidence as to . . . lawful . . . dispensing activities.'' [12] However, the Agency has found that ''evidence that a practitioner has treated thousands of patients does not negate a *prima facie* showing that the practitioner has committed acts inconsistent with the public interest.'' [13] *Krishna-Iyer,* 74 FR at 463. Accordingly, the Agency has consistently rejected registrants' arguments that acts of unlawful prescribing were mitigated by years of lawful prescribing. *See, e.g., Syed-Jawed Akhtar-Zaidi,* 80 FR 42961, 42967 (2015), pet. for rev. denied, 841 F.3d 707, 713 (6th Cir. 2016) (rejecting respondent's argument that he was denied a ''fair adjudication'' because the Government seized 400 patient files but only proved the illegality of a handful of prescriptions issued during undercover visits, and finding that ''the physician's prescribings to thousands of other patients do not . . . render her prescribings to the undercover officers any less unlawful, or any less acts which are inconsistent with the public interest'') (internal quotations and citations omitted).[14]

Here, as found above, Registrant is deemed to have admitted, and the Agency finds, that from June 2024 to May 2025, Registrant repeatedly issued controlled substance prescriptions to six individuals, including dangerous combinations of controlled substances, that lacked a legitimate medical purpose and were issued outside the usual course of professional practice in Indiana. RFAAX 1, at 3–8. DEA's medical expert concluded that the controlled substance prescriptions ''violated minimal medical standards applicable to the practice of medicine in Indiana.'' *Id.,* at 8. Indiana regulations require nurse practitioners to perform an initial evaluation that includes a focused history and physical examination, and to assess the mental health of the patient and the patient's risk for abuse. *See* 848 Ind. Admin. Code § 5–4–4. Additionally, Indiana regulations require nurse practitioners to diagnose health problems, develop and implement nursing treatment plans, and use appropriate critical thinking skills to make independent decisions. *See* 848 Ind. Admin. Code § 4–2–1.

As found above, Registrant repeatedly failed to conduct an appropriate medical evaluation and obtain a proper medical history that would support the development of a treatment plan or a diagnosis to justify prescribing controlled substances to the six individuals. Registrant also prescribed dangerous combinations of controlled substances in excessive doses without justification in the record. For example, Registrant prescribed and administered

[10] Analysis of whether a prescription is illegally filled, distributed, prescribed, or possessed also fit within Factor D, ''Compliance with applicable State, Federal, or local laws relating to controlled substances.'' 21 U.S.C. 823(g)(1)(D).

[11] Only criminally unlawful conduct requires an act of intentional diversion such as proof that a physician ''used 'his authority to prescribe controlled substances . . . not for treatment of a patient, but for the purpose of assisting another in the maintenance of a drug habit' or some other illegitimate purposes, such as his own 'personal profit.' '' *United States* v. *McIver,* 470 F.3d 550, 559 (4th Cir. 2006) (quoted in *Laurence T. McKinney,* 73 FR 43260, 43266 (2008)). *Compare* 21 U.S.C. 823 and 824, *with* 21 U.S.C. 841, 842, 843.

[12] *Randall L. Wolff, M.D.,* 77 FR 5106, 5153 (2012) (finding that evidence of lawful prescribing is ''entitled to some evidentiary weight only in cases where a practitioner credibly demonstrates an acceptance of responsibility and reform of past practices''); *see also Roberto Zayas, M.D.,* 82 FR 21410, 21422 n.27 (2017) (''[T]he Agency properly considers a [registrant's] evidence of a lengthy history of compliance after the Government makes out its *prima facie* case, as determining what sanction is necessary to protect the public interest is the ultimate purpose of these provisions.''). In other words, this evidence may be relevant to the Agency's sanctions analysis.

[13] ''[E]very registrant can undoubtedly point to an extensive body of legitimate prescribing over the course of [their] professional career.'' *Krishna-Iyer,* 74 FR at 463. Accordingly, except where the Agency has found in its decision that a prescription was issued outside the public interest or in violation of law, the Agency assumes that all controlled substance prescriptions dispensed by a pharmacy are dispensed for a legitimate medical purpose and in accordance with relevant laws. *See Dewey C. Mackay, M.D.,* 75 FR at 49977.

[14] In an unreported opinion, the Sixth Circuit affirmed DEA's conclusion that the respondent's acts of unlawful prescribing outweighed his years of work experience. *Orusa* v. *Drug Enf't Admin.,* 2023 WL 3886403 at *5 (''Orusa's credentials and years of work experience, which the agency acknowledged, do nothing to disturb the agency's detailed review of his prescribing history—the relevant ''experience in dispensing . . . controlled substances.'').

esketamine in excess of the recommended amounts without documented medical analysis. Registrant's prescribing reflects ''experience in dispensing . . . controlled substances'' that created an opportunity for the abuse or diversion of controlled substances and was outside the public interest. Registrant did not request a hearing and thus did not provide the Agency with any evidence related to her ''experience in dispensing'' that served the public's interest. Accordingly, the Agency finds that Factor B weighs strongly against Registrant's continued registration.

ii. Factor D

Under Factor D, the Agency considers a registrant's ''[c]ompliance with applicable State, Federal, or local laws relating to controlled substances.'' 21 U.S.C. 823(g)(1)(D). Here, based on Registrant's admissions, the Agency finds that Registrant prescribed to J.H., J.S., K.T., and T.H. by telehealth without first establishing a provider-patient relationship, including obtaining the patient's medical history and establishing a diagnosis in violation of Ind. Code § 25–1–9.5–7. Further, the Agency finds that Registrant issued opioid prescriptions to J.H., J.S., K.T., and T.H. through telehealth without first examining the patient in person. Ind. Code § 25–1–9.5–8.

Additionally, based on Registrant's admissions, the Agency finds that Registrant issued numerous opioid prescriptions to K.T. and T.H. without first consulting INSPECT and/or running annual INSPECT reports, and/or documenting the INSPECT reports in the patient's chart in violation of Ind. Admin. Code § 5–4–7.

Additionally, Registrant is deemed to have admitted and the Agency finds that from June 2024 to May 2025, Registrant repeatedly issued controlled substance prescriptions to six individuals that violated Indiana law, lacked a legitimate medical purpose and were issued outside the usual course of professional practice in Indiana. Accordingly, the Agency finds substantial record evidence that Registrant violated 21 CFR 1306.04; Ind. Code §§ 25–1–9.5–7, 25–1–9.5–8; and 848 Ind. Admin. Code § 5–4–7. The Agency finds that after considering the public interest factors of 21 U.S.C. 823(g)(1), Factors B and D weigh in favor of revocation of Registrant's registration.[15]

Accordingly, the Government has satisfied its prima facie burden of showing that Registrant's continued registration would be ''inconsistent with the public interest.'' 21 U.S.C. 824(a)(4). The Agency also finds that there is insufficient mitigating evidence to rebut the Government's prima facie case. Thus, the only remaining issue is whether, in spite of the public interest determination, Registrant can be trusted with a registration.

IV. Sanction

Where, as here, the Government has met its burden of showing that Registrant's registration is inconsistent with the public interest, the burden shifts to Registrant to show why she can be entrusted with a registration. *Morall,* 412 F.3d at 174; *Jones Total Health Care Pharmacy,* 881 F.3d at 830; *Garrett Howard Smith, M.D.,* 83 FR 18882, 18904 (2018). The issue of trust is necessarily a fact-dependent determination based on the circumstances presented by the individual registrant. *Jeffrey Stein, M.D.,* 84 FR 46968, 46972 (2019); *see also Jones Total Health Care Pharmacy,* 881 F.3d at 833. Moreover, as past performance is the best predictor of future performance, the Agency requires that a registrant who has committed acts inconsistent with the public interest accept responsibility for those acts and demonstrate that the registrant will not engage in future misconduct. *See Jones Total Health Care Pharmacy,* 881 F.3d at 833; *ALRA Labs, Inc.* v. *Drug Enf't Admin.,* 54 F.3d 450, 452 (7th Cir. 1995). The Agency requires a registrant's unequivocal acceptance of responsibility. *Janet S. Pettyjohn, D.O.,* 89 FR 82639, 82641 (2024); *Mohammed Asgar, M.D.,* 83 FR 29569, 29573 (2018); *see also Jones Total Health Care Pharmacy,* 881 F.3d at 830–31. In addition, a registrant's candor during the investigation and hearing is an important factor in determining acceptance of responsibility and the appropriate sanction. *See Jones Total Health Care Pharmacy,* 881 F.3d at 830–31; *Hoxie,* 419 F.3d at 483–84. Further, the Agency considers the egregiousness and extent of the misconduct as significant factors in determining the appropriate sanction. *See Jones Total Health Care Pharmacy,* 881 F.3d at 834 & n.4. The Agency also considers the need to deter similar acts by a registrant and by the community of registrants. *Stein,* 84 FR at 46972–73.

Here, Registrant did not request a hearing or answer the allegations in the OSC and was therefore deemed to be in default. *See supra* I. To date, Registrant has not filed a motion with the Office of the Administrator to excuse the default. 21 CFR 1301.43(c)(1). Registrant has thus failed to answer the allegations contained in the OSC and has not otherwise availed herself of the opportunity to refute the Government's case. As such, Registrant has not accepted responsibility for the proven violations, has made no representations regarding his future compliance with the CSA, and has not demonstrated that she can be trusted with registration. Accordingly, the Agency will order the revocation of Registrant's registration.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. MS5411765 issued to Katherine Curtis, N.P. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Katherine Curtis, N.P., to renew or modify this registration, as well as any other pending application of Katherine Curtis, N.P., for additional registration in Indiana. This Order is effective November 13, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on October 5, 2026, by DEA Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration

[FR Doc. 2026–20937 Filed 10–13–26; 8:45 am]

BILLING CODE 4410–09–P

[15] While the Agency has determined that Registrant's dispensing conduct is relevant to Factors B and D, to the extent that the found conduct does not fall within these factors, it would nevertheless constitute ''other conduct which may threaten the public health and safety.'' 21 U.S.C. 823(g)(1)(E). Registrant's repeated issuing of controlled substances that lacked a legitimate medical purpose and were issued outside the usual course of professional practice in Indiana may threaten the public health and safety by threatening the health and safety of individuals and by creating the risk that controlled substances may leave the CSA's closed distribution system and be abused or diverted.

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Fourth Amended Consent Decree Under the Clean Water Act

On October 7, 2026, the Department of Justice lodged a proposed Fourth Amendment to the Consent Decree with the United States District Court for the Northern District of Ohio in the lawsuit entitled *United States* v. *City of Akron, Ohio, et al.,* Civil Action No. 09–cv–00272.

In this action the United States, and the State of Ohio in a cross-claim, sought civil penalties and injunctive relief for violations of the Clean Water Act, 33 U.S.C. 1251 *et seq.,* in connection with the City of Akron's (''Akron'') operation of its municipal wastewater treatment facility and sewer system. Under the Consent Decree, which was approved by the Court in January 2014, Akron was required to implement a comprehensive plan (the ''Long Term Control Plan Update'' or ''LTCP Update'') to address overflows from its combined sewer system and bypasses around secondary treatment at the wastewater treatment facility.

The proposed amendment modifies certain provisions of the 2014 Consent Decree set forth in the LTCP Update. The proposed amendment (1) replaces a construction requirement for a new treatment facility with Performance Criteria limiting Akron to three untreated CSO discharges per Typical Year and volumetric discharge limits; (2) adds monitoring, modeling, and reporting requirements for evaluating achievement of the Performance Criteria; and (3) extends the requirement that Akron disinfect and dechlorinate certain discharges from six to eight months during a calendar year.

The publication of this notice opens a period for public comment on the proposed Fourth Amendment to the Consent Decree. Comments should be addressed to the Principal Deputy Assistant Attorney General, Energy and Natural Resources Division, and should refer to *United States* v. *City of Akron et al.,* D.J. Ref. No. 90–5–1–1–3144/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Principal Deputy Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the proposed Fourth Amendment to the Consent Decree may be examined and downloaded at this Justice Department website: *http://www.justice.gov/enrd/consent-decrees.* If you require assistance accessing the proposed Fourth Amended Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Jason A. Dunn,

Assistant Section Chief, Environmental Enforcement Section, Energy and Natural Resources Division.

[FR Doc. 2026–21003 Filed 10–13–26; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–26–0496; NARA–2027–004]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on *regulations.gov* for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: We must receive responses on the schedules listed in this notice by November 30, 2026.

ADDRESSES: To view a records schedule in this notice, or submit a comment on one, use the following address: *https://www.regulations.gov/docket/NARA-26-0496/document.* This is a direct link to the schedules posted in the docket for this notice on *regulations.gov.* You may submit comments by the following method:

- *Federal eRulemaking Portal: https://www.regulations.gov.* On the website, enter either of the numbers cited at the top of this notice into the search field. This will bring you to the docket for this notice, in which we have posted the records schedules open for comment. Each schedule has a 'comment' button so you can comment on that specific schedule. For more information on *regulations.gov* and on submitting comments, see their FAQs at *https://www.regulations.gov/faq.*

If you are unable to comment via *regulations.gov*, you may email us at *request.schedule@nara.gov* for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on. You can find the control number for each schedule in parentheses at the end of each schedule's entry in the list at the end of this notice.

FOR FURTHER INFORMATION CONTACT: Richard Green, Records Management Operations, by email at *richard.green@nara.gov* or at 301–395–7825. For information about records schedules, contact Records Management Operations by email at *request.schedule@nara.gov* or by phone at 301–395–7825.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule.

We have uploaded the records schedules and accompanying appraisal memoranda to the *regulations.gov* docket for this notice as ''other'' documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket

unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the *regulations.gov* portal, you may contact *request.schedule@nara.gov* for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we may or may not make changes to the proposed records schedule. The schedule is then sent for final approval by the Archivist of the United States. After the schedule is approved, we will post on *regulations.gov* a ''Consolidated Reply'' summarizing the comments, responding to them, and noting any changes we made to the proposed schedule. You may elect at *regulations.gov* to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at *https://www.archives.gov/records-mgmt/rcs,* after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending

1. Department of Justice, Audit Liaison Group Records (DAA–0060–2026–0004).

2. Department of State, Consolidated Schedule: Records of the Bureau of Diplomatic Technology (DAA–0059–2023–0006).

3. Department of State, Consolidated Schedule: Records of the Geographic-Regional Bureaus (DAA–0059–2024–0004).

4. Department of State, Consolidated Schedule: Records of the Office of Policy, Planning, and Resources for Public Diplomacy (DAA–0059–2023–0007).

5. Central Intelligence Agency, Sexual Harassment and Sexual Assault Records (DAA–0263–2026–0001).

6. Drug Enforcement Administration, Executive Protection Records (DAA–0170–2026–0004).

7. Farm Credit Administration, Office of General Counsel (DAA–0103–2025–0003).

8. Financial Crimes Enforcement Network, Exempt Beneficial Ownership Information Reports (DAA–0559–2026–0005).

9. Internal Revenue Service, Examination Closing Agreements (DAA–0058–2025–0003).

10. United States Capitol Police, Office of General Counsel Records (DAA–0603–2025–0002).

11. Veterans Health Administration, Prosthetic and Sensory Aids Service (DAA–0015–2025–0012).

William P. Fischer,

Acting Chief Records Officer for the U.S. Government.

[FR Doc. 2026–20986 Filed 10–13–26; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–4720]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person.

DATES: Comments must be filed by November 13, 2026. A request for a hearing or petitions for leave to intervene must be filed by December 14, 2026. This biweekly notice includes all amendments issued, or proposed to be issued, from September 15, 2026, to September 28, 2026. The last biweekly notice was published on September 29, 2026.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website.

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–4720. 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.
- *Mail comments to:* Office of Nuclear Material Safety and Safeguards, Mail Stop: TWFN–5–A85, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Guidance and Publications Branch.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Karen Zeleznock, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1118; email: *Karen.Zeleznock@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2026–4720, facility name, unit number(s), docket number(s), application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–4720.
- *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 ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *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.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2026–4720, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown in this notice, the Commission finds that the licensees' analyses provided, consistent with section 50.91 of title 10 of the *Code of Federal Regulations* (10 CFR) ''Notice for public comment; State consultation,'' are sufficient to support the proposed determinations that these amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on these proposed determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determinations.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue any of these license amendments before expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue any of these amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action on any of these amendments prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination for any of these amendments, any hearing will take place after issuance. The Commission expects that the need to take action on any amendment before 60 days have elapsed will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration, which will serve to establish when the hearing is held. If the final determination is that the license amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the license amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit

a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (*https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053*) and the NRC's public website (*https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate*).

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the ''Guidance for Electronic Submissions to the NRC'' (ADAMS Accession No. ML13031A056), and on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals.html*).

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to: (1) request a digital identification (ID) certificate, which allows the participant (or their counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or their counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals/getting-started.html*). After a digital ID certificate is obtained and a docket is created, the participant must submit adjudicatory documents in the Portable Document Format. Guidance on submissions is available on the NRC's public website (*https://www.nrc.gov/site-help/electronic-sub-ref-mat.html*). A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed in order to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals.html*), by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available on the NRC's public website (*https://ehd.nrc.gov*), unless otherwise excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing docket where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

The following table provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensees' proposed NSHC determinations. For further details with respect to these license amendment applications, see the applications for amendment, which are available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

License Amendment Requests

Arizona Public Service Company, et al; Palo Verde Nuclear Generating Station, Units 1, 2, and 3; Maricopa County, AZ

Docket Nos	50–528, 50–529, 50–530.
Application date	September 10, 2026.
ADAMS Accession No	ML26253A258.

LICENSE AMENDMENT REQUESTS—Continued

Location in Application of NSHC	Pages 4–5 of Enclosure 1.
Brief Description of Amendments	The proposed amendments would modify the Technical Specifications (TSs) for Palo Verde Nuclear Generating Station, Units 1, 2, and 3, to adopt TS Task Force (TSTF) Traveler 585 (TSTF–585) ''Revise LCO [Limiting Condition for Operation] 3.0.3 to Require Managing Risk.'' TSTF–585 would revise LCO 3.0.3 to require assessing and managing plant risk whenever LCO 3.0.3 is entered. If the risk assessment determines that continuing plant operation is acceptable and other conditions are satisfied, 24-hours from entry into LCO 3.0.3 is permitted to initiate a shutdown. Otherwise, initiation of shutdown is required within six hours of LCO entry.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Carey Fleming, Senior Counsel, Pinnacle West Capital Corporation, 500 N 5th Street, MS 8695, Phoenix, AZ 85004.
NRC Project Manager, Telephone Number	Robert Kuntz, 301–415–3733.

Duke Energy Progress, LLC; Shearon Harris Nuclear Power Plant, Unit 1; Wake and Chatham Counties, NC

Docket No	50–400.
Application date	August 14, 2026.
ADAMS Accession No	ML26226A420.
Location in Application of NSHC	Pages 10–12 of the Enclosure.
Brief Description of Amendment	The proposed amendment would modify the Shearon Harris Nuclear Power Plant, Unit 1, Renewed Facility Operating License NPF–63 and Technical Specifications (TSs). Specifically, the proposed license amendment would modify TS ¾.7.5, ''Ultimate Heat Sink,'' to include an additional minimum water level limit requirement for each reservoir to be contained within the licensee-controlled Technical Requirements Manual. Additionally, the proposed amendment would also update HNP TS 3/4.7.5 to reflect that either the Auxiliary Reservoir or the Main Reservoir in an operable condition meets the associated Limiting Condition for Operation for the Ultimate Heat Sink. Lastly, the proposed license amendment would modify the Administrative Controls section of the TS to consolidate content from TS Table 6.2–1, ''Minimum Shift Crew Composition,'' related to the responsibility of the person designated for control room command function into TS 6.1, ''Responsibility,'' section 6.1.2.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Tracey Mitchell LeRoy, Deputy General Counsel, Duke Energy Corporation, 525 S Tryon Street, Charlotte, NC 28202.
NRC Project Manager, Telephone Number	Zachary Turner, 301–415–6303.

Florida Power & Light Company, et al.; St. Lucie Plant, Unit Nos. 1 and 2; St. Lucie County, FL; Florida Power & Light Company; Turkey Point Nuclear Generating Unit Nos. 3 and 4; Miami-Dade County, FL; NextEra Energy Duane Arnold, LLC; Duane Arnold Energy Center; Linn County, IA; NextEra Energy Point Beach, LLC; Point Beach Nuclear Plant, Units 1 and 2; Manitowoc County, WI; NextEra Energy Seabrook, LLC; Seabrook Station, Unit No. 1; Rockingham County, NH

Docket Nos	50–250, 50–251, 50–335, 50–389, 50–266, 50–301, 50–443, 50–331.
Application date	May 22, 2026.
ADAMS Accession No	ML26142A069.
Location in Application of NSHC	Pages 8–9 of Enclosure 1.
Brief Description of Amendments	The proposed amendments would allow NextEra to administer the initial Reactor Operator and Senior Reactor Operator candidate operating tests as described in the May 22, 2026, submittal.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Steven Hamrick, Managing Attorney—Nuclear, Florida Power and Light Company, 801 Pennsylvania Avenue NW, Suite 220, Washington, DC 20004.
NRC Project Manager, Telephone Number	G. Ed Miller, 301–415–2481.

Wolf Creek Nuclear Operating Corporation; Wolf Creek Generating Station, Unit 1; Coffey County, KS

Docket No.	50–482.
Application date	August 22, 2026.
ADAMS Accession No	ML26234A001.
Location in Application of NSHC	Pages 3–4 of the Enclosure.
Brief Description of Amendment	The proposed amendment would modify technical specification requirements to incorporate risk-informed requirements for selected Required Action end states. These changes are consistent with NRC-approved Technical Specifications Task Force (TSTF) Traveler TSTF–432–A, Revision 1, ''Change in Technical Specifications End States (WCAP–16294).''
Proposed Determination	NSHC.

LICENSE AMENDMENT REQUESTS—Continued

Name of Attorney for Licensee, Mailing Address	Chris Johnson, Corporate Counsel Director, Evergy, One Kansas City Place, 1KC-Missouri HQ 16, 1200 Main Street, Kansas City, MO 64105.
NRC Project Manager, Telephone Number	Samson Lee, 301–415–3168.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, were published in the **Federal Register** as indicated in the safety evaluation for each amendment.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated in the safety evaluation for the amendment.

For further details with respect to each action, see the amendment and associated documents such as the Commission's letter and safety evaluation, which may be obtained using the ADAMS accession numbers indicated in the following table. The safety evaluation will provide the ADAMS accession numbers for the application for amendment and the **Federal Register** citation for any environmental assessment. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT ISSUANCES

Northern States Power Company; Monticello Nuclear Generating Plant; Wright County, MN	
Docket No	50–263.
Amendment Date	September 28, 2026.
ADAMS Accession No	ML26236A247.
Amendment No	218.
Brief Description of Amendment	The amendment adopted Technical Specification Task Force (TSTF) Traveler TSTF–585, ''Revise LCO [Limiting Condition for Operation] 3.0.3 to Require Managing Risk,'' and TSTF–597, ''Eliminate LCO 3.0.3 Mode 2 Requirements.''
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Pacific Gas and Electric Company; Diablo Canyon Nuclear Power Plant, Units 1 and 2; San Luis Obispo County, CA	
Docket Nos	50–275, 50–323.
Amendment Date	September 15, 2026.
ADAMS Accession No	ML26225A137.
Amendment Nos	263 (Unit 1) and 265 (Unit 2).
Brief Description of Amendments	The amendments revised the emergency plan emergency action level scheme to adopt Nuclear Energy Institute (NEI) 99–01, Revision 7, ''Development of Emergency Action Levels for Non-Passive Reactors.''
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3; Limestone County, AL	
Docket Nos	50–259, 50–260, 50–296.
Amendment Date	September 14, 2026.
ADAMS Accession No	ML26237A221.
Amendment No(s)	345 (Unit 1), 368 (Unit 2), and 328 (Unit 3).
Brief Description of Amendments	The amendments revised Browns Ferry Nuclear Plant, Units 1, 2, and 3, Technical Specification 3.6.1.3, ''Primary Containment Isolation Valves (PCIV),'' to add a new surveillance requirement for the inboard main steam isolation valves.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Union Electric Company; Callaway Plant, Unit No. 1; Callaway County, MO	
Docket No	50–483.
Amendment Date	September 24, 2026.
ADAMS Accession No	ML26216A052.
Amendment No	245.

LICENSE AMENDMENT ISSUANCES—Continued

Brief Description of Amendment	The amendment revised Technical Specification 3.2.1, ''Heat Flux Hot Channel Factor (FQ(Z)) (FQ Methodology) Required Actions and Surveillance Requirements'' consistent with the recommendations of Westinghouse Topical Report WCAP–17661–P–A, Revision 1, ''Improved RAOC [Relaxed Axial Offset Control] and CAOC [Constant Axial Offset Control] FQ Surveillance Technical Specifications,'' dated February 2019.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

(Authority: 42 U.S.C. 2011 *et seq.*)

Dated: October 2, 2026.

For the Nuclear Regulatory Commission.

Hipolito Gonzalez,

Chief, Operating Reactor Licensing Branch 4, Division of Licensing Projects 1, Office of Nuclear Reactor Regulation.

[FR Doc. 2026–20954 Filed 10–13–26; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2027–7 and K2027–7]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

None. *See* Section III for summary proceedings.

III. Summary Proceeding(s)

1. *Docket No(s).:* MC2027–7 and K2027–7; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1109, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* October 8, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

This Notice will be published in the **Federal Register**.

Sarah Wessel,

Senior Paralegal Specialist.

[FR Doc. 2026–21020 Filed 10–13–26; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106640; File No. SR–CboeBZX–2026–084]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend its Fee Schedule by Introducing Step-Up Tier 1

October 8, 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, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the

[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).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Securities and Exchange Commission (''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 its Fee Schedule by introducing Step-Up Tier 1 under footnote 2 of its Fee Schedule. 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 its Fee Schedule applicable to its equities trading platform (''BZX Equities'') by introducing Step-Up Tier 1 under footnote 2 of its Fee Schedule. The Exchange proposes to implement these changes effective on October 1, 2026.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 17 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Securities Exchange Act of 1934 (the ''Act''), to which market participants may direct their order flow. Based on publicly available information,[3] no single registered equities exchange has more than 15% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow.

The Exchange in particular operates a ''Maker-Taker'' model whereby it pays rebates to members that add liquidity and assesses fees to those that remove liquidity. The Exchange's Fee Schedule sets forth the standard rebates and rates applied per share for orders that provide and remove liquidity, respectively. Currently, for orders in securities priced at or above $1.00, the Exchange provides a standard rebate of $0.00160 per share for orders that add liquidity and assesses a fee of $0.0030 per share for orders that remove liquidity.[4] For orders in securities priced below $1.00, the Exchange does not provide a rebate for orders that add liquidity and assesses a fee of 0.30% of the total dollar value for orders that remove liquidity.[5] Additionally, in response to the competitive environment, the Exchange also offers tiered pricing which provides Members opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Step-Up Tiers

Footnote 2 of the Fee Schedule is currently designated as ''Reserved.'' The Exchange now proposes to designate footnote 2 of the Fee Schedule as ''Step-Up Tiers,'' where the Exchange would offer various Step-Up Tiers that provide enhanced rebates for orders yielding fee codes B,[6] V,[7] and Y [8] where a Member reaches certain add volume-based criteria, including ''growing'' its volume over a certain baseline month. The Exchange also proposes to introduce Step-Up Tier 1. The proposed criteria of proposed Step-Up Tier 1 is as follows:

- Proposed Step-Up Tier 1 will provide a rebate of $0.0028 per share to qualifying orders where: (1) Member has a Step-Up Add TCV [9] from September 2026 ≥ 0.08% or Member has an Ex-Subdollar Step-Up Add Ex-Subdollar TCV [10] from September 2026 ≥ 0.08%; and (2) Member has a CMC ADV of 300,000 that yield fee code MC.[11]

For purposes of the proposed Step-Up Tier 1, ''CMC ADV'' means ADV in Cboe Market Close (''CMC'') orders.[12] In addition, the Exchange proposes to add the definition of ''Step-Up Add TCV'' [13] and ''Ex-Subdollar Step-Up Add Ex-Subdollar TCV'' [14] to the Definitions section of the Fee Schedule. The Exchange also proposes to revise the Fee Codes and Associated Fees table on the Fee Schedule to include footnote 2 on fee codes B, V, and Y. The Exchange also notes that proposed Step-Up Tier 1 will expire no later than February 28, 2027, which the Exchange will indicate on the Exchange's Fee Schedule.

The proposed Step-Up Tier 1, like other Add Volume Tiers,[15] is intended to provide an additional opportunity to incentivize Members to earn an enhanced rebate by increasing their order flow to the Exchange, which further contributes to a deeper, more liquid market and provides even more execution opportunities for active market participants. Incentivizing an increase in liquidity adding volume through enhanced rebate opportunities encourages liquidity-adding Members on the Exchange to increase transactions and take execution opportunities provided by such increased liquidity, together providing for overall enhanced price discovery and price improvement opportunities on the Exchange. As such, increased overall order flow benefits all Members by contributing towards a

[3] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (September 24, 2026), available at Cboe U.S. Equities Market Statistics | Cboe.

[4] *See* BZX Equities Fee Schedule, Standard Rates.

[5] *Id.*

[6] Fee code B is appended to displayed orders that add liquidity to BZX in Tape B securities.

[7] Fee code V is appended to displayed orders that add liquidity to BZX in Tape A securities.

[8] Fee code Y is appended to displayed orders that add liquidity to BZX in Tape C securities.

[9] As proposed, ''Step-Up Add TCV'' means ADAV as a percentage of TCV in the relevant baseline month subtracted from the prior month's ADAV as a percentage of TCV.

[10] As proposed, ''Ex-Subdollar Step-Up Add Ex-Subdollar TCV'' means Ex-Subdollar ADAV as a percentage of Ex-Subdollar TCV in the relevant baseline month subtracted from the prior month's Ex-Subdollar ADAV as a percentage of Ex-Subdollar TCV.

[11] Fee code MC is appended to Cboe Market Close orders.

[12] Cboe Market Close is a closing match process for non-BZX-listed securities that allows a Member to submit Market-on-Close (''MOC'') orders to BZX ahead of certain CMC matching sessions where these orders will be matched with other MOC orders participating in CMC and eligible to execute at the official closing price as published by the primary listing market. *See* Rule 11.28.

[13] *Supra* note 9.

[14] *Supra* note 10.

[15] *See* BZX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

robust and well-balanced market ecosystem.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[5] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] 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)[7] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers as well as Section 6(b)(4)[8] as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

As described above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The Exchange believes that its proposal to create Step-Up Tier 1 reflects a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members. Specifically, the Exchange's proposal to introduce Step-Up Tier 1 is not a significant departure from existing criteria, is reasonably correlated to the enhanced rebate offered by the Exchange and other competing exchanges,[16] and will continue to incentivize Members to submit order flow to the Exchange. Additionally, the Exchange notes that relative volume-based incentives and discounts have been widely adopted by exchanges,[17] including the Exchange,[18] and are reasonable, equitable and non-discriminatory because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to (i) the value to an exchange's market quality and (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns.

In particular, the Exchange believes its proposed Step-Up Tier 1 is reasonable because the proposed tier will be available to all Members and provides all Members with an opportunity to receive an enhanced rebate. The Exchange further believes its proposed Step-Up Tier 1 will provide a reasonable means to encourage liquidity adding displayed orders in Members' order flow to the Exchange and to incentivize Members to continue to provide liquidity adding volume to the Exchange as well as encourage Members to participate in CMC by offering them an opportunity to receive an enhanced rebate on qualifying orders. An overall increase in activity would deepen the Exchange's liquidity pool, offer additional cost savings, support the quality of price discovery, promote market transparency and improve market quality, for all investors.

The Exchange believes that its proposed Step-Up Tier 1 is reasonable as the proposed criteria does not represent a significant departure from the criteria currently offered in the Fee Schedule. The Exchange also believes that the proposal represents an equitable allocation of fees and rebates and is not unfairly discriminatory because all Members will be eligible for the proposed Step-Up Tier 1 and have the opportunity to meet the tier's criteria and receive the corresponding enhanced rebate if such criteria is met. While the Exchange has no way of predicting with certainty how the proposed changes will impact Member activity, based on the prior month's volume, the Exchange does not anticipate that any Member will be able to satisfy the proposed Step-Up Tier 1. The Exchange also notes that proposed changes will not adversely impact any Member's ability to qualify for enhanced rebates offered under other tiers. Should a Member not meet the proposed new criteria, the Member will merely not receive that corresponding enhanced rebate.

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. Rather, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.''

The Exchange believes the proposed rule changes do not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed creation of Step-Up Tier 1 does not impose an unnecessary burden as all Members are eligible to receive the enhanced rebate under the proposed tier. The Exchange does not believe the proposed changes burden competition, but rather, enhances competition as it is intended to increase the competitiveness of BZX by introducing a new pricing incentive in order to attract order flow and incentivize participants to increase their participation on the Exchange, providing for additional execution opportunities for market participants and improved price transparency. Greater overall order flow, trading opportunities, and pricing transparency benefits all market participants on the Exchange by enhancing market quality and continuing to encourage Members to send orders, thereby contributing towards a robust and well-balanced market ecosystem.

Next, the Exchange believes the proposed rule changes do not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more

[16] *See* NYSE Arca Marketplace Fees, Tier Rates—Round Lots and Odd Lots (Per Share Price $1.00 or Above), Step-Up Tiers, available at *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf*;

[17] *See e.g.,* EDGX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

[18] *See e.g.,* BZX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

than 14% of the market share.[19] Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [20] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[21] Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [22] and paragraph (f) of Rule 19b–4 [23] 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–2026–084 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–2026–084. 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–2026–084 and should be submitted on or before November 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20924 Filed 10–13–26; 8:45 am]

BILLING CODE 8011–01–P

[19] *Supra* note 3.

[20] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[21] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4 (f).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 36357; File No. 812–16081]

RTW Biotech Growth Fund and RTW Investments, LP

October 8, 2026.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 18(a)(2), 18(c) and 18(i) of the Act, under sections 6(c) and 23(c) of the Act for an exemption from rule 23c–3 under the Act, and for an order pursuant to section 17(d) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end investment companies to issue multiple classes of shares, to impose early withdrawal charges, and to impose asset-based distribution and/or service fees.

APPLICANTS: RTW Biotech Growth Fund and RTW Investments, LP.

FILING DATE: The application was filed on August 28, 2026.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below or personally or by mail, if a physical address is listed for the relevant Applicant below. The email should include the file number referenced above. Hearing requests should be received by the Commission by 5:30 p.m., Eastern time on November 2, 2026, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a

hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Darshan Patel RTW Biotech Growth Fund, c/o RTW Investments, LP, *dp@rtwfunds.com,* with copies to: Pamela Poland Chen, Esq. *pamela.chen@kirkland.com* and Jessica L. Patrick, Esq., *jessica.patrick@kirkland.com,* respectively.

FOR FURTHER INFORMATION CONTACT: Rachel Loko, Senior Special Counsel, at (202) 551–6720 or *IMOCC@sec.gov* (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' application, dated August 28, 2026, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at, *https://www.sec.gov/search-filings.*

You may also call the SEC's Office of Investor Education and Assistance at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20936 Filed 10–13–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106638; File No. SR–TXSE–2026–038]

Self-Regulatory Organizations; Texas Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt a Shared Listings Program on the Exchange

October 8, 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 5, 2026, Texas Stock Exchange LLC (the ''Exchange'' or ''TXSE'') 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 is filing with the Securities and Exchange Commission (''Commission'') a proposal to adopt the Shared Listings Program on the Exchange. The text of the proposed rule change is available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*) at the Exchange's website (*https://www.txse.com/regulations/rules-filings*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to add Section H to its Fee Schedule to establish a Shared Listings Program which provides certain credits that corporate issuers with the primary listing of a class of its stock (a ''Primary Listing Company'') on the Exchange (excluding an Acquisition Company before consummation of its Business Combination as those terms are defined in Rule 16.313(a)(1)[3]) will receive related to the Exchange's revenue.

Background

The choice of listing exchange for public companies and companies looking to go public in the U.S. is effectively between two exchanges, operating as a duopoly in which listing decisions are based on the relative attractiveness of the two venues rather than a broad marketplace of alternatives. Their offerings are largely based on marketing and soft-dollar support that tends to obscure the true economic relationship between the exchanges and their listed companies. TXSE believes that issuers deserve a more transparent and economically rational framework for valuing a listing relationship. Accordingly, the Exchange proposes to implement a straightforward revenue-sharing structure under which eligible listed companies would receive a defined percentage of: the auction revenue generated by the Exchange in the issuer's security, the Exchange's proprietary market data revenue, and the annual listing fees they pay to the Exchange. This approach would allow issuers to evaluate the economic return of their listing decision in concrete, quantifiable terms, aligning the interests of the Exchange and its listed companies, promoting informed decision-making, and introducing meaningful price transparency to the competitive landscape.

Proposed Changes

The Exchange is proposing to adopt the Shared Listing Program, a fee arrangement that will provide transparent pricing and allocation of fees and credits to Primary Listing Companies. Specifically, the Exchange is proposing to issue an annual credit to Primary Listing Companies based on three factors: (i) the Exchange's auction transaction revenue attributable to the Primary Listing Company's securities (''Auction Credit''); (ii) the Exchange's Total Proprietary Market Data Revenue (''Market Data Credit'');[4] and (iii) the annual listing fee paid by the Primary Listing Company to the Exchange (''Listing Fee Credit'' and, collectively

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Rule 16.313(a)(1) provides that ''The Exchange will consider on a case-by-case basis the appropriateness for listing of companies (''acquisition companies'' or ''ACs'') with no prior operating history that conduct an IPO of which at least 90% of the proceeds, together with the proceeds of any other concurrent sales of the AC's equity securities, will be held in a trust account controlled by an independent custodian until consummation of a business combination in the form of a merger, capital stock exchange, asset acquisition, stock purchase, reorganization or similar business combination with one or more operating businesses or assets (a ''Business Combination'') with a fair market value equal to at least 80% of the net assets held in trust (net of amounts disbursed to management for working capital purposes and excluding the amount of any deferred underwriting discount held in trust) (the ''Business Combination Condition'').''

[4] As provided in the proposed Corporate Listings Fee Schedule, the term ''Total Proprietary Market Data Revenue'' means annual revenue derived from sales of any proprietary market data products. This includes real-time, historical, and reference data, top of book and depth of book data, and any other proprietary data products that the Exchange may add in the future.

with the Auction Credit and Market Data Credit, ''Total SLP Credit'').

Acquisition Companies would not be eligible to participate in the Shared Listings Program before consummation of their Business Combinations. Following consummation, a former Acquisition Company would become eligible prospectively, provided that it otherwise satisfies the requirements of the Program. Accordingly, the Exchange would calculate its credits solely by reference to trading days during which the issuer was eligible.

Auction Credit

Exchanges derive much of their listing revenue from opening and closing auctions in their primary listed securities. As such, the Exchange is proposing to allocate 30% of its annual auction transaction revenue from Opening and Closing Auctions in a Primary Listing Company's listed security or securities (''Total Auction Transaction Revenue'') in the form of an Auction Credit to the Primary Listing Company. This is calculated as Total Auction Transaction Revenue × .3. Total Auction Transaction Revenue will be calculated as the total transaction revenue for Opening and Closing Auctions during a given year. For example, where a Primary Listing Company has $100,000 in transaction revenue generated in the Opening and Closing Auctions in a given year in its listed corporate securities, the Exchange will provide the Primary Listing Company with a $30,000 Auction Credit ($100,000 × .3).

The Exchange believes that this marks a step forward in transparency around exchange economics and primary listings on the exchange. Exchanges derive much of their listings-related revenue from the Opening and Closing Auctions and listed companies do not currently receive any direct economic benefit from this lucrative portion of exchange listings. The value derived from Opening and Closing Auctions is easily measurable and listings with higher auction volume generate more revenue for their listing venue without meaningful incremental cost. As such, the Exchange is proposing to create a fee arrangement that is transparent to Primary Listing Companies and the marketplace by providing Primary Listing Companies with an Auction Credit that is based directly on how much revenue the Exchange derives from Opening and Closing Auctions in a particular security each year.

Market Data Credit

The Exchange is proposing to allocate 30% of its total proprietary market data revenue (the ''Proprietary Market Data SLP Pool'') to a Market Data Credit to Primary Listing Companies, up to $100,000 per issuer. The calculation for allocation will be as follows:

- Total Proprietary Market Data Revenue × .3 = Proprietary Market Data SLP Pool
- Issuer Distribution Ratio = number of trading days Primary Listing Company had a primary listing on TXSE/total number of trading days that all Primary Listing Companies were listed on TXSE
- Market Data Credit = the lesser of:
  - Proprietary Market Data SLP Pool * Issuer Distribution Ratio; and
  - $100,000

For example, Firm ABC was listed on the Exchange for 25% of the trading days in a year (63 trading days out of 252 total trading days), there were 9 other Primary Listing Companies for the entirety of the year (''Full Year Issuers''), and the Exchange had Total Proprietary Market Revenue of $3,333,333. The Proprietary Market Data SLP Pool is $3,333,333 × .3 = $1,000,000. The Issuer Distribution Ratio for Firm ABC is 63/((9 × 252) + 63) = .027027. Firm ABC would receive a Market Data Credit of the lesser of $27,027 (.027027 * $1,000,000) and $100,000, so Firm ABC would receive a Market Data Credit of $27,027. The Issuer Distribution Ratio for the Full Year Issuers would be 252/((9 × 252) + 63)) = .108108. The Full Year Issuers would receive a Market Data Credit of the lesser of $108,108 ($1,000,000 * .108108) and $100,000, so they would each receive a $100,000 Market Data Credit.

Again, the Exchange believes that sharing up to 30% of its Proprietary Market Data SLP Pool in the form of a Market Data Credit to Primary Listing Companies increases transparency between issuers and their listing venues and better reflects the economic reality for how exchanges are able to monetize their listing businesses. The more primary listings an exchange has on its market, the more valuable its proprietary market data becomes to market participants. Rather than obfuscating this from issuers, the Exchange is proposing to provide Primary Listing Companies with a Market Data Credit that allows them to share in the revenue the Exchange is generating from its proprietary market data products made more valuable by their listing.

Listing Fee Credit

The Exchange is also proposing to allocate 30% of a Primary Listing Company's annual listing fees from the prior year back to each Primary Listing Company in the form of a Listing Fee Credit (*e.g.,* 30% of a $100,000 annual listing fee paid in 2026 would be a $30,000 Listing Fee Credit in 2027). This is intended to further share the economics of listings with Primary Listing Companies on the Exchange and to act as a further incentive for Primary Listing Companies to remain listed with the Exchange. As an example, where a Primary Listing Company paid $100,000 in annual listing fees to the Exchange (which excludes any initial fees, application fees, corporate action fees, etc.) for the prior year, in the following year the Exchange would issue a $30,000 Listing Fee Credit to the Primary Listing Company. Consistent with the Auction Credit and the Market Data Credit, the Listing Fee Credit will more directly tie the economics of listing on the Exchange to the revenue that the listing generates for the Exchange.

Total SLP Credit

In January of each year, the Exchange will calculate each Primary Listing Company's Market Data Credit, Auction Credit, and Listing Fee Credit for the previous year and add them together to calculate the Total SLP Credit. A Primary Listing Company's Total SLP Credit can then be applied to any fees incurred by the Primary Listing Company related to the listing of their corporate security or securities on the Exchange for that upcoming year, as the Exchange bills its annual listing fees in January of each year. A Primary Listing Company may opt to have the Total SLP Credit applied to then applicable corporate listing fees on the Exchange or opt to receive payment from the Exchange of all or part of their Total SLP Credit.[5] The Total SLP Credit

[5] The Exchange notes that other exchange listing fee programs have allowed for payments to issuers based on the economics to the listing exchange. *See* Securities Exchange Act Release No. 76113 (October 8, 2015), FR 80 62142 (October 15, 2015) (SR–BATS–2015–80) (''BATS Filing to Pay Issuers for Listings''). This proposal provided that BATS Exchange, Inc. (''BATS'') would pay between $3,000 and $400,000 to ETF issuers based on the consolidated average daily trading volume (''CADV'') of exchange-traded products on its exchange, justified by the economics to the exchange that they could expect based on the CADV of the product and the associated expected auction volume and outsized share of intraday trading. While the BATS Filing to Pay Issuers for Listings related to exchange-traded products (''ETPs'') and this proposal relates specifically to corporate listings, the Exchange believes that the underlying policy rationale for allowing the payments is the same—exchanges benefit from the economics of a listing (whether ETP or corporate listing) beyond just the annual listing fees and the fee arrangements

Continued

expires at the close of business on the last trading day of January and cannot be carried over or transferred to another party.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among issuers and it does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed adoption of the Shared Listings Program is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges because it would create a distribution of fees and other charges applicable to all issuers that reflect the additional revenue that a listing on the Exchange creates for the Exchange through executions occurring in the auctions, market data revenue, and listing fees. The Shared Listings Program acknowledges the additional revenue brought to the TXSE by its listed securities and is designed to reward an issuer for such additional revenue, which TXSE believes will create a more equitable appropriate relationship between the TXSE and Primary Listing Companies based on the revenue and expenses associated with listing on TXSE. As such, the Exchange believes that it is reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges to provide credits to Primary Listing Companies listed on the Exchange.[8] The Exchange believes that it is reasonable, fair and equitable, and not unfairly discriminatory to apply the Shared Listings Program to corporate listings and not to ETP listings because the economics of corporate listings and ETP listings are similar but different and the Exchange has a fee arrangement for ETPs that is more specifically tailored to ETPs.

The Exchange believes that excluding Acquisition Companies before consummation of their Business Combinations is reasonable, equitable, and not unfairly discriminatory. Acquisition Companies differ from operating companies because, as provided in TXSE Rule 16.313(a)(1), they have no prior operating history and hold at least 90% of their offering proceeds and concurrent equity-sale proceeds in trust pending a Business Combination. The Shared Listings Program is intended to share the economics associated with an ongoing primary-listing relationship with an operating company. Before consummating a Business Combination, an Acquisition Company is a shell company without an operating business and is listed under a distinct regulatory framework reflecting its limited purpose of identifying and completing a Business Combination. It therefore is not similarly situated to the operating companies for which the Shared Listings Program is designed. An Acquisition Company that consummates its Business Combination would become eligible to participate in the Shared Listings Program at that time. Following consummation of its Business Combination, the company becomes an operating company and is similarly situated to other eligible operating companies participating in the Program. The proposed exclusion therefore distinguishes between issuers based on objective differences in their status and applies uniformly to all similarly situated issuers.

The Exchange believes that providing an Auction Credit to a Primary Listing Company based on the specific auction transaction volume of its listed securities is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges because it would create a distribution of fees and other charges applicable to all eligible issuers that are commensurate with the additional revenue that a security listed on the Exchange creates for the Exchange through executions occurring in the Opening and Closing Auctions. As described above, where the auction volume of a security increases, so does the additional auction transaction fee revenue earned by the primary listing exchange. Accordingly, awarding an Auction Credit on the basis of the total transaction revenue from Opening and Closing Auctions on the Exchange will reward the Primary Listing Company on the basis of the additional revenue that the security brought to the Exchange during the prior year. Further to this point, the Exchange does not believe that the proposal is unfairly discriminatory because, as described above, the annual Auction Credit is based on the additional revenue that the Exchange has received from the security being listed on the Exchange. The Exchange also believes that it is equitable and not unfairly discriminatory for securities with high auction volume to receive a larger Auction Credit than securities with lower auction volume because the Auction Credit is directly proportionate to the amount of revenue generated for the Exchange through the Opening and Closing Auctions.

Similarly, the Exchange believes that providing the same Market Data Credit to all Primary Listing Companies capped at $100,000 per year is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges because it would create a distribution of fees and other charges applicable to all Primary Listing Companies that represents a percentage of the revenue that they collectively bring to the Exchange in the form of more useful market data. There is no reliably accurate way to calculate the specific contribution of particular securities to proprietary market revenue and, as noted above, the more listed securities there are on a particular exchange the more useful that exchange's market data becomes, so the Exchange believes that providing proportionally equal payments to all Primary Listing Companies based on the amount of time they're listed on the Exchange is a reasonable allocation of fees and other charges. The Exchange believes that capping the Market Data Credit at $100,000 is consistent with the Act because it provides a cap that the Exchange believes to be reasonable while still providing a substantial Market Data Credit to each Primary Listing Company.

The Exchange believes that providing a Listing Fee Credit to all Primary Listing Companies of 30% of their annual listing fee is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges because it would create a distribution of fees and other charges applicable to all Primary Listing Companies directly tied to the Exchange's revenue from their annual listing fee. Consistent with the Auction Credit and the Market Data Credit, the Listing Fee Credit will more directly tie the economics of listing on the Exchange to the revenue that the listing generates for the Exchange.

The Exchange believes that the application of the Total SLP Credit is a

should reflect those benefits which would include payment to issuers based on these economics.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4) and (5).

[8] Further to this point, the Exchange notes that another exchange has offered credits to issuers for listing on the exchange. *See* Securities Exchange Act Release No. 81725 (September 26, 2017), FR 82 45917 (October 2, 2017) (SR–IEX–2017–30). While the calculation for the credit was quite different than the Shared Listings Program (flat $250,000 credit for any company that announces its intent to transfer its listing to Investors' Exchange LLC within 120 days of first listing), the concept of providing issuers with credits to offset fees is very similar.

reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges because, as noted throughout this proposal, the Shared Listings Program represents a more transparent and equitable allocation of fees for corporate listings based on revenue generated by the Exchange. More specifically, the Exchange believes that the ability for a Primary Listing Company to apply the Total SLP Credit to its applicable corporate listing fees or to receive payment for such credit is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges because it reflects the economics of the listing relationship with the Exchange and provides additional flexibility to Primary Listing Companies by allowing them to opt to receive the same economic benefit in multiple ways. The Exchange also notes that other exchange listing programs related to ETPs have allowed for payments to issuers based on the economics to the listing exchange.[9] While this proposal relates specifically to corporate listings and not ETPs, the Exchange believes that the underlying policy rationale for allowing the payments is the same—exchanges benefit from the economics of a listing (whether ETP or corporate listing) beyond just the annual listing fees and the fee arrangements should reflect those benefits which would include payment to issuers based on these economics.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The Exchange believes that the proposed rule change will improve competition by enhancing competition as it is intended to increase the competitiveness of the Exchange's listings program by allowing the Exchange to provide Primary Listing Companies with listing credit and/or payments based on the revenue generated by the Exchange.

The Exchange believes that the proposed rule change would increase both intermarket and intramarket competition by increasing the competitiveness of its listing venue and attracting eligible transfer and new listings on the Exchange.

The exclusion of Acquisition Companies before consummation of their Business Combinations would not impose an unnecessary or inappropriate burden on competition because it would apply uniformly to all Acquisition Companies. Following consummation of a Business Combination, the resulting operating company would be eligible to participate prospectively on the same terms as other eligible Primary Listing Companies.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(2)[11] 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–TXSE–2026–038 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–TXSE–2026–038. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–TXSE–2026–038 and should be submitted on or before November 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20922 Filed 10–13–26; 8:45 am]

BILLING CODE 8011–01–P

[9] *See* BATS Filing to Pay Issuers for Listings.

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(2).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106637; File No. SR–TXSE–2026–039]

Self-Regulatory Organizations; Texas Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Implement a Restricted Stock Units Incentive Program

October 8, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 7, 2026, Texas Stock Exchange LLC (the ''Exchange'' or ''TXSE'') filed with the Securities and Exchange Commission (''Commission'') a 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 is filing with the Securities and Exchange Commission (''Commission'') a proposal to adopt Rodeo II on the Exchange. The text of the proposed rule change is available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*) at the Exchange's website (*https://*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

www.txse.com/regulations/rules-filings), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to implement Rodeo II to provide the first ten issuers of corporate securities that on or before December 31, 2026 either transfer their primary listing to TXSE or dually list on TXSE (the ''Founding Partners''), subject to certain requirements below, with restricted stock units of the Exchange's parent holding company, TXSE Group Inc. (''TXSE Group''), that will vest over the course of two years.[3] Qualifying listings completed beginning on October 5, including those completed before the commencement of the Program, are eligible to participate.[4] Rodeo II will commence on October 7, 2026 and run until the earliest of: (i) the allocation of all available awards; (ii) December 31, 2026; or (iii) the Exchange, in its sole discretion, terminates the Program. If there are more than ten Founding Partners on or before December 31, 2026, TXSE may, in its sole discretion, increase the total number of restricted share awards to 15 upon providing notice on its website. Any such increase would be subject to the same requirements applicable to the first 10 awards. Founding Partners may be, but are not required to be, current investors in TXSE Group, and the Exchange anticipates both current investors and new participants participating in the Program. The total equity ownership of TXSE Group Stock shall be subject to the ownership limitations of the Eighth Amended and Restated Stockholders' Agreement of TXSE Group Inc. as amended (the ''TXSE Group Stockholders' Agreement'') and of the Certificate of Formation of TXSE Group Inc. (the ''TXSE Group Certificate of Formation'').[5]

The purpose of Rodeo II is to promote the long-term interests of the Exchange by providing incentives designed to recognize the contribution of qualifying issuers that transferred their listings to TXSE at the launch of its corporate listing business, attract additional qualifying primary and dual listings, and encourage all Founding Partners to retain their listings on TXSE for at least two years, as further described below. Founding Partners' equity interest in TXSE Group will also help to align long-term incentives among corporate issuers more broadly, the Exchange, and its parent company by adding more corporate issuers to TXSE Group's ownership group and more specifically for the Founding Partners by providing issuers with the opportunity to share in the benefits of TXSE's increased enterprise value.

To be eligible to be a Founding Partner, a company must: (i) be a United States domiciled issuer whose primary listing consist solely of either: (a) common stock issued by a corporation (including an operating company or a business development company regulated under the Investment Company Act of 1940); (b) master limited partnership units; or (c) common shares of a real estate investment trust (''REIT'');[6] (ii) satisfy, or have satisfied at the time of listing, the Exchange's quantitative listing standards applicable to the transfer of a primary listing or addition of a dual listing of such securities to TXSE, and receive, or have received, approval to list from TXSE Regulation; (iii) (a) for primary listings, have a trailing 90-trading day average market capitalization of at least $3.5 billion at the time of the primary listing transfer or at the end of the first trading day that the applicant is primarily listed on TXSE; or (b) for dual listings, have a market cap of at least $100 billion; (iv) execute all required Program documentation, including a subscription agreement, listing application, and confidentiality agreement; (v) complete or have completed the transfer of a primary listing or a dual listing, as applicable, of a qualifying class of equity securities to the Exchange which shall be deemed completed upon the first Opening Auction in the equity security on the Exchange.

Where an issuer satisfies the above conditions, they will receive 100,000 restricted stock units (the ''Rodeo Units'') within sixty days following completion of the listing. Rodeo Units will vest in two tranches subject to the maintenance of the applicable continued listing standards on the Exchange as follows:

- For primary listings:
  - Fifty percent of the Rodeo Units will vest upon the first anniversary of the issuer's continuous primary listing on the Texas Stock Exchange, provided that the issuer remains primarily listed on the Exchange as of such date; and
  - Fifty percent of the Rodeo Units will vest on the second anniversary of the issuer's continuous primary listing on the Texas Stock Exchange, provided that the issuer remains primarily listed on the Exchange as of such date.
- For dual listings:
  - Fifty percent of the Rodeo Units will vest upon the first anniversary of the issuer's continuous listing (whether a dual listing or a primary listing) on the Texas Stock Exchange, provided that the issuer remains listed on the Exchange as of such date; and
  - Fifty percent of the Rodeo Units will vest on the second anniversary of the issuer's continuous listing (whether a dual listing or a primary listing) on the Texas Stock Exchange, provided that the issuer remains listed on the Exchange as of such date.

[3] The Exchange notes that it launched its corporate listing business on October 5, 2026, and currently has five issuers that would satisfy qualifications (i), (ii), (iii), and (v) below to receive restricted stock units under the Program. Their participation remains subject to execution of all required Program documentation.

[4] Each award would consist of 100,000 restricted stock units in TXSE Group, in total representing 2.94% of the fully diluted outstanding shares of TXSE Group as of June 30, 2026.

[5] *See, e.g.,* Section 14 of the TXSE Group Stockholders' Agreement, which states that ''any Stockholder, either alone or together with its Related Persons (as defined in the Certificate of Formation), that is also a member of the Texas Stock Exchange (or its successor), may not beneficially own directly or indirectly shares of stock of the Company representing in the aggregate more than 20% of the then-outstanding shares of stock of the Company.''; Article SEVENTH(b)(1)(A) and (B) of the TXSE Group Certificate of Formation, which states that ''no Person, either alone or together with its Related Persons, shall be permitted at any time to beneficially own, directly or indirectly, shares of stock of the Corporation representing in the aggregate more than 40% of the then-outstanding shares of stock of the Corporation; and no Member, either alone or together with its Related Persons, may beneficially own, directly or indirectly, shares of stock of the Corporation representing in the aggregate more than 20% of the then-outstanding shares of stock of the Corporation.''

[6] For the avoidance of doubt the following are not eligible: special purpose acquisition companies (SPACs), exchange traded products & funds, closed-end funds (other than BDCs), structured products, royalty trusts, or issuers domiciled outside of the United States.

2. Statutory Basis

The Exchange believes that the proposed rule change 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 facilitating transactions in securities, to remove impediments to and perfect the mechanisms 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 requirement in Section 6(b)(5) of the Act[9] that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[10] 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.

TXSE notes that the Exchange operates in a highly competitive marketplace for the listing of companies.[11] The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. The Exchange believes that the ever-shifting market share among exchanges with respect to new listings and the transfer of existing listings between competitor exchanges demonstrates that issuers can choose different listing markets in response to fee changes and this proposal is designed to help the Exchange both compete for new listings and retain existing listings. Moreover, new competitors, such as the Exchange, can enter the space, as well as existing exchanges currently without listing programs and new fee arrangements, such as Rodeo II, act to further enhance new entrants' ability to compete in the listings business. Accordingly, competitive forces constrain the Exchange's listing fees and incentive programs like Rodeo II can have a direct effect on the ability of TXSE to compete for new listings and retain existing listings.

The Exchange believes that the proposal is equitable and not unfairly discriminatory because participation is available on the same terms to qualifying issuers that have already transferred their listings to TXSE and to qualifying issuers that subsequently transfer their primary listings or dually list on the Exchange, subject to the Program's eligibility criteria and award limits. Including the five issuers that transferred their listings at the launch of the Exchange's corporate listing business recognizes their contribution to establishing TXSE as a corporate listing venue and provides an incentive for them to maintain their listings through the applicable vesting dates. Providing the same award and applying the same listing-based vesting conditions to existing and subsequent qualifying participants supports the Program's objectives of attracting and retaining an initial group of corporate issuers and aligning their long-term interests with the growth of the Exchange. The eligibility criteria are objective and apply equally to existing and subsequent qualifying participants. The eligibility criteria are equitable and not unfairly discriminatory in that the Exchange is trying to attract companies of a particular type (U.S. domiciled corporations, MLPs, and REITs) and size (greater than $3.5 billion market cap for primary listing and $100 billion for dual listing) to list on the Exchange in order to help establish its corporate listing business. The Exchange believes that these are reasonable and not unfairly discriminatory because they represent the types of companies that the Exchange wants to attract and retain and it wants to provide additional incentives for such companies to list and remain listed on the Exchange. The Exchange has focused the Program on these types of companies because it believes attracting and retaining an initial group of these issuers will help establish TXSE as a competitive corporate listing venue and encourage additional issuers to list on the Exchange. As noted above, the competition for listings is robust and the Exchange believes that Rodeo II will enhance competition between the exchanges for listings.

Further to this point, an equity interest in TXSE Group is intended to align participating issuers' long-term interests with the development of the Exchange's listing business. The Exchange intends to develop separate incentive programs for other security types, tailored to their respective characteristics and the Exchange's objectives in attracting those listings. The Exchange believes that attracting companies that meet these criteria will bring greater future value to TXSE as a listing venue than companies that do not meet these criteria.

The Exchange believes that having higher standards for participation for dual-listings is reasonable and not unfairly discriminatory because the Exchange wants to incentivize primary listings on TXSE. The Exchange prioritizes primary listings because they establish TXSE as an issuer's principal listing venue and provide the foundation for a durable corporate listing franchise. Attracting primary listings across a broader range of eligible issuers can help demonstrate the Exchange's capabilities and encourage subsequent listings. The Exchange therefore believes broader eligibility for primary listings is consistent with the Program's objective of developing its corporate listing business.

For dual listings, the Exchange has established a higher market capitalization threshold because the issuer retains its primary listing on another exchange. The Exchange believes that attracting issuers with a market capitalization of at least $100 billion can provide particular visibility and recognition for TXSE among other prospective issuers. The threshold is intended to focus the Program's equity incentives on dual listings that the Exchange believes can make a substantial contribution to establishing its corporate listing franchise.

The Exchange also believes that Founding Partners' equity interest in TXSE Group will help to align long-term incentives among corporate issuers more broadly, the Exchange, and its parent company by adding more corporate issuers to TXSE Group's ownership group and more specifically for the Founding Partners by providing issuers with the opportunity to share in the benefits of TXSE's increased enterprise value.

The Exchange believes that the vesting period is equitable and reasonable because it ensures that only issuers that transfer to the Exchange and remain listed on the Exchange for at least one year will partially vest and for two years will fully vest. The Exchange believes that requiring Founding Partners to remain listed for a period of two years in order to fully vest will further help establish the Exchange as a

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78f(b)(4).

[11] The Justice Department has noted the intense competitive environment for exchange listings. *See* ''NASDAQ OMX Group Inc. and Intercontinental Exchange Inc. Abandon Their Proposed Acquisition Of NYSE Euronext After Justice Department Threatens Lawsuit'' (May 16, 2011), available at *http://www.justice.gov/atr/public/press_releases/2011/271214.htm.*

listing venue.[12] As noted above, Founding Partners may be, but are not required to be, current investors in TXSE Group, and the Exchange anticipates both current and potential new investors to participate in the Program. The total equity ownership of TXSE Group Stock shall be subject to the ownership limitations of the TXSE Group Stockholders' Agreement and the TXSE Group Certificate of Formation.[13]

The Exchange believes the Rodeo II Program is equitable and reasonable because attracting and retaining listings from the type and size of companies that the Program is intended to attract will, in addition to benefitting the Exchange's listing business, also help to attract and retain additional liquidity and transaction volume on the Exchange. Such additional liquidity will benefit all market participants by providing tighter quoting and better prices on the Exchange, all of which works to perfect the mechanism for a free and open market and national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on

competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The Exchange believes that the proposed rule change will improve competition by aligning long-term incentives among corporate issuers with the Exchange's parent company and providing qualifying existing issuers with an incentive to remain listed on the Exchange and additional qualifying issuers with an incentive to list and remain listed on the Exchange.

The Exchange believes that the proposed rule change would increase both intermarket and intramarket competition by encouraging qualifying issuers already listed on TXSE to maintain their listings and encouraging additional qualifying issuers to transfer their primary listings or dually list on the Exchange. The five issuers that transferred their listings at the launch of the Exchange's corporate listing business have contributed to establishing TXSE as a listing venue. Their continued listing, together with additional qualifying listings, would help develop the Exchange's corporate listing business and encourage other issuers to consider TXSE as their listing venue. To the extent that there is an additional competitive burden on non-Founding Partners, the Exchange believes that this is appropriate because the development of an additional competitive listing venue would benefit all issuers.

Although five issuers have already transferred their listings to TXSE, retaining those issuers and attracting additional qualifying issuers remain important to developing a durable corporate listing business. Rodeo II is limited to an initial group of ten qualifying issuers, subject to the potential increase to fifteen described above. The Exchange believes that a program of this limited scope would enhance its ability to compete for and retain listings without imposing an inappropriate burden on competition. Additional primary listing transfers would increase TXSE's listings and reduce listings on competing venues, while retention of existing listings and additional dual listings would support the development of TXSE's listing business. The Program would also provide qualifying issuers with an additional factor to consider when choosing whether to list or remain listed on TXSE.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(2) [15] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–TXSE–2026–039 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 No. SR–TXSE–2026–039. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–TXSE–2026–039 and should be submitted on or before November 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20921 Filed 10–13–26; 8:45 am]

BILLING CODE 8011–01–P

[12] As noted above, if ten awards are granted and fully vest, the Founding Partners ownership stake as part of Rodeo II would represent 2.94% of the fully diluted outstanding shares of TXSE Group.

[13] *See, e.g.,* Section 14 of the TXSE Group Stockholders' Agreement, which states that ''any Stockholder, either alone or together with its Related Persons (as defined in the Certificate of Formation), that is also a member of the Texas Stock Exchange (or its successor), may not beneficially own directly or indirectly shares of stock of the Company representing in the aggregate more than 20% of the then-outstanding shares of stock of the Company.''; Article SEVENTH(b)(1)(A) and (B) of the TXSE Group Certificate of Formation, which states that ''no Person, either alone or together with its Related Persons, shall be permitted at any time to beneficially own, directly or indirectly, shares of stock of the Corporation representing in the aggregate more than 40% of the then-outstanding shares of stock of the Corporation; and no Member, either alone or together with its Related Persons, may beneficially own, directly or indirectly, shares of stock of the Corporation representing in the aggregate more than 20% of the then-outstanding shares of stock of the Corporation.''

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(2).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106639; File No. SR–TXSE–2026–035]

Self-Regulatory Organizations; Texas Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the TXSE Fee Schedule To Modify the Transaction Fee Applicable to Securities Priced at or Above $1.00 That Remove Displayed Liquidity From the TXSE Book

October 8, 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, Texas Stock Exchange LLC (''Exchange'' or ''TXSE'') filed with the Securities and Exchange Commission (''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 is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the TXSE Fee Schedule to lower the transaction fee applicable to securities priced at or above $1.00 that remove displayed liquidity from the TXSE Book. The Exchange proposes to implement the rule change upon commencement of its operations as a national securities exchange.

The text of the proposed rule change is available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*) at the Exchange's website (*https://www.txse.com/regulations/rules-filings*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Section A (Transaction Fees) of the TXSE Fee Schedule to reduce the fee for executions of orders that (i) are displayed on the TXSE Book and (ii) remove liquidity from the Exchange.[3] Currently, TXSE charges a fee of $0.0030 per share for these executions in securities priced at or above $1.00 per share. The Exchange now proposes to reduce this fee to $0.0029 per share and implement the change on October 1, 2026.

The proposed reduced fee for executions in securities priced at or above $1.00 per share that remove displayed liquidity is consistent with the fees charged by other exchanges for similar executions and the Exchange believes that reducing the fee for these transactions will encourage Members to increase the liquidity-removing orders they submit to the Exchange and result in increased interactions with displayed liquidity on the TXSE Book.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of the Exchange Act. The Exchange believes that the proposed fee is consistent with the objectives of Section 6(b)(5) of the Act[4] in that they are 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 and perfect the mechanism of a free and open market and national market system, and, in general, to protect investors and the public interest, and, particularly, are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes that the proposed rule change is consistent with the provisions of Section 6(b)(4) of the Act,[5] 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.

The Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The Exchange believes that the proposed fee reflects a simple and competitive pricing change designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would promote price discovery and price formation and deepen liquidity that is subject to the Exchange's transparency, regulation, and oversight as an exchange, thereby enhancing market quality to the benefit of all Members and investors. The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and self-regulatory organization revenues, and also recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.[6]

The Exchange believes that it is appropriate, reasonable, and consistent with the Act to reduce and now charge a standard fee of $0.0029 per share for executions of orders that remove liquidity from the TXSE Book in securities priced at or above $1.00 per share because it is comparable to the transaction fee charged by another exchange to remove liquidity.[7] The Exchange further believes that this fee is equitably allocated and not unfairly discriminatory because it applies equally to all Members and is designed to facilitate increased activity on the activity on the Exchange to the benefit of all Members by providing more trading opportunities and promoting price discovery.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] This pricing is referred to as ''Remove displayed liquidity'' on the TXSE Fee Schedule.

[4] 15 U.S.C. 78f(b)(6).

[5] 15 U.S.C. 78f(b)(4).

[6] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[7] For example, the MEMX Fee Schedule assess fees to remove liquidity for securities at or above $1.00 that range from $0.0029–$0.0030 per share; see *https://info.memxtrading.com/equities-trading-resources/us-equities-fee-schedule/*.

B. Self-Regulatory Organization's Statement on Burden on Competition

Section 6(b)(8) of the Act[8] requires that the Exchange's rules not impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Exchange Act. The Exchange 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. Rather, as discussed above, the Exchange believes that the proposed fee change would encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives, and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.''[9]

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposed fee change will increase competition and is intended to draw volume to the Exchange. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or reduce use of certain categories of products in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces constrain the Exchange's transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. Although this fee change is intended to attract liquidity to the Exchange, most other exchanges in operation today already offer multiple incentives to their participants, including tiered pricing that provides discounted executions, and other exchanges will be able to modify such incentives in order to compete with the Exchange. Accordingly, with respect to a participant deciding to submit an order to remove liquidity, there are multiple exchanges that will continue to be competitively priced for such orders when compared to the Exchange's pricing. Further, while pricing incentives can cause shifts of liquidity between trading centers, market participants make determinations on where to provide liquidity or route orders to take liquidity based on factors other than pricing, including execution quality, technology, functionality, and other considerations. Consequently, the Exchange believes that the degree to which its fees could impose any burden on competition is extremely limited and does not believe that such fees would burden competition of Members or competing venues in a manner 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 intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed fee would apply equally to all Members. The proposed fee change is intended to encourage market participants to add liquidity to the Exchange by providing a competitive rate charged for removing liquidity, which the Exchange believes will help to encourage Members to send orders to the Exchange to the benefit of all Exchange participants. As the proposed rates are equally applicable to all market participants, the Exchange does not believe there is any burden on intramarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act[10] and Rule 19b–4(f)(2) thereunder,[11] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further 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–TXSE–2026–035 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–TXSE–2026–035. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–TXSE–2026–035 and should be submitted on or before November 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–20923 Filed 10–13–26; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78f(b)(8).

[9] Regulation NMS Adopting Release at 37499.

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

[12] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21950 and #21951; WEST VIRGINIA Disaster Number WV–20031]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of West Virginia

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for Public Assistance Only for the state of West Virginia (FEMA–4932–DR), dated October 7, 2026.

Incident: Severe Storms, Straight-line Winds, Tornadoes, Flooding, Landslides, and Mudslides.

DATES: Issued on October 7, 2026.

Incident Period: July 21, 2026 through July 22, 2026.

Physical Loan Application Deadline Date: December 7, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: July 7, 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: Notice is hereby given as a result of the President's major disaster declaration on October 7, 2026, Private Non-Profit organizations providing essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Barbour, Doddridge, Lewis, Pendleton, Pleasants, Randolph, Ritchie, Tucker, Tyler, Upshur, Wetzel.

The Interest Rates are:

	Percent
For Physical Damage:	
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 21950B and for economic injury is 219510.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery.

[FR Doc. 2026–20929 Filed 10–13–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21940 and #21941; HAWAII Disaster Number HI–20018]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Hawaii

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for Public Assistance Only for the state of Hawaii (FEMA–4951–DR), dated October 7, 2026.

Incident: Hurricane Lala.

DATES: Issued on October 7, 2026.

Incident Period: August 14, 2026 through August 16, 2026.

Physical Loan Application Deadline Date: December 7, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: July 7, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, Office of Disaster Recovery, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on October 7, 2026, Private Non-Profit organizations providing essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: City and County of Honolulu, Hawaii, Maui.

The Interest Rates are:

	Percent
For Physical Damage:	
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
For Economic Injury:	
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 219408 and for economic injury is 219410.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery.

[FR Doc. 2026–20927 Filed 10–13–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under Office of Management and Budget Review

AGENCY: U.S. Small Business Administration.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) will submit the information collection described below to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, as amended, on or after the date of publication of this notice. SBA is publishing this notice to allow all interested members of the public an additional 30 days to provide comments on the collection of information.

DATES: Submit comments on or before November 13, 2026.

ADDRESSES: Written comments and recommendations for this information collection request should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Small Business Administration''; ''Currently Under Review,'' then select the ''Only Show ICR for Public Comment'' checkbox. This information collection can be identified by title and/or OMB Control Number, which are provided below.

FOR FURTHER INFORMATION CONTACT: You may obtain information including a copy of the forms and supporting documents from the Interim Agency Clearance Officer, Shauniece Carter, at (202) 205–6536, or *shauniece.carter@sba.gov,* or from *www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: The Small Business Act, as amended by the Small Business Innovation Research (SBIR) and Small Business Technology Transfer Program (STTR) Reauthorization Act of 2011, requires SBA to collect the SBIR and STTR awards made by the federal agencies that participate in those programs. SBA is required to maintain this information in searchable electronic databases and also to report the information to Congress annually.

Summary of Information Collection

OMB Control Number: 3245–0356.

Title: Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) *SBIR.gov* Company Registry and Commercialization Database.

Description of Respondents: SBA to collect information from representatives of small businesses planning to apply to the SBIR or STTR programs, and awardees of the SBIR or STTR programs.

Form Number: N/A.

Total Estimated Annual Responses: 12,225.

Total Estimated Annual Hour Burden: 4,958.

Solicitation of Public Comments: SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Shauniece Carter,

Interim Agency Clearance Officer.

[FR Doc. 2026–20973 Filed 10–13–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21956 and #21957; GUAM Disaster Number GU–20003]

Presidential Declaration of a Major Disaster for Public Assistance Only for the Territory of Guam

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for Public Assistance Only for the Territory of Guam (FEMA–4946–DR), dated October 7, 2026.

Incident: Super Typhoon Bavi.

DATES: Issued on October 7, 2026.

Incident Period: July 4, 2026 through July 12, 2026.

Physical Loan Application Deadline Date: December 7, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: July 7, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Milton Murphy, Office of Disaster Recovery, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on October 7, 2026, Private Non-Profit organizations providing essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Area: Guam.

The Interest Rates are:

	Percent
For Physical Damage:	
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 219568 and for economic injury is 219570.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery.

[FR Doc. 2026–20978 Filed 10–13–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21954 and #21955; WISCONSIN Disaster Number WI–20010]

Presidential Declaration of a Major Disaster for the State of Wisconsin

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for the State of Wisconsin (FEMA–4949–DR), dated October 7, 2026.

Incident: Severe Storms and Tornadoes.

DATES: Issued on October 7, 2026.

Incident Period: July 27, 2026.

Physical Loan Application Deadline Date: December 7, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: July 7, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Robert Camacho, Office of Disaster Recovery, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on October 7, 2026, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further

assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Forest, Outagamie, Vilas, Winnebago.

Contiguous Counties (Economic Injury Loans Only):

Wisconsin: Brown, Calumet, Florence, Fond du Lac, Green Lake, Iron, Langlade, Marinette, Oconto, Oneida, Price, Shawano, Waupaca, Waushara.

Michigan: Gogebic, Iron.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.750
Homeowners without Credit Available Elsewhere	2.875
Businesses without Credit Available Elsewhere	4.000
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 21954B and for economic injury is 219550.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery.

[FR Doc. 2026–20977 Filed 10–13–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21944 and #21945; West Virginia Disaster Number WV–20028]

Presidential Declaration of a Major Disaster for the State of West Virginia

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for the State of WEST VIRGINIA (FEMA–4953–DR), dated October 7, 2026.

Incident: Severe Storms and Flooding.

DATES: Issued on October 7, 2026.

Incident Period: August 14, 2026 through August 18, 2026.

Physical Loan Application Deadline Date: December 7, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: July 7, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, Office of Disaster Recovery, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on October 7, 2026, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Fayette, Harrison, Kanawha.

Contiguous Counties (Economic Injury Loans Only):

West Virginia: Barbour, Boone, Clay, Doddridge, Greenbrier, Jackson, Lewis, Lincoln, Marion, Nicholas, Putnam, Raleigh, Roane, Summers, Taylor, Upshur, Wetzel.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	6.000
Homeowners without Credit Available Elsewhere	3.000
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 219446 and for economic injury is 219450.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery.

[FR Doc. 2026–20928 Filed 10–13–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21946 and #21947; GUAM Disaster Number GU–20002]

Presidential Declaration of a Major Disaster for the Territory of GUAM

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for the Territory of Guam (FEMA–4946–DR), dated October 7, 2026.

Incident: Super Typhoon Bavi.

DATES: Issued on October 7, 2026.

Incident Period: July 4, 2026 through July 12, 2026.

Physical Loan Application Deadline Date: December 7, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: July 7, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Milton Murphy, Office of Disaster Recovery, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on October 7, 2026, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by

phone at 1–800–659–2955. If you are deaf, hard of hearing or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Area (Physical Damage and Economic Injury Loans): Guam.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.750
Homeowners without Credit Available Elsewhere	2.875
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 219468 and for economic injury is 219470.

(Catalog of Federal Domestic Assistance Number 59008)
(Authority: 13 CFR 123.3(b).)

James Stallings

Associate Administrator, Office of Disaster Recovery.

[FR Doc. 2026–20983 Filed 10–13–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21952 and #21953; NEW MEXICO Disaster Number NM–20027]

Presidential Declaration of a Major Disaster for the Pueblo of Zuni

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for the Pueblo of Zuni (FEMA–4954–DR), dated October 7, 2026.

Incident: Severe Storms and Flooding.

DATES: Issued on October 7, 2026.

Incident Period: July 16, 2026 through July 21, 2026.

Physical Loan Application Deadline Date: December 7, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: July 7, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on October 7, 2026, applications for disaster loans may be submitted online using the SBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Native Nation (Physical Damage and Economic Injury Loans): Pueblo of Zuni.

Contiguous Counties (Economic Injury Loans Only):

New Mexico: Cibola, McKinley.

Arizona: Apache.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.750
Homeowners without Credit Available Elsewhere	2.875
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 219526 and for economic injury is 219530.

(Catalog of Federal Domestic Assistance Number 59008)
(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery.

[FR Doc. 2026–20968 Filed 10–13–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21948 and #21949; OKLAHOMA Disaster Number OK–20042]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Oklahoma

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for Public Assistance Only for the state of Oklahoma (FEMA–4950–DR), dated October 7, 2026.

Incident: Severe Storm and Straight-line Winds.

DATES: Issued on October 7, 2026.

Incident Period: July 4, 2026.

Physical Loan Application Deadline Date: December 7, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: July 7, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Tamara Edge, Office of Disaster Recovery, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on October 7, 2026, Private Non-Profit organizations providing essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Cleveland, Nowata, Osage, Washington.

The Interest Rates are:

	Percent
For Physical Damage:	
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 21948B and for economic injury is 219490.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery.

[FR Doc. 2026–20967 Filed 10–13–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21942 and #21943; HAWAII Disaster Number HI–20019]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Hawaii

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for Public Assistance Only for the state of Hawaii (FEMA–4952–DR), dated October 7, 2026. Incident: Hurricane Lowell.

DATES: Issued on October 7, 2026.

Incident Period: September 6, 2026 through September 9, 2026.

Physical Loan Application Deadline Date: December 7, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: July 7, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Tamara Edge, Office of Disaster Recovery, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on October 7, 2026, Private Non-Profit organizations providing essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Kauai, Maui.

The Interest Rates are:

	Percent
For Physical Damage:	
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 219428 and for economic injury is 219430.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery.

[FR Doc. 2026–20931 Filed 10–13–26; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[FAA–2026–12808]

Notice of Intent To Prepare a Programmatic Environmental Impact Statement (PEIS), Open Public Scoping Period, and Hold Public Scoping Meetings on the Proposed SpaceX Starship-Super Heavy Launch and Landing Operations at the Boca Chica Launch Site at Starbase, Texas and Expansion of Starship Landing and Expenditure Locations

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

ACTION: Notice of intent to prepare a PEIS, open a public scoping period, and hold public scoping meetings.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA) and FAA Order 1050.1G, *FAA National Environmental Policy Act Implementing Procedures,* FAA is announcing its intent to prepare a PEIS analyzing Space Exploration Technologies Corp.'s (SpaceX) proposal to increase Starship-Super Heavy operations at the Boca Chica Launch Site at Starbase, TX and expand Starship landing and expenditure locations. Subsequent license modifications or renewals under 14 CFR part 400 are within the scope of the PEIS, and the issuance of temporary airspace closures associated with the Proposed Action are included in FAA's Federal Action. FAA is requesting comments concerning the scope and content of the PEIS. A Draft PEIS will be released for public review and comment at a later date.

DATES: FAA invites interested agencies, organizations, Native American Tribes, and members of the public to submit comments on alternatives and impacts and on relevant information, studies, or analyses with respect to the proposed agency action. The public scoping period starts with the publication of this Notice in the **Federal Register**. To ensure sufficient time to consider issues identified during the public scoping period, comments should be submitted by one of the methods listed under **ADDRESSES** no later than November 30, 2026. All comments will receive the same attention and consideration in the preparation of the PEIS.

ADDRESSES: Comments, statements, or questions concerning scoping issues may be provided to FAA as follows:

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Search for Docket No. FAA–2026–12808 to retrieve the docket and follow the instructions to submit a comment. Please note that all comments submitted to the docket will be posted on the internet without changes, including any personal identifying information provided.
- *By U.S. mail to:* Ms. Amy Hanson, FAA Environmental Protection Specialist, SpaceX Boca Chica, c/o Kimley-Horn, 767 Eustis Street, Suite 100, St. Paul, MN 55114.

We encourage the submission of comments electronically through the Federal E-Rulemaking Portal. If comments are submitted electronically, it is not necessary to also submit a hard copy. All comments received will be posted without change to *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION:

Background

Starship-Super Heavy is composed of two stages: Super Heavy is the first stage

(or booster), and Starship is the second stage. SpaceX proposes to increase Starship-Super Heavy launch, as well as Super Heavy and Starship landing operations at the Boca Chica Launch Site at Starbase, TX. In addition, SpaceX proposes to expand Starship landing and expenditure locations to support the evolving needs of the Starship program and broader space exploration objectives. Currently, SpaceX is authorized by FAA to conduct up to 25 annual launches and 50 total annual landings (25 of the Starship and 25 of the Super Heavy) per year at the Boca Chica Launch Site at Starbase, TX. The Boca Chica Launch Site at Starbase, TX is an exclusive-use launch site that serves as SpaceX's primary research, development, and flight test launch facility for Starship-Super Heavy. Additional information can be found on the project website at: *https://www.faa.gov/space/stakeholder_engagement/spacex_starship/activity_archive*.

Proposed Action

This PEIS will evaluate a maximum annual capacity of up to 456 annual launches originating from and up to 912 annual landings at the Boca Chica Launch Site at Starbase, TX.

Phase 1 would include up to 100 annual launches and up to 200 annual landings (100 of the Starship and 100 of the Super Heavy). Launches and landings could occur at any day or time of the week. As the vehicle continues to mature and reliability improves, launch and landing rates are expected to increase. Starship and Super Heavy are designed to require minimal post-flight refurbishment.

Phase 2 would include up to 456 launches originating from, and 912 annual landings at, the Boca Chica Launch Site at Starbase, TX. Launches could occur at any time of day, but would only occur Monday through Friday. This phase represents a mature program launching more than 100 times annually and would be implemented within several years. These launch and landing thresholds represent the maximum annual number of landings that could occur at the Boca Chica Launch Site at Starbase, TX, regardless of the launch origin, and bound the analysis in this PEIS.

SpaceX's Proposed Action within the context of this PEIS is to increase launch and landing operations at the Boca Chica Launch Site at Starbase, TX and expand Starship landing and expenditure locations to support the evolving needs of the Starship-Super Heavy program and broader space exploration objectives. The landing thresholds outlined herein represent the maximum annual number of landings that could occur at the Boca Chica Launch Site at Starbase, TX, regardless of the launch origin. Any currently unforeseen, future proposed increase in launch or landing cadence would require additional NEPA review. Super Heavy would either land at the launch site, soft water land in the Gulf of America, or be intentionally expended during flight. Starship would either land at the launch site; soft water land in the Gulf of America or in the broad open ocean; or be expended in the broad open ocean. Launches may occur during the day or night. For the purposes of the PEIS analysis, it is assumed that half of the launches and landings would occur during the day (7 a.m. to 10 p.m.) and half would occur at night (10 p.m. to 7 a.m.).

Starship-Super Heavy launch trajectories would be specific to each particular mission. Approved trajectories would be based on launch vehicle performance and characteristics and would satisfy 14 CFR Chapter III regulations. Launch azimuths for the Starship-Super Heavy (the initial direction of travel for the vehicle for launch) would range from 40 degrees to 115 degrees, from a reference of due north at 0 degrees and due east at 90 degrees. Super Heavy landing trajectories would also be within the Starship-Super Heavy launch azimuth range. Starship landing trajectories would range from 155 degrees to 185 degrees and 240 degrees to 340 degrees.

The potential environmental impacts of all proposed operational activities, including those from launches and landings, will be analyzed in the PEIS. The PEIS will evaluate the potential environmental impacts associated with aviation emissions and air quality; biological resources (including fish, wildlife, and plants); coastal resources; Department of Transportation Act, Section 4(f); Land and Water Conservation Fund Act, Section 6(f); farmlands; hazardous materials, solid waste, and pollution prevention; historical, architectural, archaeological, and cultural resources; land use; natural resources and energy supply; noise and noise-compatible land use; socioeconomics and children's health and safety risks; visual effects; and water resources (including wetlands, floodplains, surface waters, groundwater, and wild and scenic rivers). This analysis will consist of an evaluation of potential reasonably foreseeable impacts resulting from the Proposed Action, as compared to a No Action Alternative.

Concurrently with the NEPA process, FAA is initiating National Historic Preservation Act Section 106 consultation to determine the potential effects of the Proposed Action on historic properties. In addition, FAA is consulting with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act (ESA) regarding potential impacts on federally listed threatened and endangered species. FAA is also consulting with the National Marine Fisheries Service under Section 7 of the ESA and the Magnuson-Stevens Fishery Conservation and Management Act for potential impacts on protected marine species. Pursuant to the U.S. Department of Transportation Act of 1966, the PEIS will comply with the requirements of Section 4(f) of the Act (codified at 49 U.S.C. 303), as applicable.

Alternatives

FAA Order 1050.1G defines reasonable alternatives as those that are technically and economically feasible, meet the purpose and need for the Proposed Action, and, where applicable, meet the goals of the applicant. Prior NEPA documents have established the Boca Chica Launch Site at Starbase, TX as an approved location for Starship-Super Heavy operations. The Boca Chica Launch Site at Starbase, TX already has the necessary infrastructure to support launch operations, therefore other sites are not reasonable alternatives and do not meet the purpose and need of this project. Given these facts, the only alternative to the Proposed Action as described in this PEIS is the No Action Alternative.

Under the No Action Alternative, FAA would not modify SpaceX's launch license for Starship- Super Heavy launch and reentry operations from the Boca Chica Launch Site at Starbase, TX and would not issue any additional associated temporary airspace closures. In this scenario, SpaceX would be permitted to operate at the cadence approved in the 2025 *Final Tiered Environmental Assessment and Mitigated Finding of No Significant Impact and Record of Decision for SpaceX Starship/Super Heavy Vehicle Increased Cadence at the SpaceX Boca Chica Launch Site in Cameron County, Texas*. Potential impacts associated with the No Action Alternative will be analyzed in the PEIS.

Scoping Meetings

FAA will hold four IN–PERSON public scoping meetings and one VIRTUAL public scoping meeting. The meetings will allow the public to receive information on the Proposed

Action and provide comments to the record.

The IN–PERSON meetings will be held on Tuesday, November 17, 2026, and Thursday, November 19, 2026. The November 17, 2026, meetings will be held from 1:00 p.m.–3:00 p.m. and 5:30 p.m.–7:30 p.m. (Central) at the Texas Southmost College, Jacob Brown Auditorium, 600 International Blvd., Brownsville, TX 78520. The November 19, 2026, meetings will be held from 1:00 p.m.–3:00 p.m. and 5:30 p.m.–7:30 p.m. (Central) at the Port Isabel Event & Cultural Center, 309 Railroad St, Port Isabel, TX 78578. The IN-PERSON meetings will consist of an open house information-station format wherein FAA will provide information describing the purpose of the scoping meetings, project schedule, opportunities for public involvement, the Proposed Action and alternatives summary, and environmental resource area summary. The public will have the opportunity to provide verbal comments to a court reporter or written comments via a written comment form at one of several commenting stations at any time during the meetings.

A VIRTUAL meeting will be held on November 18, 2026; 5:30 p.m.–7:30 p.m. (Central); the URL and call-in number for the meeting will be provided in advance on FAA's project website: *https://www.faa.gov/space/stakeholder_engagement/spacex_starship.* The virtual meeting will consist of a closed-captioned auto-run presentation describing the purpose of the scoping meetings, project schedule, opportunities for public involvement, Proposed Action and alternatives summary, and environmental resource area summary. The pre-recorded presentation will be run at the beginning of the meeting, followed by an opportunity for formal comments. Members of the public may provide comments verbally during the virtual meeting; comments received via the chat function will not be part of the public record. A moderator will facilitate verbal comments. English-Spanish translation services for verbal comments will be provided. Both English and Spanish versions of the presentation will be made available to the public on FAA's project website no later than November 10, 2026. If additional accommodations for the public meetings are needed beyond the planned Spanish translation services, please submit a request by November 2, 2026, to the project email address: *spacexbocachica@icf.com.*

More information regarding the scoping meetings, is available on FAA's project website: *https://www.faa.gov/space/stakeholder_engagement/spacex_starship.*

Marcus Ward,

Division Manager, Safety Assurance Division, Commercial Space Transportation, Federal Aviation Administration.

[FR Doc. 2026–20963 Filed 10–13–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2026–1589]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) summarized below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

DATES: Interested persons are invited to submit comments on or before December 14, 2026.

ADDRESSES: Written comments and recommendations for the proposed ICR should be submitted on *https://www.regulations.gov* to Docket No. FRA–2026–1589. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130–0010) in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice, made available to the public, and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Joanne Swafford, Information Collection Clearance Officer, at email: *joanne.swafford@dot.gov* or telephone: (757) 897–9908.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60 days' notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA finds that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a ''user-friendly'' format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Track Safety Standards.

OMB Control Number: 2130–0010.

Abstract: The Track Safety Standards regulations under 49 CFR part 213 prescribe minimum safety requirements for railroad track that is part of the general railroad system of transportation. FRA uses this information collection to enhance rail safety by monitoring and enforcing compliance with regulatory requirements. While the requirements prescribed in this part generally apply to specific track conditions existing in isolation, a combination of track conditions, none of which individually amounts to a deviation from the requirements in this part, may require remedial action to provide safe operations over that track. Qualified persons inspect track and take action to allow safe passage of trains and ensure compliance with the prescribed standards.

In this 60-day notice, FRA has adjusted the previously approved burden hours. While some reported burdens have increased, the overall burden hours have decreased from the previously approved 234,294 hours to

234,274 hours. In general, the revised estimates reflect that the total number of notifications under 49 CFR 213.5, Responsibility for compliance, decreased from 15 to 7 notices annually and petitions under 49 CFR 213.17, Waivers, decreased from 10 to 3 annually.

In addition, FRA projects zero submissions under § 213.110, Gage restraint measurement systems, as no railroads currently use this technology to comply with Federal regulations. The burden table has been updated accordingly.

Type of Request: Extension without change (with changes in estimates) of a currently approved collection.

Affected Public: Businesses (Railroads).

Form(s): N/A.

Respondent Universe: 773.

Frequency of Submission: On occasion.

Reporting Burden:

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Wage rate [1]	Total cost equivalent U.S.D. (D = C * wage rates)
213.4 Excepted track: —(f) Notification to FRA 10 days prior to removal of excepted track.	773 railroads	16 notices	10 minutes	2.67	$94.50	$252.32
213.5 Responsibility for compliance: —(c) Notification to FRA of assignment of track to another person.	773 railroads	7 notices	1 hour	7	94.50	661.50
213.7 Designation of qualified persons to supervise certain renewals and inspect track: —(e) Designations	773 railroads	2,500 names	10 minutes	416.67	94.50	39,375.32
213.17 Waivers: —(a) Waivers	773 railroads	3 petitions	2 hours	6	94.50	567.00
213.57 Curves; elevation and speed limitations: —(e) Request to FRA for vehicle type approval.	773 railroads	4 requests	8 hours	32	94.50	3,024.00
—(f) Written notification to FRA prior to implementation of higher curving speeds.	773 railroads	4notifications	2 hours	8	94.50	756.00
—(g) Written consent of track owners obtained by railroad providing service over that track.	773 railroads	4 written consents	45 minutes	3 hours	94.50	283.50
213.110 Gage restraint measurement systems: —(a), (g), (h), (j), and (n) Implementing gage restraint measurement systems (GRMS), vehicle output and exception reports, data integrity and inspection records.	FRA anticipates zero submissions under § 213.110 for the three-year renewal period as GRMS is not currently used for regulatory compliance.					
213.118 Continuous welded rail (CWR); plan review and approval: —(a) through (c) Revised plans with procedures for CWR.	438 railroads	10 plans	4 hours	40	94.50	3,780
—(d) Notification to FRA and railroad employees of CWR plan effective date.	438 railroads	750 notices	15 seconds	3.13 hours	94.50	295.79
—(e) Written submissions after plan disapproval.	438 railroads	5 written submissions.	2 hours	10	94.50	945.00
—(e) Final FRA disapproval and plan amendment.	438 railroads	5 amended plans	1 hour	5 hours	94.50	472.50
213.234 Automated inspection of track constructed with concrete crossties: —(e) Exception reports listing all exception to § 213.109(d)(4).	30 railroads	125 reports	15 minutes	31.25	74.13	2,316.56
—(f) Recordkeeping requirements	30 railroads	2,000 records	30 minutes	1,000	94.50	94,500.00
—(g) Procedure for integrity of data—Track owners to institute procedures for maintaining the integrity of the data collected by the measurement system.	30 railroads	30 revised procedures.	2 hours	60	127.05	7,623.00
—(h)(3) Training—Track owners to provide annual training in handling rail seat deterioration exceptions to all persons designated as fully qualified under § 213.7 and whose territories are subject to the requirements of § 213.234..	30 railroads	2,250 records	5 minutes	187.50	74.13	13,899.38
213.237 Inspection of rail: —(b)(2) Detailed request to FRA to change designation of a rail inspection segment or establish a new segment.	65 railroads	4 requests	15 minutes	1 hour	94.50	94.50
—(b)(3) Notification to FRA and all affected employees of designation's effective date after FRA's approval/conditional approval.	65 railroads	16 notices	15 minutes	4 hours	94.50	378.00
—(d) Notice to FRA that service failure rate target in paragraph (a) of this section is not achieved.	65 railroads	4 notices	15 minutes	1 hour	94.50	94.50
—(d) Explanation to FRA as to why performance target was not achieved and provision to FRA of remedial action plan.	65 railroads	4 letters of explanation/plans.	15 minutes	1 hour	94.50	94.50

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Wage rate [1]	Total cost equivalent U.S.D. (D = C * wage rates)
213.238 Qualified operator: —Qualified operators—Written or electronic of qualification.	3 railroads + 5 testing entities.	250 records	5 minutes	20.83	94.50	1,968.44
213.240 Continuous rail testing: —(b) Procedures for conducting continuous testing.	12 railroads	4 procedures	8 hours	32	94.50	3,024.00
—(c) Type of rail test (continuous or stop-and-verify)—Record.	12 railroads	25,000 documents/records.	2 seconds	13.89	94.50	1,312.61
—(c) Type of rail test (continuous or stop-and-verify)—Documented changes.	12 railroads	100 documents	1 minute	1.67	94.50	157.82
—(g) Annual reports to FRA	12 railroads	12 reports	4 hours	48	94.50	4,536.00
213.241 Inspection records: —Inspection records	773 railroads	1,375,000 records	10 minutes	229,166.67	94.50	21,656,250.32
Subpart G Train operations at track classes 6 and higher:						
213.303 Responsibility for compliance: —(b) Notification of assignment to FRA	4 railroads	5 notices	30 minutes	2.50	94.50	236.25
213.305 Designation of qualified individuals; general qualifications: —(c)(4) Written authorization for remedial actions.	4 railroads	20 written documents.	30 minutes	10	94.50	945.00
—(e) Designation records	4 railroads	200 records	10 minutes	33.33	94.50	3,149.69
213.317 Waivers: —(a) and (b) Waivers	4 railroads	2 petitions	8 hours	16	94.50	1,512.00
213.329 Curves; elevation and speed limitations: —FRA approval of qualified vehicle types based on results of testing.	4 railroads	6 (2 cover letters + 2 technical reports + 2 diagrams).	16.75	33.50	94.50	3,165.75
—(f) Written notification to FRA 30 days prior to implementation of higher curving speeds.	4 railroads	2 notices	2 hours	4	94.50	378.00
—(g) Written consent of other affected track owners by railroad.	4 railroads	2 written consents	45 minutes	1.50	94.50	141.75
213.333 Automated vehicle-based inspection systems: —(d) Track Geometry Measurement System (TGMS) output/exception reports.	4 railroads	48 reports	5 minutes	4	94.50	378.00
213.341 Initial inspection of new rail and welds: —(b) and (d) Inspection records	4 railroads	800 records	2 minutes	26.67	94.50	2,520.32
213.343 Continuous welded rail (CWR): —(a) through (e) Procedures for installations and adjustments of CWR.	4 railroads	4 plans	4 hours	16	94.50	1,512.00
—(h) Recordkeeping requirements	4 railroads	8,000 records	2 minutes	266.67	94.50	24,050.97
213.345 Vehicle/track system qualification: —(a) through (c) Vehicle qualification program for all vehicle types operating at track Class 6 speeds or above.	4 railroads	2 program plans	120 hours	240	94.50	25,200.32
—(d) Previously qualified vehicle types. Qualification programs.	4 railroads	2 program plans	8 hours	16	94.50	1,512.00
—(h) Written consent of other affected track owners by railroad.	4 railroads	4 written consents	30 minutes	2	127.05	254.10
213.369 Inspection records: —(d) Record of inspection of track	4 railroads	15,000 record sets	10 minutes	2,500	94.50	236,250.00
Total [2]	773 railroads	1,432,204 responses.		234,274		22,136,497.69

[1] The dollar equivalent cost is derived from the 2024 Surface Transportation Board Full Year Wage A&B data series using the employee groups 100 (Executives, Officials, and Office Staff Assistants) $72.60, 200 (Professional and Administrative) $54.00, and 400 (Maintenance of Equipment & Stores) $42.36. The total burden wage rates (Straight time plus 75%) used in the table are $94.50 ($54 × 1.75 = $94.50), $127.05 (72.60 × 1.75 = $127.05) and $74.13 ($42.36 × 1.75 = $74.13).
[2] Totals may not add up due to rounding.

Total Estimated Annual Responses: 1,432,204.

Total Estimated Annual Burden: 234,274 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $22,136,497.69.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

(Authority: 44 U.S.C. 3501–3520.)

Christopher S. Van Nostrand,

Deputy Chief Counsel.

[FR Doc. 2026–20995 Filed 10–13–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2026–1590]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) summarized below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

DATES: Interested persons are invited to submit comments on or before December 14, 2026.

ADDRESSES: Written comments and recommendations for the proposed ICR should be submitted on *https://www.regulations.gov* to Docket No. FRA–2026–1590. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130–0594) in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice, made available to the public, and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Joanne Swafford, Information Collection Clearance Officer, at email: *joanne.swafford@dot.gov* or telephone: (757) 897–9908.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60 days' notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA finds that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a ''user-friendly'' format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Railroad Safety Appliance Standards.

OMB Control Number: 2130–0594.

Abstract: The information collection associated with 49 CFR part 231 is used by FRA to promote and enhance the safe placement and securement of safety appliances on contemporary rail equipment by establishing a process for the review and approval of existing industry standards.

The regulations related to safety appliance arrangements permit railroad industry representatives to submit requests for the approval of existing industry standards relating to the safety appliance arrangements on newly constructed railroad cars, locomotives, tenders, or other rail vehicles in lieu of the specific provisions contained in 49 CFR part 231.

In this 60-day notice, FRA has adjusted estimates to the previously approved burden hours, reducing the burden hours from 37 to 12 hours for this submission. The revised estimates reflect that FRA lowered the projected number of special approval and modification petitions from one annually to one over the next three years.

Type of Request: Extension without change (with changes in estimates) of a currently approved collection.

Affected Public: Businesses (railroads).

Form(s): N/A.

Respondent Universe: 784 railroads.

Frequency of Submission: On occasion.

Reporting Burden:

49 CFR part 231	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Total cost equivalent U.S.D. (D = C * wage rates) [1]
231.33 Procedure for special approval of existing industry safety appliance standards:					
—(b)(1) through (6) Filing of petitions and affirmative statement.	Association of American Railroads (AAR) (industry rep.).	0.33 petition	17	5.61	$530.15
—(f)(3)(iii) Disposition of petitions: petition returned by FRA requesting additional information.	AAR (industry rep.)	0.33 additional document	2	0.66	62.37
231.35 Procedure for modification of an approved industry safety appliance standard for new railcar construction:					
—(a) Petition for modification and affirmative statement.	AAR (industry rep.)	0.33 petition for modification.	17	5.61	530.15
Total [2]	AAR (industry rep.)	1 response		12	1,122.66

Total Estimated Annual Responses: 1.

Total Estimated Annual Burden: 12 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $1,122.66.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond

[1] The dollar equivalent cost is derived from the 2025 Surface Transportation Board Full Year Wage A&B data series using the employee group 200 (Professional & Administrative) hourly wage rate of $54.00. The total burden wage rate (Straight time plus 75%) used in the table is $94.50 ($54 × 1.75 = $94.50).

[2] Totals may not add up due to rounding.

to, a collection of information that does not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Christopher S. Van Nostrand,

Deputy Chief Counsel.

[FR Doc. 2026–20991 Filed 10–13–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. The vessels placed on the SDN List have been identified as property in which a blocked person has an interest.

DATES: This action was issued on October 8, 2026. See Supplementary Information for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Licensing, 202–622–2480; Assistant Director for Sanctions Compliance, 202–622–2490; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: *https://ofac.treasury.gov.*

Notice of OFAC Actions

On October 8, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Entities

BILLING CODE 4810–AL–P

Entities

1. BRICH SHIPPING COMPANY LIMITED (a.k.a. YONG SING SHIPPING COMPANY LIMITED), 9th Floor, Glory Centre, 8, Hillwood Road, Tsim Sha Tsui, Kowloon, Hong Kong, China; Organization Established Date 18 Jul 2022; Identification Number IMO 6438866; Business Registration Number 74247464 (Hong Kong) [IRAN-EO13902].

   Designated pursuant to section 1(a)(i) of Executive Order 13902 of January 10, 2020, "Imposing Sanctions With Respect to Additional Sectors of Iran," 85 FR 2003, 3 CFR, 2020 Comp., p. 299 (E.O. 13902), for operating in the petrochemical sector of the Iranian economy.

2. NORTHPORT NAVIGATION INC., Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro 96960, Marshall Islands; Organization Established Date 25 Sep 2025; Identification Number IMO 0366341; Business Registration Number 134116 (Marshall Islands) [IRAN-EO13902].

   Designated pursuant to section 1(a)(i) of E.O 13902 for operating in the petroleum sector of the Iranian economy.

3. SCIENCE RU TRADING CO LTD, Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro 96960, Marshall Islands; Organization Established Date 26 Nov 2025; Identification Number IMO 0399597; Business Registration Number 135434 (Marshall Islands) [IRAN-EO13902].

   Designated pursuant to section 1(a)(i) of E.O 13902 for operating in the petrochemical sector of the Iranian economy.

4. BETTA SHIPPING INC, Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro 96960, Marshall Islands; Organization Established Date 11 Jul 2024; Identification Number IMO 0008761; Business Registration Number 127036 (Marshall Islands) [IRAN-EO13902].

   Designated pursuant to section 1(a)(i) of E.O 13902 for operating in the petroleum sector of the Iranian economy.

5. GODDESS SHIPPING CORP., Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro 96960, Marshall Islands; Organization Established Date 03 Jan 2025; Identification Number IMO 0243203; Business Registration Number 129543 (Marshall Islands) [IRAN-EO13902].

   Designated pursuant to section 1(a)(i) of E.O 13902 for operating in the petroleum sector of the Iranian economy.

6. MAKARUA SHIPPING LTD, Sea Meadow House, PO Box 116, Blackburne Highway, Road Town, Tortola, Virgin Islands, British; Organization Established Date 2025; Identification Number IMO 0249043 [IRAN-EO13902].

   Designated pursuant to section 1(a)(i) of E.O 13902 for operating in the petroleum sector of the Iranian economy.

7. STANDWILL SHIPPING LIMITED, Room P, 4th Floor, Lladro Centre, 72 Hoi Yuen Road, Kwun Tong, Kowloon, Hong Kong, China; UG-11 UG/F Soho West, 76-82 Castle Peak Rd, Cheung Sha Wan, Kowloon, Hong Kong, China; Organization Established Date 29 Jun 2022; Identification Number IMO 0275552; Business Registration Number 74188737 (Hong Kong) [IRAN-EO13902].

   Designated pursuant to section 1(a)(i) of E.O 13902 for operating in the petroleum sector of the Iranian economy.

8. JLS DRAGON COMPANY LIMITED, Flat 1512, 15th Floor, Lucky Centre, 165-171, Wan Chai Road, Wan Chai, Hong Kong, China; Organization Established Date 02 Mar 2022; Identification Number IMO 6337404; Registration Number 73833769 (Hong Kong) [IRAN-EO13902].

   Designated pursuant to section 1(a)(i) of E.O 13902 for operating in the petrochemical sector of the Iranian economy.

9. KANHA SHIPPING INC, Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro 96960, Marshall Islands; Organization Established Date 24 Dec 2025; Identification Number IMO 0413676; Registration Number 136040 (Marshall Islands) [IRAN-EO13902].

   Designated pursuant to section 1(a)(i) of E.O 13902 for operating in the petroleum sector of the Iranian economy.

10. SAINT ABUNDANT INTERNATIONAL CO LTD, 7 Copperfield Road, Coventry, West Midlands, England CV2 4AQ, United Kingdom; Organization Established Date 15 Nov 2023; Identification Number IMO 0107121; Company Number 15287079 (United Kingdom) [IRAN-EO13902].

    Designated pursuant to section 1(a)(i) of E.O 13902 for operating in the petrochemical sector of the Iranian economy.

11. TERRA NAV SHIPPING LTD, Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro 96960, Marshall Islands; Organization Established Date 11 Jul 2025; Identification Number IMO 0432331; Registration Number 132780 (Marshall Islands) [IRAN-EO13902].

Designated pursuant to section 1(a)(i) of E.O 13902 for operating in the petroleum sector of the Iranian economy.

12. HECHUANG INTERNATIONAL GROUP LIMITED (Chinese Traditional: 和創國際集團有限公司), Room 3707, Tower B, China Resources Building, 6, Shandong Lu, Shinan Qu, Qingdao, Shandong, China; Hong Kong, China; Organization Established Date 08 Aug 2024; Identification Number IMO 0032920; Business Registration Number 76912518 (Hong Kong) [IRAN-EO13902].

    Designated pursuant to section 1(a)(i) of E.O 13902 for operating in the petroleum sector of the Iranian economy.

13. ORNELLA SHIPPING INC., Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro 96960, Marshall Islands; Organization Established Date 21 Oct 2020; Identification Number IMO 6186752; Registration Number 106575 (Marshall Islands) [IRAN-EO13902].

    Designated pursuant to section 1(a)(i) of E.O 13902 for operating in the petroleum sector of the Iranian economy.

14. PARITOSH SHIPPING INC., Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro 96960, Marshall Islands; Organization Established Date 06 Jan 2023; Identification Number IMO 0340398; Registration Number 117889 (Marshall Islands) [IRAN-EO13902].

    Designated pursuant to section 1(a)(i) of E.O 13902 for operating in the petroleum sector of the Iranian economy.

15. SHUNHANG SHIP MANAGEMENT LIMITED (Chinese Traditional: 順航船舶管理有限公司), Room 7A1-3, Jialitai Building, 45, Yanshan Lu, Shekou, Nanshan Qu, Shenzhen, Guangdong, China; Hong Kong, China; Organization Established Date 07 Mar 2025; Identification Number IMO 0191076; Business Registration Number 77807687 (Hong Kong) [IRAN-EO13902].

    Designated pursuant to section 1(a)(i) of E.O 13902 for operating in the petrochemical sector of the Iranian economy.

16. GRAVION MARITIME CO., Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro 96960, Marshall Islands; Organization Established Date 04 May 2026; Identification Number IMO 0463973; Business Registration Number 138575 (Marshall Islands) [IRAN-EO13902].

    Designated pursuant to section 1(a)(i) of E.O 13902 for operating in the petroleum sector of the Iranian economy.

Vessels

17. NOSTALGIA CO., LTD, Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro 96960, Marshall Islands; Organization Established Date 18 Feb 2022; Identification Number IMO 6336128; Business Registration Number 113187 (Marshall Islands) [IRAN-EO13902].

    Designated pursuant to section 1(a)(i) of E.O 13902 for operating in the petroleum sector of the Iranian economy.

Vessels

1. EXFLAME (C5J36) Oil Products Tanker Gambia flag; Vessel Year of Build 2005; Vessel Registration Identification IMO 9294678; MMSI 629009020 (vessel) [IRAN-EO13902] (Linked To: SCIENCE RU TRADING CO LTD).

    Identified as property in which SCIENCE RU TRADING CO LTD, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

2. NOBLE SEA (T7EK8) LPG Tanker San Marino flag; Vessel Year of Build 2007; Vessel Registration Identification IMO 9343118; MMSI 268268101 (vessel) [IRAN-EO13902] (Linked To: BRICH SHIPPING COMPANY LIMITED).

    Identified as property in which BRICH SHIPPING COMPANY LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

3. SHENZHEN Crude Oil Tanker Cameroon flag; Vessel Year of Build 2004; Vessel Registration Identification IMO 9276561; MMSI 613290000 (vessel) [IRAN-EO13902] (Linked To: NORTHPORT NAVIGATION INC.).

    Identified as property in which NORTHPORT NAVIGATION INC., a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

4. AVA 6 (VRXU4) Chemical/Products Tanker Hong Kong flag; Other Vessel Flag China; Vessel Year of Build 2005; Vessel Registration Identification IMO 9226140; MMSI 477226000 (vessel) [IRAN-EO13902] (Linked To: STANDWILL SHIPPING LIMITED).

    Identified as property in which STANDWILL SHIPPING LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

5. GAS MARAKUA (9LS2170) LPG Tanker Sierra Leone flag; Vessel Year of Build 2003; Vessel Registration Identification IMO 9240421; MMSI 667002467 (vessel) [IRAN-EO13902] (Linked To: MAKARUA SHIPPING LTD).

Identified as property in which MAKARUA SHIPPING LTD, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

6. MACKEREL (3E2653) Chemical/Products Tanker Panama flag; Vessel Year of Build 2003; Vessel Registration Identification IMO 9234628; MMSI 352002500 (vessel) [IRAN-EO13902] (Linked To: BETTA SHIPPING INC).

   Identified as property in which BETTA SHIPPING INC, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

7. ZIXUAN (8PVK) LPG Tanker Barbados flag; Vessel Year of Build 2005; Vessel Registration Identification IMO 9317298; MMSI 314283000 (vessel) [IRAN-EO13902] (Linked To: GODDESS SHIPPING CORP.).

   Identified as property in which GODDESS SHIPPING CORP., a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

8. G SPRING (JVYG8) LPG Tanker Mongolia flag; Vessel Year of Build 1994; Vessel Registration Identification IMO 9040118; MMSI 457677000 (vessel) [IRAN-EO13902] (Linked To: JLS DRAGON COMPANY LIMITED).

   Identified as property in which JLS DRAGON COMPANY LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

9. KANHA (T8A4829) Products Tanker Palau flag; Vessel Year of Build 2005; Vessel Registration Identification IMO 9308766; MMSI 511101460 (vessel) [IRAN-EO13902] (Linked To: KANHA SHIPPING INC).

   Identified as property in which KANHA SHIPPING INC, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

10. KING CHAIN (TJM23G) Crude/Oil Products Tanker Cameroon flag; Vessel Year of Build 2004; Vessel Registration Identification IMO 9277761; MMSI 613561602 (vessel) [IRAN-EO13902] (Linked To: SAINT ABUNDANT INTERNATIONAL CO LTD).

    Identified as property in which SAINT ABUNDANT INTERNATIONAL CO LTD, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

11. POLAR (5IM674) LPG Tanker Tanzania flag; Vessel Year of Build 1994; Vessel Registration Identification IMO 9050187; MMSI 677057400 (vessel) [IRAN-EO13902] (Linked To: TERRA NAV SHIPPING LTD).

    Identified as property in which TERRA NAV SHIPPING LTD, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

12. BITU (3E6982) Asphalt/Bitumen Tanker Panama flag; Vessel Year of Build 2010; Vessel Registration Identification IMO 9531765; MMSI 352004730 (vessel) [IRAN-EO13902] (Linked To: ORNELLA SHIPPING INC.).

    Identified as property in which ORNELLA SHIPPING INC., a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

13. GAS LUCKY (C6LP5) LPG Tanker Bahamas flag; Vessel Year of Build 2000; Vessel Registration Identification IMO 9177557; MMSI 311002319 (vessel) [IRAN-EO13902] (Linked To: SHUNHANG SHIP MANAGEMENT LIMITED).

    Identified as property in which SHUNHANG SHIP MANAGEMENT LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

14. PARITOSH (D6A4211) Asphalt/Bitumen Tanker Comoros flag; Vessel Year of Build 2008; Vessel Registration Identification IMO 9383352; MMSI 620800211 (vessel) [IRAN-EO13902] (Linked To: PARITOSH SHIPPING INC.).

    Identified as property in which PARITOSH SHIPPING INC., a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

15. STARWAY (3E6902) Chemical/Products Tanker Panama flag; Vessel Year of Build 2004; Vessel Registration Identification IMO 9273246; MMSI 352004620 (vessel) [IRAN-EO13902] (Linked To: HECHUANG INTERNATIONAL GROUP LIMITED).

    Identified as property in which HECHUANG INTERNATIONAL GROUP LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

16. SOGL (D6A4513) LPG Tanker Comoros flag; Vessel Year of Build 2001; Vessel Registration Identification IMO 9208227; MMSI 620800513 (vessel) [IRAN-EO13902] (Linked To: GRAVION MARITIME CO.).

Identified as property in which GRAVION MARITIME CO., a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

17. TINA 5 (YJRL8) Crude Oil Tanker Vanuatu flag; Vessel Year of Build 2002; Vessel Registration Identification IMO 9237761; MMSI 577710000 (vessel) [IRAN-EO13902] (Linked To: NOSTALGIA CO., LTD).

Identified as property in which NOSTALGIA CO., LTD, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

(Authority: E.O. 13902.)

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–20994 Filed 10–13–26; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request for Qualifying Advanced Energy Project Credit—Notice 2023–18

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before December 14, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include ''OMB Control No. 1545–2151'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Marcus W. McCrary, 470–769–2001.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Qualifying Advanced Energy Project Credit—Notice 2023–18.

OMB Control Number: 1545–2151.

Regulation Project Number: Notice 2023–18, Notice 2024–36.

Abstract: IRS Notice 2023–18, as clarified and modified by subsequent guidance, establishes the § 48C(e) Qualifying Advanced Energy Project Credit Allocation Program. The program authorizes the allocation of $10 billion in tax credits for qualified investments in eligible advanced energy projects, including at least $4 billion reserved for projects located in designated energy communities. Eligible projects generally include investments to establish, expand, or re-equip industrial or manufacturing facilities that produce or recycle clean energy technologies, reduce greenhouse gas emissions by at least 20 percent, or process, refine, or recycle critical materials. To participate in the § 48C(e) program, taxpayers must submit project information to the Department of Energy (DOE) for technical review and recommendation and to the IRS for credit allocation and certification. Required submissions include a concept paper and § 48C(e) application, as applicable, as well as documentation demonstrating that an allocated project satisfies the program's certification requirements and notification when the project is placed in service. Notice 2023–18 has been clarified and modified by subsequent IRS guidance, including Notice 2024–36, which established procedures for the second allocation round and updated the program's technical and administrative requirements.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Responses: 5,000.

Estimated Time per Response: 6 hours, 21 minutes.

Estimated Total Annual Burden Hours: 31,750.

Dated: October 9, 2026.

Marcus W. McCrary,

Tax Analyst.

[FR Doc. 2026–20966 Filed 10–13–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Application for United States Residency Certification

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before December 14, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include ''OMB Control No. 1545–1817'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Kerry Dennis, (202) 317–5751.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Application for United States Residency Certification.

OMB Control Number: 1545–1817.

Form Numbers: 8802.

Abstract: Form 8802, Application for United States Residency Certification, is used by individuals and entities to request certification of their U.S. residency for Federal tax purposes. The Internal Revenue Service uses the information provided on Form 8802 to determine whether the applicant is eligible to receive U.S. residency certification. The certification may be used as evidence that the applicant is a U.S. resident for purposes of claiming benefits under an applicable income tax treaty.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and not-for-profit institution.

Estimated Number of Respondents: 130,132.

Estimated Time per Response: 3 hours, 38 minutes.

Estimated Total Annual Burden Hours: 472,380.

Dated: October 6, 2026.

Kerry Dennis,

Tax Analyst.

[FR Doc. 2026–20962 Filed 10–13–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans and Community Oversight and Engagement Board, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. Ch. 10, that the Veterans and Community Oversight and Engagement Board will meet virtually on October 21, 2026 via Microsoft Teams. The meeting session will begin, and end as follows:

Date	Time
October 21, 2026.	9:00 a.m. to 3:30 p.m. Pacific Standard Time (PST).

The meetings are open to the public.

The Board was established by the West Los Angeles Leasing Act of 2016 on September 29, 2016. The purpose of the Board is to provide advice and make recommendations to the Secretary of Veterans Affairs on: identifying the goals of the community and Veteran partnership; improving services and outcomes for Veterans, members of the Armed Forces, and the families of such Veterans and members; and on the implementation of the Draft Master Plan approved by the Secretary on January 28, 2016, and on the creation and implementation of any successor master plans.

On October 21, 2026, the agenda will include opening remarks from the Department of Veterans Affairs Leadership. There will be a general update from VA Greater Los Angeles Healthcare System (VAGLAHS). The Office of Asset Enterprise Management will provide status briefing activities since August 2025. The Board will hear reports on activities since the last meeting and information provided from subject matters experts.

Time will be allocated for receiving public comments on October 21, from 2:00 p.m. to 3:00 p.m. PST. The comment period may end sooner if there are no comments presented or they are exhausted before the end time. Individuals wishing to make public comments should contact Chi Szeto at *Chihung.szeto@va.gov* and are requested to submit a 1–2-page summary of their comments for inclusion in the official meeting record. Only those members of the public (first 12 public comment registrants) who have confirmed registrations to provide public comment will be allowed to provide public comment. Each speaker will be held to 5-minutes time limit. The Committee will accept written comments from interested parties on the West LA Master Plan from at *https://www.westladraftmasterplan.org/* October 14, 2026, to October 21, 2026.

Members of the public can attend the meeting via Microsoft Teams by joining from the meeting link below.

Video: Copy and paste highlighted link below.

Microsoft Teams meeting.

Join: https://teams.microsoft.com/meet/264028341877895?p=7rGwJtEHFGTl4f9qFH.

Meeting ID: 264 028 341 877 895.

Passcode: hT22XE3z.

Need help? | System reference.

Dial in by phone +1 872–701–0185,142656445# United States, Chicago.

Find a local number.

Phone conference ID: 142 656 445#.

Any member of the public seeking additional information should contact Chi Szeto at (562) 708–9959 or at *Chihung.Szeto@va.gov.*

Dated: October 8, 2026.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2026–20907 Filed 10–13–26; 8:45 am]

BILLING CODE 8320–01–P



FEDERAL REGISTER

Vol. 91 Wednesday,
No. 197 October 14, 2026

Part II

Department of Homeland Security

8 CFR Part 274a
Removal of Automatic Extensions for Certain Employment Authorization Documents; Final Rule

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 274a

[CIS No. 2859–26; DHS Docket No. USCIS–2025–0271]

RIN 1615–AD05

Removal of Automatic Extensions for Certain Employment Authorization Documents

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Final rule.

SUMMARY: On October 30, 2025, DHS published an interim final rule (IFR) that amended DHS regulations to end the practice of automatically extending the validity of employment authorization documents (Forms I–766 or EADs) for aliens who have timely filed an application to renew their EAD in certain employment authorization categories. This final rule responds to comments received on the IFR and reaffirms and finalizes the provisions of the IFR. Ending the automatic extension of EADs enhances benefit integrity and prioritizes the proper vetting and screening of aliens before granting a new period of employment authorization and/or a new EAD.

DATES: This final rule is effective on October 14, 2026.

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

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Executive Summary
A. Basis and Purpose
B. Legal Authority
C. Summary of the Major Provisions of the Regulatory Action
D. Costs and Benefits
II. Background
A. Legal Authority
B. Automatic Extension of Employment Authorization and Documentation
C. Increasing the Automatic Extension Period From a Maximum of 180 Days to a Maximum of 540 Days
D. The 2025 Interim Final Rule Removed Automatic Extensions for Certain Employment Authorization Documents
1. Added New 8 CFR 274a.13(e)
2. Modified the Heading of 8 CFR 274a.13(d)
E. Severability
III. Changes in the Final Rule
IV. Response to Public Comments on the Interim Final Rule
A. Summary of Comments
B. Comments in Support of the Rule
C. Comments in Opposition to the Rule and Mixed Comments
1. DHS Legal Authority
i. DHS Statutory Authority and Congressional Intent
ii. Constitutional Concerns
iii. International Law and Refugee Protections
2. DHS Justification and Need for the Rule
i. Security Rationale for the Rule
a. General Security Rationale Comments
b. Lack of Evidence Supporting Security Rationale
c. Prior Vetting of Renewal Applicants and Existing Security Measures
d. Rule Would Not Strengthen Security
e. Other Comments on Security Rationale
ii. Consistency in USCIS Rationale and Reversal of Longstanding Policy
iii. Lack of Acknowledgement of the Backlog and Other Operational Realities
iv. ''Proper Planning'' Rationale
3. Rationale for Eliminating the Automatic Extension of EADs
4. Impact on USCIS Processing
i. Administrative Burden and Efficiency
ii. Processing Timelines
iii. Procedural Fairness
iv. General or Mixed Feedback on USCIS Processing
5. Combined Impacts on Individuals, Employers, the Economy, and Specific EAD Categories
i. Impacts on Aliens, Families, and Communities
a. General Hardship, Fairness, Educational Disruptions, and Family Impacts
b. Mental Health and Vulnerability, Including Risk of Exploitation
c. Identification, Driver's Licenses, and Access to Services
ii. Employment, Employers, and Economic Impacts
a. Employer Burdens, Business Continuity, and Sector Specific Concerns
b. Immigrant Contributions to the Economy and Macroeconomic and Local Economic Impacts of the Rule
iii. Relief for Specific Immigration Categories
a. Impact on Refugees, Asylees, Asylum Seekers, Unaccompanied Alien Children (UACs), and Other Humanitarian Categories
b. Impact on Employment-Based Nonimmigrants, Their Dependents, and Employment-Based Green Card Applicants
6. Clarification Request
7. Recommendations for the Automatic Extension and EAD Validity Period
i. Maintain the Automatic Extension, Including Various Lengths of the Extension Period
ii. Consecutive EAD Validity Periods
iii. Allowing Application Filing Earlier Than 180 days
iv. Enhanced Vetting
8. Processing Capacity and Timelines
i. Timely Processing of Renewals
ii. Increase Resources and Staffing
iii. Prioritize Initial EAD Reviews
9. Coordination, Guidance, and Outreach
i. Additional Guidance and Communication
ii. Accountability
10. Other Alternatives and Recommendations
11. Administrative Procedure Act
i. ''Good Cause'' for Bypassing the Notice and Comment Period
ii. ''Foreign Affairs'' Exception
iii. Reasoned Decision-Making Requirement
iv. Arbitrary and Capricious/Procedural Deficiencies That Violate the APA
v. Reliance Interests
vi. Failure To Consider Alternatives
vii. Comment Period
viii. Comment Submission Requirements
12. Regulatory Impact Analysis
i. Methodology
ii. Impact on Individuals
iii. Impact on the U.S. Economy, Employers, and Labor Force
iv. Other Comments on the RIA
13. Regulatory Flexibility Act
14. Paperwork Reduction Act
15. General Comments on Statutory and Regulatory Requirements
D. Additional Out of Scope Comments
V. Statutory and Regulatory Requirements
A. Administrative Procedure Act: Delayed Effective Date
B. Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and 14192 (Unleashing Prosperity Through Deregulation)
1. Affected Population
2. Economic Impacts of the Final Rule
Module A
Module B
Module C
C. Regulatory Flexibility Act (RFA)
D. Unfunded Mandates Reform Act of 1995 (UMRA)
E. Congressional Review Act (CRA)
F. Executive Order 13132 (Federalism)
G. Executive Order 12988 (Civil Justice Reform)
H. Family Assessment
I. Executive Order 13175 (Indian Tribal Governments)
J. National Environmental Policy Act (NEPA)
K. Paperwork Reduction Act
List of Subjects and Regulatory Amendments

Table of Abbreviations

APA—Administrative Procedure Act
CBP—U.S. Customs and Border Protection
CDAO—Chief Data and Analytics Office
CFR—Code of Federal Regulations
CRA—Congressional Review Act
DHS—U.S. Department of Homeland Security
EAD—employment authorization document
E.O.—Executive Order
Form I–765—Application for Employment Authorization
FY—Fiscal Year
HSA—Homeland Security Act of 2002
ICE—U.S. Immigration and Customs Enforcement
IFR—Interim final rule
IIRIRA—Illegal Immigration Reform and Immigrant Responsibility Act of 1996
INA—Immigration and Nationality Act
ISO—Immigration Service Officer

NEPA—National Environmental Policy Act
OMB—Office of Management and Budget
OPQ—Office of Performance and Quality
PRA—Paperwork Reduction Act
SBREFA—Small Business Regulatory Enforcement Fairness Act of 1996
Secretary—Secretary of Homeland Security
TFR—Temporary final rule
UMRA—Unfunded Mandates Reform Act of 1995
U.S.C.—United States Code
USCIS—U.S. Citizenship and Immigration Services

I. Executive Summary

A. Basis and Purpose

DHS's mission is to safeguard the American people, our homeland, and our values with honor and integrity. In service of that mission, DHS protects the United States from threats by terrorists, criminals, smugglers, transnational criminal organizations, failed-state actors, and unpredictable lone offenders that constitute present and future threats to public safety and national security.

USCIS issues EADs to certain classes of aliens. These documents are valid for a specified period. Aliens who intend to continue their employment beyond the date specified on their EAD must generally file an application to renew their employment authorization and/or EAD.

The automatic extension of the validity of an EAD grants the alien the benefit of extending his or her expired employment authorization and/or EAD merely by filing a timely renewal EAD application and without first completing adjudicative review and related vetting, including resolution of any derogatory information identified during the vetting process. That is, the automatic extension allows for the granting of the benefit without USCIS first performing the following actions: an eligibility determination, completing vetting and screening checks, resolving potential hits of derogatory information in connection with the alien, and a determination that the employment authorization should be granted in the exercise of discretion, if applicable.

On October 30, 2025, DHS issued an IFR titled, ''Removal of the Automatic Extension of Employment Authorization Documents,'' with a request for comment. *See* 90 FR 48799 (Oct. 30, 2025). The IFR amended DHS regulations to end the practice of automatically extending the validity of EADs for aliens in certain employment authorization categories who timely filed an application to renew their EAD. After careful consideration of the public comments submitted in connection with the IFR, DHS is reaffirming and finalizing the IFR without changes. The rationale and reasoning provided in the preamble for the IFR remains unchanged with respect to the regulatory amendments, and DHS, therefore, adopts such reasoning also to support this final rule.

In reaffirming and finalizing the changes made in the IFR, the purpose of this rule remains the same as articulated in the IFR: to prioritize the proper vetting and screening of aliens and ensure continued eligibility before granting a new period of employment authorization and/or a new EAD by ending the practice of automatically extending the validity of employment authorization and/or EADs for certain employment authorization categories.

Ending the practice of providing automatic extensions of EADs is consistent with Section 16 of President Trump's directive in Executive Order (E.O.) 14159, Protecting the American People Against Invasion, which directs the Secretary of Homeland Security, in coordination with the Secretary of State and the Attorney General, to take all appropriate action to align any departmental activities with the policies set out by the President and to ensure, among others, ''that employment authorization is provided in a manner consistent with section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), and that employment authorization is not provided to any unauthorized alien in the United States.'' [1] It is also consistent with Section 2 of E.O. 14161, Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats, which directs the Secretary of State, in coordination with the Secretary of Homeland Security, the Attorney General, and the Director of National Intelligence to ''identify all resources that may be used to ensure that all aliens seeking admission to the United States, or who are already in the United States, are vetted and screened to the maximum degree possible.'' [2]

B. Legal Authority

The legal basis of this rulemaking is found in section 103(a) of the Immigration and Nationality Act (INA), 8 U.S.C. 1103(a), which authorizes the Secretary to administer and enforce the immigration and nationality laws and establish such regulations as the Secretary deems necessary for carrying out such authority, and section 101(b)(1)(F) of the Homeland Security Act (HSA), 6 U.S.C. 111(b)(1)(F), which establishes as a primary mission of DHS the duty to ''ensure that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland.''

C. Summary of the Major Provisions of the Regulatory Action

This final rule adopts the IFR as final, without any changes, after careful consideration of the comments received. Accordingly, DHS is adopting as final the following changes that the IFR has made:

- Revised the heading of 8 CFR 274a.13(d) to clearly indicate that the up-to-540-day automatic extension period only applies to renewal EAD applications filed before October 30, 2025.
- Added new 8 CFR 274a.13(e). The new provision explains that, unless otherwise provided in 8 CFR 274a.13(d), by law, or through a **Federal Register** notice for Temporary Protected Status (TPS)-related employment documentation, the validity period of an expired or expiring Employment Authorization Document and/or employment authorization will not be automatically extended by a renewal EAD application filed on or after October 30, 2025.

DHS explained in the IFR that the IFR did not impact the validity of EADs that were automatically extended prior to October 30, 2025. It also explained that the IFR did not impact automatic extensions of EADs and/or employment authorization provided by law or **Federal Register** notices, such as those for TPS applicants pursuant to section 244 of the Act, 8 U.S.C. 1254a, and 8 CFR part 244.[3] This final rule similarly does not impact these provisions.

D. Costs and Benefits

This final rule has been designated a ''significant regulatory action'' and economically significant as defined under section 3(f)(1) of E.O. 12866, because its annual effects on the economy may exceed $100 million in any year of the analysis. Accordingly, this rule has been reviewed by the Office of Management and Budget (OMB).

[1] *See* E.O. 14159, Protecting the American People Against Invasion (Jan. 20, 2025), 90 FR 8443, 8446 (Jan. 29, 2025).

[2] *See* E.O. 14161, Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats (Jan. 20, 2025), 90 FR 8451, 8451 (Jan. 30, 2025).

[3] However, on July 4, 2025, Congress passed and the President signed into law sections 100003(c) and 100012(a) of the One Big Beautiful Bill Act, Public Law 119–21, 139 Stat.72 (July 4, 2025) (H.R 1), which limit the validity period of any employment authorization for aliens granted TPS under section 244 of the INA, 8 U.S.C. 1254a, to a period of one year or for the duration of the designation of TPS, whichever is shorter.

This final rule reaffirms and finalizes changes made by the IFR to DHS regulations to end the practice of automatically extending the validity of employment authorization documents (Forms I–766 or EADs) for aliens who have timely filed an application to renew their EAD in certain employment authorization categories. The purpose of this change is to prioritize the proper vetting and screening of aliens and ensure continued eligibility before granting a new period of employment authorization and/or a new EAD. This final rule does not affect the validity of EADs that were automatically extended prior to the IFR. In previous rules providing for the automatic extension of EADs based on the timely filing of a renewal EAD application, DHS attempted to stabilize aliens' earnings and avoid labor turnover costs of employers. However, as explained in the IFR, the Department has shifted focus to prioritizing public safety and national security, and ensuring that aliens continue to be eligible and merit a favorable exercise of discretion, as applicable, before being granted continued employment authorization. *See* 90 FR 48799, 48816 (Oct. 30, 2025).

DHS has prepared two types of quantified estimates of the impacts generated by this final rule. For a single 18-month window (starting in May 2027) from about 20,000 to 33,000 EADs are estimated to lapse, based on several assumptions. This rule may result in some EAD holders incurring a loss of earnings (''reduced earnings'') because of USCIS process delays for renewal EAD applications, as under this rule there could be disruption to their earnings due to a lapsed EAD. Such earnings loss to aliens could comprise beneficial transfers to other U.S. workers if the substitution of the latter for the former is relatively frictionless. Additionally, to the extent this rule affects EAD holders' jobs going unfilled, there will be impacts to tax transfers from businesses and employees to the Federal Government.[4] This rule will also generate labor turnover costs to businesses that employ the affected-lapsed EAD holders, as under this rule there would be a disruption to the EAD holders' employment authorization and/or document validity. In conducting these estimates DHS emphasizes that variation in factors involved in the impact, including impact processing times, filing volumes, the timing of renewal filings, and underlying benefit requests, will cause variation in the impacts.

Due to variation in future populations and process times, there is likely to be substantial variation in the impact estimates. For this reason, DHS develops wide ranges capturing a high and low bound for the estimates, in terms of the means (expected value). This rule is estimated to result in $138.1 million in lost productivity costs to employers that are not able to easily replace aliens with lapsed EADs, costs of $312.1 million to U.S. employers from potential labor turnover, transfers due to earnings changes worth $138.1 million from employment-authorized aliens to replacement workers and is expected to generate tax reduction impacts of $14.5 million over an 18-month period. Approximately 1,700 and 2,800 employers are estimated to be impacted.

Section V.B. provides an A–4 accounting statement supporting the analysis and the accompanying economic analysis details the data and methodology supporting the impact estimates.

II. Background

A. Legal Authority

The Secretary of Homeland Security's (Secretary) authority for the regulatory amendments made in this final rule are found in various sections of the INA, 8 U.S.C. 1101 *et seq.,* and the HSA, Public Law 107–296, 116 Stat. 2135 (codified in part at 6 U.S.C. 101 *et seq.*).

General authority for issuing this rule is found in section 103(a) of the INA, 8 U.S.C. 1103(a), which authorizes the Secretary to administer and enforce the immigration and nationality laws and establish such regulations as the Secretary deems necessary for carrying out such authority, as well as section 102 of the HSA, 6 U.S.C. 112, which vests all of the functions of DHS in the Secretary and authorizes the Secretary to issue regulations.[5] Further authority for this rule is found in:

- Section 208(d)(2) of the INA, 8 U.S.C. 1158(d)(2), which provides the Secretary with authority to grant employment authorization, in his or her discretion, to applicants for asylum if 180 days have passed since filing an application for asylum;
- Section 214 of the INA, 8 U.S.C. 1184, including section 214(a)(1) of the INA, 8 U.S.C. 1184(a)(1), which authorizes the Secretary to prescribe, by regulation, the time and conditions of the admission of nonimmigrants;
- Section 244(a)(1)(B) of the INA, 8 U.S.C. 1254a(a)(1)(B), which states that the Secretary shall authorize employment and provide evidence of employment authorization for aliens who have been granted Temporary Protected Status;
- Section 274A(b) of the INA, 8 U.S.C. 1324a(b), which provides for the employment verification system and outlines employment eligibility verification requirements;
- Section 274A(h)(3)(B) of the INA, 8 U.S.C. 1324a(h)(3)(B), which recognizes the Secretary's authority to extend employment authorization to aliens in the United States;[6] and
- Sections 100003(c) and 100012(a) of the One Big Beautiful Bill Act, Public Law 119–21 (July 4, 2025), which limit the validity period of any employment authorization for aliens granted TPS under section 244 of the INA, 8 U.S.C. 1254a, to either a period of one year or for the duration of the designation of TPS, whichever is shorter.

B. Automatic Extension of Employment Authorization and Documentation

Before November 2016, 8 CFR 274a.13(d) stated that USCIS would adjudicate an EAD application within 90 days of receipt. If USCIS did not adjudicate the EAD application within that timeframe, the alien was eligible to request an interim EAD with a validity period not to exceed 240 days.[7]

On November 18, 2016, as part of DHS's efforts to implement the American Competitiveness in the

[4] This rule could also result in a reduction in State and local tax revenue, but this impact is not quantified in this analysis due to variations in state and local tax laws and individual's tax scenarios.

[5] Although several provisions of the INA discussed in this final rule refer exclusively to the ''Attorney General,'' such provisions are now to be read as referring to the Secretary of Homeland Security by operation of the HSA. *See* 6 U.S.C. 202(3), 251, 271(b), 542 note, 557; 8 U.S.C. 1103(a)(1) and (g), 1551 note; *Nielsen* v. *Preap,* 586 U.S. 392, 397 n.2 (2019).

[6] Courts have acknowledged that Congress delegated authority to DHS to grant or extend employment authorization to certain classes of aliens. *See, e.g., Wash. All. of Tech. Workers* v. *DHS,* 50 F.4th 164, 191–192 (D.C. Cir. 2022) (''What matters is that section 1324a(h)(3) expressly acknowledges that employment authorization need not be specifically conferred by statute; it can also be granted by regulation.''). DHS is exercising this discretionary authority consistent with all applicable authorities, including the referenced authorities in the HSA, and sections 103, 208, 214, 244, and 274A(h)(3) of the INA, 8 U.S.C. 1103, 1158, 1184, 1254a, and 1324a(h)(3), as well as the Administrative Procedure Act at 5 U.S.C. 553. *See Loper Bright Enterprises* v. *Raimondo,* 144 S. Ct. 2244, 2263 (2024) (''In a case involving an agency, of course, the statute's meaning may well be that the agency is authorized to exercise a degree of discretion. Congress has often enacted such statutes. For example, some statutes 'expressly delegate' to an agency the authority to give meaning to a particular statutory term. Others empower an agency to prescribe rules to 'fill up the details' of a statutory scheme, or to regulate subject to the limits imposed by a term or phrase that leaves agencies with flexibility, such as 'appropriate' or 'reasonable.' '') (internal citations omitted).

[7] *See* 8 CFR 274a.13(d) (2016).

Twenty-first Century Act of 2000 (AC21), DHS published a final rule that eliminated Interim EADs and replaced them with a maximum 180-day automatic extension period for certain renewal applicants.[8]

C. Increasing the Automatic Extension Period From a Maximum of 180 Days to a Maximum of 540 Days

Since the promulgation of the final rule authorizing up to 180-day automatic extension period for certain renewal EAD applicants, USCIS' ability to process both initial and renewal EAD applications within USCIS' targeted processing times was adversely impacted by a variety of temporary circumstances.[9] In May 2022 [10] and April 2024,[11] DHS temporarily increased the automatic extension from up to 180 days to up to 540 days. The May 2022 and April 2024 temporary final rules were intended to reduce the number of renewal EAD applicants eligible for an automatic extension of their EAD validity under 8 CFR 274a.13(d) experiencing lapses in their employment authorization and/or EAD validity because of USCIS processing delays.

DHS also issued a final rule in December 2024 [12] that indefinitely increased the up to 540-day automatic extension for certain applications pending on May 4, 2022, or properly filed on or after May 4, 2022. That rule was intended to reduce the effects of unknown future circumstances that could significantly impact EAD renewal processing times.[13]

D. The 2025 Interim Final Rule Removed Automatic Extensions for Certain Employment Authorization Documents

The IFR amended DHS regulations to end the practice of automatically extending the validity of certain EADs. *See* 8 CFR 274a.13(e). The IFR did not impact the automatic extensions already granted to renewal EAD applicants under 8 CFR 274a.13(d)(1), if the renewal EAD application was filed before October 30, 2025. *See* 8 CFR 274a.13(d). The IFR also did not impact automatic extensions otherwise provided by law or in an applicable **Federal Register** notice regarding procedures for renewing TPS-related employment documentation pursuant to section 244 of the INA, 8 U.S.C. 1254a, and 8 CFR part 244.[14] *See* 8 CFR 274a.13(e).

The IFR made two changes to the regulations governing EAD, as discussed below.

1. Added New 8 CFR 274a.13(e)

The IFR added a new paragraph (e) that went into effect immediately with the publication of the IFR on October 30, 2025. With 8 CFR 274a.13(e), DHS eliminated the practice of providing automatic extension periods for employment authorization and/or EAD validity for up to 540 days for renewal applications filed on or after October 30, 2025. Therefore, renewal EAD applicants no longer receive an up to 540-day automatic extension of their employment authorization and/or EAD validity if they file their application on or after October 30, 2025. *See* 8 CFR 274a.13(e).

Except as otherwise provided by law, in 8 CFR 274a.13(d), or in accordance with an applicable **Federal Register** notice regarding procedures for renewing TPS-related employment documentation, an alien's employment authorization and/or EAD validity will expire as explained in the following paragraphs:

For those aliens who are employment authorized incident to status under 8 CFR 274a.12(a), unless otherwise provided by law, their EAD will expire on the day after the end validity date stated on the face of the EAD. *See* 8 CFR 274a.13(e)(1). Because the alien's employment authorization is tied to the alien's status in the United States, the alien's employment authorization will not expire on the date indicated on the EAD. Instead, the alien's employment authorization will expire or terminate on the same date the alien's status in the United States expires or terminates.

For example, an alien in L–2 nonimmigrant status as the spouse of an L–1 nonimmigrant is employment authorized incident to status. *See* INA sec. 214(c)(2)(E), 8 U.S.C. 1184(c)(2)(E). If the L–2 nonimmigrant chooses to apply for an EAD to evidence his or her employment authorization, the EAD will expire as of the date indicated on the face of the EAD. In some cases that may be the same date as the expiration of the L–2's nonimmigrant status. But in other cases, the L–2 status expiration date may be after the EAD expiration date, particularly if the L–2 nonimmigrant travelled outside of the United States after obtaining an EAD and, upon return to the United States, was provided a new status expiration date that will expire after the EAD expires.[15] In that scenario, the L–2 nonimmigrant would remain employment authorized while in L–2 nonimmigrant status, even after the EAD expires, but the expired EAD would no longer be a valid document to evidence the L–2 nonimmigrant's employment authorization.[16] Once the alien is no longer in L–2 status (for example, the L–2 nonimmigrant status expires), the alien would no longer be employment authorized as an L–2 nonimmigrant because such employment authorization is dependent on being in L–2 nonimmigrant status.

For aliens who are not employment authorized incident to their immigration status and who instead must obtain employment authorization from USCIS, pursuant to 8 CFR 274a.12(c) before accepting employment in the United States, such as adjustment of status applicants or aliens with a pending asylum application, USCIS determines the length of the period of employment authorization in the exercise of its discretion and thereafter issues an EAD reflecting the validity period.[17] Therefore, the EAD will expire and the employment authorization will terminate the day after the end validity

[8] *See* 81 FR 82398 (Nov. 18, 2016) (AC21 Final Rule).

[9] *See* 87 FR 26614, 26617–26 (May 4, 2022) (identifying USCIS' precarious fiscal status, the COVID–19 public health emergency, and dramatic increases in Form I–765 filings); *see also* 89 FR 24628, 24634–40 (Apr. 8, 2024) (identifying an increase in referrals to USCIS for Credible Fear Assessment and an increase in affirmative and defensive asylum filings as contributing factors to increased EAD processing times).

[10] 87 FR 26614 (May 4, 2022) (temporarily increased the automatic extension period to up to 540 days).

[11] 89 FR 24628 (Apr. 8, 2024) (temporarily increased the automatic extension period to up to 540 days).

[12] *See* 89 FR 101208 (Dec. 13, 2024) (permanently increased the automatic extension period to up to 540 days).

[13] *See* 89 FR 101210 (''When unforeseen future circumstances cause processing times to extend beyond 180 days and result in large scale lapses in renewal EADs, this permanent adjustment of the automatic extension period to 540 days will result in benefits and cost savings, such as stabilized earnings and avoided labor turnover costs.'').

[14] DHS notes, however, that sections 100003(c) and 100012(a) of H.R. 1, Public Law 119–21 (2025), 139 Stat. 221 (2025) (codified at 8 U.S.C. 1802–1815), limits the validity period of any employment authorization for aliens granted TPS under section 244 of the INA, 8 U.S.C. 1254a, to a period of 1 year or for the duration of the designation of TPS, whichever is shorter.

[15] In this case, the new status expiration date is the date stated on the alien's Form I–94, Arrival Departure document.

[16] An L–2 can still have other evidence of documentation of employment authorization, such as a Form I–94, Arrival/Departure Record, designated with the L–2S classification.

[17] Employment authorization granted pursuant to 8 CFR 274a.12(c) is generally granted in the discretion of the Secretary. *See* 8 CFR 274a.13(a)(1) (''The approval of applications filed under 8 CFR 274a.12(c), except for 8 CFR 274a.12(c)(8), are within the discretion of USCIS.'').

date stated on the face of the EAD based upon the situations outlined in 8 CFR 274a.14, or for aliens with employment authorization under 8 CFR 274a.12(c)(19) based on a pending TPS application, pursuant to section 244 of the Act and 8 CFR part 244 [18] *See* 8 CFR 274a.13(e)(2).

For example, an alien with a pending adjustment of status application (Form I–485) has an EAD that expires on May 30, 2026. The alien's adjustment of status application has not been adjudicated and continues to be pending. The alien is eligible to apply for a renewal EAD based on the pending adjustment of status application. The alien applies for a renewal of the EAD on February 4, 2026, which is after the October 30, 2025, effective date of the IFR. The alien will maintain continuous employment authorization if his or her renewal application is granted before his or her current employment authorization expires on May 30, 2026. If the renewal EAD application remains unadjudicated on May 31, 2026, the alien cannot continue to work for his or her employer on or after May 31, 2026, unless the alien is employment authorized on a separate basis. *See* 8 CFR 274a.13(e). If the renewal EAD application is subsequently approved, the alien would again be employment authorized and may resume employment during the validity period stated on the new EAD. The longer an alien waits to file a renewal EAD application, the more likely it is that he or she may experience a temporary lapse in his or her employment authorization and/or EAD validity.

2. Modified the Heading of 8 CFR 274a.13(d)

On December 13, 2024, DHS published a final rule amending 8 CFR 274a.13(d) to permanently increase the automatic extension period for certain employment authorization and/or EAD validity. The rule became effective on January 13, 2025.[19] DHS is retaining the provision granting an automatic extension for those aliens who had timely filed a renewal EAD request before October 30, 2025, and who otherwise meet the requirements of 8 CFR 274a.13(d). The IFR amended 8 CFR 274a.13(d) by revising the paragraph's heading to reflect that the paragraph applies to renewal requests properly filed before October 30, 2025, to avoid confusion between the automatic extension period granted under 8 CFR 274a.13(d) for those renewal EAD requests filed prior to October 30, 2025, and those filed on the day of or after the publication of the IFR. With this final rule, DHS is adopting and finalizing the changes made by the IFR and not making any additional changes to the regulations.

This change to the heading of 8 CFR 274a.13(d) ensures that the IFR and this rule do not retroactively affect those aliens who have already timely and properly filed a renewal EAD application before October 30, 2025. For these aliens, an EAD that appears on its face to be expired (''facially expired'') is considered unexpired under this rule for up to 540 days from the expiration date on the front of the EAD when combined with a Notice of Action (Form I–797C) indicating timely filing (that is, the receipt notice for the Form I–765 issued by USCIS has a receipt date that is before the expiration date on the EAD and before October 30, 2025) of the renewal application based on the same employment eligibility category as stated on the facially expired EAD (or in the case of an EAD and I–797C notice) that contains either an A12 or C19 category code, the category codes need not match). In those cases, the alien's facially expired EAD is considered unexpired for up to 540 days from the expiration date on the face of the EAD.[20]

USCIS updated the web page on the USCIS website with the appropriate information.[21] USCIS also updated I–9 Central on the USCIS website and the Handbook for Employers, M–274, to provide employers and employees with additional guidance.[22]

E. Severability

In issuing this final rule, like the IFR, DHS continues to intend that the rule's various provisions be considered severable from one another to the greatest extent possible. For instance, if a court of competent jurisdiction were to hold that ending the practice of automatically extending the validity of employment authorization and/or EADs for aliens who have timely filed an application to renew their employment authorization and/or EAD in certain employment categories may only be applied to a particular category of renewal EAD applicants or in a particular circumstance, DHS would intend for the court to leave the remainder of the rule in place with respect to all other covered persons and circumstances. DHS's overarching goal is to militate against threats to national security and public safety and to ensure that employment authorization and/or EADs are provided only after USCIS conducts adequate vetting and determines that the alien continues to be eligible and merits a favorable exercise of discretion, if applicable.

III. Changes in the Final Rule

This final rule adopts as final, without change, the amendments to 8 CFR 274a.13(d) and (e) in the IFR, published on October 30, 2025, at 90 FR 48799.

IV. Response to Public Comments on the Interim Final Rule

A. Summary of Comments

When issuing the IFR, DHS invited the public to participate in the rulemaking by submitting post-promulgation comments on every aspect of the rule. DHS provided a 33-day comment period following the publication of the IFR. DHS received 653 public comment submissions in the Federal eRulemaking Portal site under Docket ID Number USCIS–2025–0271 [23] in response to the rulemaking.

Comments were submitted by a range of entities and individuals, including attorneys and legal service providers, applicants, individual commenters, professional organizations, unions, advocacy groups, religious organizations, research and community organizations, and State and local government agencies or elected officials. Some commenters expressed support for the rule or offered suggestions for improvement. Some expressed general opposition to the rule, and some offered alternatives. For some of the public

[18] For example, employment authorization may also end prior to the expiration date displayed on the EAD, in accordance with 8 CFR 274a.14, if exclusion or deportation proceedings are instituted against the alien; if a condition upon which the EAD was granted has not been met or no longer exists; or upon a showing that the information contained in the request for an EAD was not true and correct.

[19] *See* 89 FR 101208 (Dec. 13, 2024).

[20] If an adjustment of status applicant's (C09) EAD card is combined with the advance parole authorization, *i.e.,* the applicant is issued a combo card (in this case, the EAD itself has an annotation ''SERVES AS I–512 ADVANCE PAROLE''), the up-to-540-day automatic extension under 8 CFR 274a.13(d) does not apply to the advance parole part of the applicant's combo card.

[21] The website entitled ''Automatic Employment Authorization Document (EAD) Extension'' has been archived in light of the IFR but the web page is still available for viewing at *https://www.uscis.gov/archive/automatic-employment-authorization-document-ead-extension* (last updated Oct. 29, 2025).

[22] *See* DHS, USCIS, Handbook for Employers M–274, *5.0 Automatic Extensions of Employment Authorization and/or Employment Authorization Documents (EADs) in Certain Circumstances* (last updated Oct. 30, 2025), *https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/50-automatic-extensions-of-employment-authorization-andor-employment-authorization-documents-eads-in.*

[23] The comments can be viewed by visiting the docket for this rule on the Federal eRulemaking Portal site at *https://www.regulations.gov/document/USCIS-2025-0271-0001/comment.*

comments, DHS could not ascertain whether the commenter supported or opposed the IFR. Finally, some commenters addressed topics outside the scope of this rulemaking.

DHS carefully reviewed all the public comments received in response to the IFR and addresses relevant comments in this final rule, grouped by subject area.

B. Comments in Support of the Rule

Comment: Several commenters supported the rule based on national security concerns, citing the need for proper vetting of nonimmigrant workers. Specifically, they stated that the rule would allow for thorough vetting of nonimmigrants before DHS extends their authorization to work in the United States. Commenters called the rule a ''critical'' measure to support the safety and security of the public. One commenter emphasized that working in the United States is a privilege, not a right, while another said that safety and national security should be government's highest priority.

Several commenters supported the rule based on concerns about fraud and abuse in the visa system, stating, for example, that it would help deter potential fraud and abuse by preventing aliens from remaining in the workforce for extended periods without final adjudication of their eligibility.

Multiple commenters supported the rule based on concerns about protecting job opportunities for American citizens. A commenter stated that automatic extensions keep nonimmigrant workers employed without timely reevaluation, allowing them to compete with American workers for positions while requiring renewed authorization before continuing employment ensures that only eligible aliens remain in the workforce.

Response: DHS agrees that this rule safeguards the process to fully evaluate the applicants in order to determine continued eligibility, identify national security and public safety concerns, and enhance fraud prevention through robust vetting and screening processes. This administration prioritizes the safety of the American people. Ensuring that employment authorization and/or EADs are provided only after USCIS conducts adequate vetting and determines that the alien continues to be eligible and merits a favorable exercise of discretion, if applicable, better protects national security, public safety, and the integrity of the immigration system. This rule is part of a larger DHS effort to reduce frivolous, fraudulent, and otherwise non-meritorious EAD filings and focus adjudicatory and other resources on ensuring national security and program integrity.

C. Comments in Opposition to the Rule and Mixed Comments

1. DHS Legal Authority

i. DHS Statutory Authority and Congressional Intent

Comment: Multiple commenters requested that the rule be withdrawn stating that the rule contradicts DHS's statutory mandate, including the mandate to ensure that ''the overall economic security of the United States is not diminished by efforts . . . aimed at securing the homeland'' under 6 U.S.C. 111(b)(1)(F). Many of these commenters stated that, consistent with this statutory mandate, DHS recently concluded that a 540-day automatic EAD extension was necessary to protect employers and workers from lapses in work authorization due to USCIS delays, and DHS previously found that even the 180-day extension established under the 2016 Final Rule was not enough time to avoid harmful gaps in work authorization.

Response: DHS disagrees that this rule is inconsistent with DHS's statutory mandate, including the mandate under 6 U.S.C. 111(b)(1)(F). According to 6 U.S.C. 111(b), DHS's primary mission includes preventing terrorist attacks within the United States, reducing the vulnerability of the United States to terrorism, minimizing the damage, and assisting in the recovery, from terrorist attacks that occur within the United States, and ensuring that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland. *See* 6 U.S.C. 111(b)(1)(A), (B), (C), and (F). While the provision does not specifically define ''economic security,'' another provision within 6 U.S.C. Chapter 1 (Homeland Security Organization), defines ''economic security'' as the ''condition of having secure and resilient domestic production capacity, combined with reliable access to the global resources necessary to maintain an acceptable standard of living and to protect core national values.'' *See* 6 U.S.C. 474(c)(2).[24] In addition, DHS is charged with the implementation of section 274A of the INA, 8 U.S.C. 1324a, preventing unlawful employment of aliens. This rule, which is part of an effort to secure the homeland, supports DHS's mission as provided by Congress in 6 U.S.C. 111(b) and section 274A of the Act, 8 U.S.C. 1324a, ensures lawful employment, and supports the overall national and economic security of the United States.

Ending the practice of providing automatic extension of employment authorization and/or EADs enhances the benefit integrity in adjudications of employment authorization requests and better protects public safety and national security by ensuring that aliens are properly vetted and determined to be eligible (and merit a favorable exercise of discretion, if applicable), for employment authorization before such authorization is provided to the alien. The automatic extension of an EAD grants the benefit of extending an alien's expired employment authorization and/or EAD merely by filing a timely renewal EAD application and without first completing adjudicative review and related vetting, including resolution of any derogatory information identified during the vetting process. That is, the benefit is granted without USCIS first performing the following actions: an eligibility determination, completing vetting and screening checks, resolving potential hits of derogatory information in connection with the alien, and a determination that the employment authorization should be renewed in the exercise of discretion, if applicable. Without the IFR and this final rule, aliens could still obtain an automatic extension despite derogatory information that could flag them as national security or public safety risks. Automatic extensions, therefore, pose a security risk.

DHS is charged with combating unauthorized employment in accordance with section 274A of the Act, 8 U.S.C. 1324a, which Congress implemented, among other reasons, because of the detrimental negative effect that unauthorized employment and illegal immigration has on the United States and the national economy.[25] Sections 103 and 274A of

[24] *See Sorenson* v. *Sec'y of Treasury of U.S.,* 475 U.S. 851, 860 (1986) (''The normal rule of statutory construction assumes that identical words used in different parts of the same act are intended to have the same meaning.'').

[25] Section 274A of the Act, 8 U.S.C. 1324a was codified as part of the Immigration Reform and Control Act of 1986, Public Law 99–603, for the purpose of controlling illegal immigration to the United States by, among other things, establishing penalties for employers who knowingly hire undocumented aliens and prohibiting the employment of aliens who are unauthorized to work in the United States either because they entered the country illegally or are in an immigration status which does not permit employment. *See* H. Rep. No. 99–682, 46, 1986 U.S.C.C.A.N. 5649, 5649–5650. The legislative history reflects that Congress considered, among other things, evidence of prior studies demonstrating the adverse impact of illegal immigration that warranted legislation to protect U.S. labor and the economy. *See, e.g.,* H. Rep. 99–

Continued

the Act, 8 U.S.C. 1103(a) and 8 U.S.C. 1324a, among other provisions, provide DHS and USCIS with considerable flexibility to administer and enforce the INA, including granting employment authorization and the issuance of an EAD. There is no generally applicable statutory mandate that requires DHS to provide an automatic extension. As explained in the IFR, the automatic extension carries the risk that employers unwittingly continue to employ a worker whose employment authorization is in fact no longer valid. *See* 90 FR at 48810. This includes that aliens may no longer be entitled to employment authorization because they no longer have an underlying status which entitles them to work. Additionally, vetting every alien before granting an immigration benefit, including employment authorization, has been one of the key considerations of Congress.[26]

The rule does not eliminate employment authorizations or prevent eligible aliens from obtaining EADs for employment purposes or proof of identity; or from seeking and maintaining authorized employment. The rule does not reduce economic security. To the contrary, the rule supports the condition of having secure and resilient domestic production capacity, and protects core national values, as directed by Congress, with U.S. workers who are legally authorized to work. Therefore, the IFR is consistent with DHS's statutory mandate, including the mandate at 6 U.S.C. 111(b)(1)(F), because it appropriately balances the need for security and vetting while maintaining overall EAD eligibility practices.

DHS is cognizant that prior rulemakings stated that DHS believed, at the time, that taking immediate action and providing automatic extensions of employment authorization supported USCIS' (as a component of DHS) statutory mission to administer employment authorization effectively, and as a measure to ensure that the overall economic security was not diminished by potentially harmful gaps in employment authorizations. *See, e.g.,* 89 FR 101208, 101209 (Dec. 13, 2024); 89 FR 24628, 24629 and 24651(Apr. 8, 2024). As explained in this response, and throughout this rule, DHS believes that the factual situation underlying prior rules, in particular the Dec. 13, 2024 rule, have significantly changed, including that DHS has taken significant steps to reduce the flood of filings of EADs that overwhelmed USCIS' adjudicative resources.[27] Furthermore, the 2024 final rule made the automatic extension period permanent based on the presumption that harmful gaps would occur given the operational realities at the time.[28] Even if the 2024 final rule had taken into account the security posture of the United States, it was unclear how the rule furthered the economic security given that the rule was based on potential harm to individual applicants and their employers, rather than the broader national economy. It is thus unclear how removing the automatic extension period, which improves the security posture of the United States and is consistent with immigration laws, would undermine the overall economic security of the United States.

Comment: A commenter asserted that removing the automatic extension of employment authorization without ensuring timely adjudication would strip lawfully authorized noncitizens[29] of their ability to work due to USCIS processing delays, which, according to the commenter, contradicts the intent of the INA and the ''right'' to work in the United States. Another commenter stated that the IFR incorrectly states that the rule is consistent with section 274A of the INA, 8 U.S.C. 1324a. Another commenter stated that it seems illegal to deny someone a renewal when they have followed the law and have filed the renewal application in a timely manner.

Response: DHS disagrees with these commenters' assertions. This final rule and the IFR are consistent with section 274A of the Act, 8 U.S.C. 1324a, which, among other things, recognizes the Secretary's authority to grant employment authorization in his or her discretion. DHS disagrees with the commenter's assertion that aliens have a broadly applicable ''right'' to work in the United States. Rather, the INA makes clear that aliens, to lawfully work in the United States, must be so authorized by law or a grant of employment authorization by the Secretary. *See* INA 274A(h)(3), 8 U.S.C. 1324a(h)(3). Contrary to the commenters' assertions, this rule does not impact whether DHS will renew an alien's employment authorization; it only removes an intermediate automatic extension of the EAD period. If DHS determines that the alien is eligible for continued employment authorization and merits a favorable exercise of discretion, as applicable, DHS may grant the renewal of employment authorization. This final rule merely ends the practice of automatically granting the benefit of continued employment authorization without USCIS first performing the following actions: eligibility determination, completing vetting and screening checks, resolving potential hits of derogatory information in connection with the alien, and a determination that the employment authorization should be granted in the exercise of discretion, if applicable.

Comment: A commenter stated that, when providing the ability for asylum

682, 46—52, 1986 U.S.C.C.A.N. 5649, 5649–5656 [''The need for control is underscored by international demographics. Undocumented aliens tend to come from countries with high population growth and few employment opportunities. The United States is not in a position to redress this imbalance by absorbing these workers into our economy and our population. U.S. unemployment currently stands at 7%, and is much higher among the minority groups with whom undocumented workers compete for jobs most directly . . . Extensive investigative and legislative hearings on the problem of undocumented aliens were held during the 92d Congress beginning in 1971, by the House Judiciary Subcommittee with special jurisdiction over immigration matters, then under the chairmanship of Representative Peter W. Rodino, Jr. Quoting from a 1975 House Judiciary Committee report, 'The basic conclusion reached by the majority of the members of the subcommittee as a result of the hearings was that the adverse impact of illegal aliens was substantial, and warranted legislation both to protect U.S. labor and the economy, and to assure the orderly entry of immigrants into this country.' (H. Rept. 94–506, p. 3)''].

[26] For example, the Congressional recommendation to establish an organization ''responsible for developing, implementing, directing, and overseeing the joint USCIS-Immigration and Customs Enforcement (ICE) anti-fraud initiative and conducting law enforcement/background checks *on every applicant, beneficiary, and petitioner prior to granting immigration benefits.*'' *See* Conference Report to accompany H.R. 4567 [Report 108–774], ''Making Appropriations for the Department of Homeland Security for the Fiscal Year Ending September 30, 2005,'' p. 74, *https://www.gpo.gov/fdsys/pkg/CRPT-108hrpt774/pdf/CRPT-108hrpt774.pdf* [emphasis added]. In response to this recommendation, the Fraud and National Security Division (FDNS) was established at USCIS. *See* USCIS, DHS, ''Fraud Detection and Nat'l Security Directorate,'' *https://www.uscis.gov/about-us/organization/directorates-and-program-offices/fraud-detection-and-national-security-directorate* (last updated Apr. 16, 2026); USCIS, ''Fraud Detection and Nat'l Security Directorate (FDNS),'' May 2022, *https://www.uscis.gov/sites/default/files/document/brochures/FDNS_Brochure_Web_V2_508.pdf.*

[27] *See* 90 FR 48799, 48809 (Oct. 30, 2025).

[28] *See* 89 FR 101208, 101245 (noting ''the purpose of this final rule is to provide a long-term solution to mitigate the potential for unpredictable circumstances to significantly increase renewal EAD application processing times that would require future urgent action).

[29] USCIS generally refers to ''aliens'' when discussing foreign nationals present in the United States. The term ''alien'' is a legal term defined in the INA that is used to describe any person who is not a citizen or national of the United States. *See* INA sec. 101(a)(1) of the Act, 8 U.S.C. 1101(a)(1). Some commenters used ''aliens'', but others may have used different terminology (such as person or individual). In general, when describing comments in this preamble, DHS has sought to mirror the language used in those comments, sometimes with quotation marks for clarity. Otherwise, DHS has used alien, or applicant, beneficiary, or requestor.

seekers to obtain work authorization, Congress could not have intended the arbitrary and capricious impact, on both the alien authorized to work and the employer who has relied on that alien, of being without authorization for an indeterminate amount of time until USCIS adjudicates either the asylum application or a new EAD. A commenter stated, without pointing to specific provisions, that the IFR should be discontinued because its policy changes do not reflect the law or the intent of the law or even the will of the people who voted for candidates who would make immigration changes.

Response: DHS disagrees with the commenters' assertion. Section 208(d)(2) of the Act, 8 U.S.C. 1158(d)(2), expressly states that ''[a]n applicant for asylum is not entitled to employment authorization,'' though it also provides the Secretary with authority to grant employment authorization, in his or her discretion, to applicants for asylum if 180 days have passed since filing an application for asylum. The IFR, and this final rule, clearly outline the legal authority for this change, and are consistent with the Secretary's discretionary authority regarding the grant of employment authorization for asylum applicants and the duration of such authorization.

ii. Constitutional Concerns

Comment: Multiple commenters expressed that the IFR raises First Amendment concerns, because the IFR suggests that USCIS must evaluate whether renewal applicants ''bear hostile attitudes'' toward U.S. citizens, culture, government, institutions, or founding principles. The commenters reasoned that employment authorization may not be conditioned on ideological conformity and that agency action on unconstitutional factors may not be sustained as it is constitutionally questionable and impermissible. Another commenter stated that an ideological screening regime for work authorization renewals would further entrench USCIS in DHS's ''troubling pattern'' of suppressing First Amendment rights in the name of national security and opens the door for USCIS to profile individuals.

Response: DHS disagrees with the commenters. Citizens and aliens may object to various statutes, regulations, and policies and express those objections publicly. This rule neither penalizes individuals for protected political beliefs or associations nor subjects them to activities such as ideological screenings or profiling. This rule does not abridge the freedom of speech, of the press, or of association or peaceful assembly. Rather, it ends the practice of automatically granting the benefit of continued employment authorization without USCIS concurrently performing the following actions: eligibility determination, completing vetting and screening checks, resolving potential hits of derogatory information in connection with the alien, or a determination that the employment authorization should be renewed in the exercise of discretion, if applicable.

DHS notes that freedom of speech for aliens is not absolute. *See, e.g.,* INA sec. 212(a)(3)(B)(i)(VII), 8 U.S.C. 1182(a)(3)(B)(i)(VII) (stating that any alien who endorses or espouses terrorist activity, or persuades others to endorse or espouse terrorist activity or support a terrorist organization, is inadmissible), and INA sec. 212(a)(6)(C)(ii), 8 U.S.C. 1182(a)(6)(C)(ii) (stating that any alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any purpose or benefit under Federal or State law is inadmissible). DHS has a compelling interest in vetting and screening aliens before granting a benefit request, particularly when such request is granted in USCIS' discretion, as applicable.

DHS also notes that a challenge to the First Amendment cannot lie unless an individual establishes that he or she faces a ''credible threat of prosecution'' specifically for his or her speech, ''under a statute [or rule] that appears to render the [individual]'s arguably protected speech illegal.'' *See, e.g., Am. Library Ass'n* v. *Barr,* 956 F.2d 1178, 1194 (D.C. Cir. 1992). As indicated above, that is not the case in this scenario as neither section 274A of the Act, 8 U.S.C. 1324a, nor the associated regulations, renders any form of speech illegal or attempts to directly or indirectly regulate or penalize speech. Rather, the IFR and this final rule subject all EAD renewal applicants to the same vetting and screening procedures used for initial applications or those applicants who were not previously eligible for an automatic extension of their renewal employment authorization and/or EAD.

Comment: Several commenters raised concerns related to due process. Referencing the Fifth Amendment, a commenter stated that the IFR undermines the right to due process and the right to seek asylum by eliminating automatic extensions, which will cause large numbers of asylum seekers and other immigrants to lose employment authorization through no fault of their own. Another commenter said the rule replaces due process with guilt by association and abandons any pretense of a fair and rational immigration system. Other commenters expressed concerns about due process related to the immediate effective date of the IFR, stating that implementation of the IFR appears to be designed to reflect and further the current administration's policies and efforts toward ''creating and enhancing chaos and dysfunction.''

Response: DHS disagrees with the commenters' assertions that the IFR, and this final rule by virtue of reaffirming and finalizing the IFR, undermine due process or the ability of aliens to request asylum, or that it will cause large numbers of asylum seekers or other aliens to lose employment authorization.

In general, the Fifth Amendment of the U.S. Constitution protects due process rights to a government benefit if the alien has an entitlement to it, but a benefit is not a protected entitlement if government officials may grant or deny it in their discretion. *See Town of Castle Rock, Colorado* v. *Gonzales,* 545 U.S. 748, 756 (2005). There is no generally applicable statutory mandate to grant automatic extensions of employment authorizations. DHS and USCIS have been provided with considerable flexibility and discretion under section 103 and 274A of the INA, 8 U.S.C. 1103(a) and 8 U.S.C. 1324a, among other provisions, to administer and enforce the INA, including granting employment authorization. Therefore, there is generally no cognizable due process interest in matters related to automatic extensions of employment authorizations and/or EADs. Additionally, contrary to the commenter's assertion, the rule does not suggest guilt by association or that the immigration system is unfair or irrational. A fair and rational immigration system ensures that aliens are sufficiently vetted, and any background hits are resolved before a determination is made that the alien is eligible for an extension of his or her employment authorization and/or an EAD and merits a favorable exercise of discretion, as applicable. The examples provided in the IFR do not suggest guilt by association. Rather, those examples highlight the importance and urgency of ensuring that aliens are not granted employment authorization until appropriate adjudicative review has been completed, and the risks to the national security and public safety if such benefits are granted automatically.

DHS also disagrees with the assertion that immediate implementation of the IFR was designed or intended to create chaos or dysfunction. DHS explained in the IFR why it was implementing the

rule with immediate effect. DHS concluded that the good cause exceptions in 5 U.S.C. 553(b)(B) and (d)(3) apply to the IFR and that delaying the implementation of the IFR until the conclusion of notice and comment procedures and the delayed effective date would be impracticable and contrary to public interest. *See* 90 FR 48814 (Oct. 30, 2025). DHS also explained that the IFR was issued with an immediate effective date because the rule clearly implicates the foreign affairs policy of the United States, and that notice and comment procedure as well as a 30-day delayed effective date would result in undesirable international consequences. *See* 90 FR 48816 (Oct. 30, 2025).

iii. International Law and Refugee Protections

Comment: Several commenters stated that the IFR violates refugee protections, including the 1967 Protocol Relating to the Status of Refugees and the Refugee Act of 1980.[30] One of these commenters said the Refugee Act of 1980 specifically enshrines the right of refugees to work, obtain documentation, and access education, and UNHCR Guidance makes clear that asylum seekers awaiting adjudication of their cases are to be afforded the right to work. The commenter said asylum seekers must obtain EADs to work while their cases are pending, and gaps in EADs restrict the enjoyment of these rights either by directly impacting the right to safe work, or because many services require documentation for which an EAD may be the only form of proof available.

Another commenter stated that eliminating the automatic extension was contrary to Article 34 of the 1951 Refugee Convention, because the resulting loss of employment and the bar of legal employment impede assimilation and naturalization of refugees. The commenter also said the IFR was contrary to Article 33's nonrefoulement, and the Refugee Convention's and Protocol's mandate to facilitate access to fair and efficient refugee status determination procedures that function as a safeguard against refoulement. The commenter reasoned that by undermining asylum seekers' ability to meet their basic needs through legal employment while their claims are pending, the rule obstructs access to a fair asylum procedure and risks forcing aliens to abandon their claims, potentially resulting in their return to the country of persecution.

A commenter stated that cutting off work authorization from people fleeing persecution contradicts our legal obligations and longstanding values.

Response: DHS disagrees that ending the practice of granting automatic extensions for EAD renewals is inconsistent with the United States' international obligations related to refugee protections, including the Refugee Convention and its Protocol and the Refugee Act of 1980. Although the United States is party to the 1967 Protocol, which incorporates, among others, Articles 17, 33, and 34 of the 1951 Refugee Convention, the treaty is not self-executing and is not directly enforceable in U.S. law. It is the domestic implementing law that governs. The Supreme Court and other case law makes clear that the Protocol serves only as a useful guide in determining congressional intent in enacting the Refugee Act of 1980, because the Act sought to bring U.S. law into conformity with the Protocol. *See, e.g., INS* v. *Stevic,* 467 U.S. 407, 428 n.22 (1984); *Khan* v. *Holder,* 584 F.3d 773, 783 (9th Cir. 2009). The United States Congress implemented U.S. obligations with respect to certain provisions of the Refugee Convention in the Refugee Act of 1980, including in sections 208, 235, and 241 of the INA, 8 U.S.C. 1158, 1225 and 1231, and DHS regulations, including 8 CFR part 208 and 1208. Section 208(d)(2) of the INA, 8 U.S.C. 1158(d)(2), provides the Secretary with authority to grant employment authorization, in his or her discretion, to applicants for asylum if 180 days have passed since filing an application for asylum.

The IFR is limited in scope, merely ending the practice of automatically extending the validity of employment authorization and/or EADs for aliens who have timely filed an application to renew their EAD in certain employment categories. There is no mandate under international or United States law that DHS provide an automatic extension of employment authorization and/or EAD validity for aliens filing renewal EAD applications, and certainly not without adequately being vetted for continued eligibility. Aliens with a pending asylum application are permitted to still apply for employment authorization as nothing in this rule restricts the ability to apply for an EAD.[31] Rather, the IFR, and this final rule, are consistent with the Secretary's discretionary authority regarding the grant of employment authorization for asylum applicants and the duration of such authorization, and with international obligations, including the favorable treatment of those seeking refuge from persecution in their countries. DHS finally notes that asylees (but not those with pending asylum applications), refugees, and certain other aliens are ''qualified aliens'' for purpose of receiving public benefits to cover basic needs under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.[32] Therefore, even if there are gaps in employment on account of adjudication delays, these aliens may be able to obtain public benefits.

Comment: A commenter referenced Article 17 of the Refugee Convention, which provides that refugees lawfully in the territory of the host state (which would include not only asylees and resettled refugees, but all aliens pursuing asylum claims who apply for renewal EADs), shall be the accorded the ''most favorable treatment accorded to nationals of a foreign country in the same circumstances.'' The commenter stated that, because the rule does not end all automatic extensions of the validity period of EADs for those applying for renewal (for example, TPS-based EAD validity extensions through FRN), it provides refugees applying to renew their EADs less favorable treatment than other foreign nationals. The commenter concluded that the rule is therefore issued in violation of Article 17 of the Refugee Convention and should be withdrawn.

[30] In 1968, the U.S. acceded to the 1967 Protocol Relating to the Status of Refugees (''Protocol''), which adopted articles of the 1951 Convention Relating to the Status of Refugees (''Convention'').

[31] On December 4, 2025, USCIS changed the validity periods for certain other EAD categories, including pending asylum seeker (''C08'') to enhance screening and vetting efforts. *See* DHS, USCIS, Policy Alert, Subject: Updating Certain Employment Authorization Document Validity Periods (December 4, 2025), *https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20251204-EmploymentAuthorizationValidity.pdf.* Therefore, C08 applicants now must seek renewal of their EAD more often than under the previous 5-year EAD validity period. DHS, however, cannot accurately predict whether this policy change will adversely affect EAD renewal processing times, as a likely increase in EAD renewals could be offset by other recent or future policy changes. For example, on February 23, 2026, DHS published a Notice of Proposed Rulemaking proposing to modify filing and eligibility requirements for aliens requesting employment authorization based on a pending asylum application and an employment authorization document. *See* 91 FR 8616 (Feb. 23, 2026). As of the publication of this final rule, the NPRM has not been finalized. If finalized as proposed, changes to eligibility for C08 employment authorization could significantly reduce the number of initial C08 applications and, by extension, the longer-term number of renewal applications.

[32] Public Law 104–193, 110 Stat. 2105, 2260 (1996), codified at 8 U.S.C. 1601–1646; *see* 8 U.S.C. 1641(b)(1) and (2) (defining asylees and refugees as ''qualified aliens'' eligible for federal public benefits); *see also* 8 U.S.C. 1611(a) (providing that an alien who is not defined as a ''qualified alien'' is not eligible for federal public benefits).

Response: DHS disagrees with the commenters. The United States implemented the ''Wage-earning and Employment'' provision of Article 17 of the 1951 Refugee Convention (as incorporated through the 1967 Protocol) through sections 207 and 208 of the INA, 8 U.S.C. 1157, 1158, and implementing regulations at 8 CFR 207, 208 and 274a. Refugees (and asylees) [33] have the right to employment authorization upon arrival, with minimal restrictions and are provided a pathway to lawful permanent residency because their status in the United States is permanent. This approach aligns with Article 17's requirements and complies with the U.S. obligation including that these individuals are not subject to more restrictive conditions than other foreign nationals in similar circumstances. Even if Article 17 were imposing a binding obligation, nothing in Article 17 requires DHS to provide employment authorization to noncitizens seeking refugee status or asylum before DHS or an immigration judge has made a final determination that they meet requirements for asylum or refugee status and grant the alien's application.

TPS applicants do not have the same protections and legal definition as refugees and asylees. Aliens granted TPS and TPS applicants are only temporarily in the United States on account of the Secretary's designation under section 244 of the Act, 8 U.S.C. 1254a, and 8 CFR part 244. As part of the TPS statute, Congress provided employment authorization for purposes of the entire designation period. *See* INA sec. 244(a)(1)(B) and (2), 8 U.S.C. 1254a(a)(1)(B) and (2). To comply with the law enacted by Congress, DHS is typically extending employment authorization via a **Federal Register** notice. However, TPS applicants still must apply for the renewal employment authorization document as part of the redesignation to obtain evidence of employment. Additionally, TPS may be terminated, and TPS never leads to permanent residency. *See* INA sec. 244(b)(3)(B), (h), 8 U.S.C. 1254a(b)(3)(B), (h). Thus, upon termination of TPS, TPS beneficiaries and applicants may lose employment authorization in the United States. *See* 8 CFR 244.12 and 13. Refugees (and asylees) once granted, do not typically lose their refugee status and thus, their right to employment and path to lawful permanent residency and eventually citizenship. Therefore, the implementation scheme and the termination of automatic extension is not contrary to the United States international obligations.

2. DHS Justification and Need for the Rule

i. Security Rationale for the Rule

a. General Security Rationale Comments

Comment: Multiple commenters said the IFR rests on a single asserted justification: the desire to complete vetting and security checks before approving an individual's [34] work permit renewal, and DHS offers no other policy rationale for eliminating automatic extensions. Commenters stated the IFR is a reversal in policy without new evidence or a reasoned explanation and violates the APA. The commenters stated that DHS's sole rationale suffers from numerous problems and reveals a significant mismatch between the concern asserted and the real-world purpose and impact of automatic extensions.

Additional commenters stated that DHS's security rationale for the IFR contradicts findings in its own 2024 Final Rule, which did not identify any adverse impact of automatic extensions on USCIS' ability to conduct security checks. Commenters stated that DHS offers no credible rationale for this new finding. Some commenters also stated that this rule ignores that DHS narrowly tailored the prior automatic extensions to certain applicants who applied for EAD renewals, which ''reasonably assured'' the agency that the individual remained eligible for employment authorization and protected the program from abuse.

Response: DHS does not agree that the IFR is a ''reversal of policy without new evidence or a reasoned explanation,'' that the justification for the rule is a ''mismatch between the concern asserted and the real-world purpose and impact of automatic extensions,'' or that DHS failed to consider important aspects of the program. DHS, in the IFR, explained that it is ending the practice of providing automatic extensions of employment authorization documents to enhance integrity in adjudications of employment authorization requests and better protect public safety and national security by ensuring that aliens are properly vetted and determined to continue to be eligible (and merit a favorable exercise of discretion, if applicable), for employment authorization before such authorization is provided to the alien. The Department also explained the permissibility of the change and specifically acknowledged and considered reliance interests that applicants could have engendered by the prior policy and explained why the policy considerations outweighed these interests. The IFR and this final rule reflect a continuation and refinement of DHS's longstanding focus on security, fraud prevention, and benefit integrity in the employment authorization context.

In 2016, DHS eliminated the interim EAD and replaced it with the 180-day automatic extension of employment authorization and explained that it would support the Department's vital mission of securing the nation from the many threats it faces. Therefore, DHS determined that the elimination of both the 90-day EAD processing timeframe and the issuance of interim EADs was necessary.[35] This change in 2016 reflected DHS's ''continued attention to security and commitment to improving adjudication processes, including technological advances in document production, to reduce fraud and address threats to national security.'' *See* 81 FR 82398 (Nov. 18, 2016) (AC21 Final Rule). DHS implemented the automatic extension of employment authorization to avoid gaps in employment without compromising national security and public safety given the context at the time. However, the automatic extension of employment authorization and/or EADs, whether 180 days or 540 days, extends employment authorization based solely on the filing of a renewal EAD application, before USCIS has completed full vetting, resolved any derogatory information, and determined continuing eligibility for the benefit. Today, concerns regarding national

[33] Asylees are aliens who are physically present in the United States or at a U.S. port of entry and who meets the definition of a refugee because he or she has a reasonable fear of persecution as defined in section 101(a)(42) of the Act, 8 U.S.C. 1101(a)(42). In contrast, a refugee is an alien located outside the United States who has been determined to have a fear of persecution. Asylees who meet the conditions of section 208 of the Act, 8 U.S.C. 1158 are afforded the same treatment as refugees in regard to the wage-earning and employment requirement of Article 17. Contrary to the commenter's assertion, applicants for asylum are not asylees or covered by Article 17. Even if they were, the United States implemented Article 17 through sections 207 and 208 of the INA, 8 U.S.C. 1157, 1158.

[34] USCIS generally refers to ''aliens'' when discussing foreign nationals present in the United States. The term ''alien'' is a legal term defined in the INA that is used to describe any person who is not a citizen or national of the United States. *See* INA sec. 101(a)(1) of the Act, 8 U.S.C. 1101(a)(1). Some commenters used ''aliens'', but others may have used different terminology (such as person or individual). In general, when describing comments in this preamble, DHS has sought to mirror the language used in those comments, sometimes with quotation marks for clarity. Otherwise, DHS has used alien, or applicant, beneficiary, or requestor.

[35] On November 18, 2016, as part of DHS's efforts to implement the American Competitiveness in the Twenty-first Century Act of 2000 (AC21), DHS published a final regulation that eliminated interim EADs and provided for a 180-day automatic extension period. 81 FR 82398 (Nov. 18, 2016).

security, public safety, and integrity of immigration benefits are at a high point, and the President has directed DHS, through Executive Orders 14159 and 14161, to vet and screen aliens to the maximum extent possible and to ensure that employment authorization is not provided to unauthorized aliens.[36] DHS notes there is no statutory requirement for USCIS to automatically extend EADs.

DHS has provided a reasonable explanation for changing its policy, namely by giving greater weight to different policy considerations than in the past. DHS has concluded that, owing to current conditions and presidential directives, the security and program-integrity risks inherent in automatic extensions must be given greater weight than the benefits and different temporary circumstances that motivated prior rules. Given the inherent national security and public safety concerns that flow from granting immigration benefits (including EADs) to aliens before determining continued eligibility, DHS believes that rescinding the automatic extension of employment authorization and/or EADs is a necessary remedy. Ending the practice of providing automatic extensions of employment authorization and/or EADs enables DHS to better protect the public's safety and enhance benefit integrity.

b. Lack of Evidence Supporting Security Rationale

Comment: Numerous commenters stated that DHS did not present evidence or data supporting the claim that automatic extensions pose security risks or that eliminating extensions would meaningfully enhance screening. Multiple commenters stated that the absence of any such evidence demonstrates that the purported problem does not exist. Several commenters wrote that for nearly 10 years, millions of workers have worked under automatic extensions, but the IFR provided no evidence showing that this system allowed security risks to persist or resulted in later security-based denials.

Response: DHS disagrees with the commenters' assertions. DHS explained in its AC21 Final Rule nearly 10 years ago that it was prioritizing national security and fraud concerns by eliminating the interim EAD and the mandated EAD 90-day processing timeframe. Specifically, DHS noted that ''any reduction in the level of eligibility and security vetting before issuing evidence of employment authorization, whether on an interim basis or otherwise, would both be contrary to its core mission and undermine the security, quality, and integrity of the documents issued.'' [37] Consistent with that rationale, and as explained in the IFR, DHS now believes that eliminating the automatic extension of employment authorization and/or EADs will ensure that all identity verification, public safety and security related checks are completed, and that a determination has been made that the applicant continues to be eligible and merits a favorable exercise of discretion, as applicable, before renewing employment authorization and/or an EAD. The IFR also clearly explained the relevance of the Boulder incident and its connection to the automatic extension,[38] and why the measure was justified. Maintaining automatic extensions based upon the filing of an EAD renewal application would be inconsistent with DHS's stated benefit integrity, security and fraud-prevention objectives.

Comment: Many commenters stated that DHS's reliance on a single anecdotal incident involving an individual in Boulder, Colorado, was insufficient evidence to justify a policy reversal negatively affecting hundreds of thousands of law-abiding workers and their employers. Commenters wrote that DHS did not demonstrate that the incident involved an automatic extension or how eliminating automatic extensions would have prevented this incident.

Response: DHS disagrees that the IFR relied on insufficient evidence to justify the IFR's policy change as alleged by commenters. The concern addressed by the IFR and this final rule is that, under the automatic extension framework, an alien's employment authorization and/or EAD validity could be extended for up to 540 days based only on the filing of a renewal application and without having fully vetted the alien for eligibility, including background and security checks. When employment authorization is automatically extended before those checks are complete, aliens who may no longer qualify for the benefit, or who present public safety or national security concerns, are able to remain employment-authorized. This allows aliens who could be public safety or national security threats to use associated documentation to potentially obtain other credentials, such as driver's licenses, and use such document, in turn, to engage in nefarious activities. For example, an alien could rent a car by using the driver's license obtained with an automatically extended EAD as an identity document and subsequently use the car to perpetrate a terrorist attack or other criminal activity. As explained in the IFR and throughout this final rule, DHS has found that these public safety and national security concerns outweigh the interim impacts that may result from a temporary lapse in an individual aliens' employment authorization and/or documentation while USCIS completes refreshed vetting, evaluates any new derogatory information, and determines that the alien remains eligible and continues to merit a favorable exercise of discretion, if applicable.

The IFR references the attack by an alien against peaceful demonstrators in Boulder, Colorado, as a concrete example of an alien in possession of an automatic extension that highlighted the urgent need to mitigate additional public safety emergencies, as well as the importance of ensuring aliens are not granted employment authorization until adjudicative review has been completed. The alien responsible for the Boulder, Colorado, incident was the beneficiary of an automatic extension of his employment authorization, and is thus one example of an alien who remained employment authorized without having undergone full vetting for eligibility or security concerns. Attacks, such as the one in Boulder, Colorado, are tough to predict, but they may not be impossible to stop with proper and thorough vetting and intelligence sharing among government agencies each time an alien is seeking immigration benefits.[39] DHS is prioritizing the completion of vetting

[36] *See* E.O. 14161, Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats (Jan. 20, 2025), 90 FR 8451, 8451 (Jan. 30, 2025); s*ee* E.O. 14159, Protecting the American People Against Invasion (Jan. 20, 2025), 90 FR 8443, 8446 (Jan. 29, 2025).

[37] *See* 81 FR 82398 (Nov. 18, 2016) (AC21 Final Rule).

[38] *See* 90 FR 48799, 48808 (Oct. 30, 2025) (explaining that the need to fully vet applicants for renewal EADs became clear when an alien with an automatically extended EAD perpetrated a terrorist attack that injured many people in Boulder, Colorado on June 1, 2025).

[39] The public, including members from Congress, criticized immigration and law enforcement authorities, including DHS, for not detecting the alien's activities and not protecting the public. They emphasized the urgency to fix security vulnerabilities. *See* House of Representatives Homeland Security Committee, ''Chairman Pfluger, Green Request DHS Documents on Suspect in Boulder Terror Attack'' (June 4, 2025), *https://homeland.house.gov/2025/06/04/chairmen-green-pfluger-request-dhs-documents-on-suspect-in-boulder-terror-attack* (''This tragedy is indicative of a heightened terrorism threat on U.S. soil, signaling an urgent need for increased homeland security measures, particularly with respect to foreign nationals who are unlawfully present in the United States, as Soliman reportedly overstayed a nonimmigrant visa. Our nation has now faced several major acts of antisemitic terror this year alone, including the recent assassination of two Israeli embassy staffers in our nation's capital.'').

prior to granting an immigration benefit to ensure public safety and national security and to mitigate the immediate risks posed to Americans. Ending automatic extensions based on the filing of an EAD renewal application alone addresses that systemic vulnerability. It ensures that continued employment authorization and its documentation is conferred only after USCIS has completed refreshed vetting, evaluated any new derogatory information, and determined that the alien remains eligible and continues to merit a favorable exercise of discretion, if applicable. As discussed in the Executive Summary, President Trump has directed DHS to ''vet and screen to the maximum degree possible'' all aliens within the United States and ensure that ''employment authorization is not provided to any unauthorized alien.'' [40] In line with presidential priorities, DHS is prioritizing program integrity, public safety, and national security and believes the benefits of eliminating automatic extensions of EADs outweigh the risks of potential temporary lapses in employment authorization.

c. Prior Vetting of Renewal Applicants and Existing Security Measures

Comment: One commenter stated that DHS ''offered no credible evidence of security risks associated with'' the automatic extension of employment authorization and/or EADs, and that the IFR therefore ''lacks any substantive rationale.'' Other commenters claimed the security rationale for the rule is inadequate given that aliens applying for EAD renewals have already been vetted. Some commenters said many EAD holders are also likely to have other pending applications before USCIS with evidentiary submissions, background, and identity documents that allow for additional agency vetting.

Response: DHS disagrees that the IFR lacks a rationale. DHS is prioritizing the completion of proper vetting before issuing immigration benefits and cannot continue to extend employment authorization or EADs without determining that the applicant continues to be eligible and, when applicable, merits a favorable exercise of discretion, regardless of any prior vetting that may have been conducted in connection with past or pending benefit requests. DHS is not required by statute to provide an automatic extension of employment authorization and/or EADs. Rather, DHS is exercising its authority to structure employment authorization processes in a manner that ensures the integrity of the immigration benefit provided, and better advances national security, public safety, and program integrity.

Comment: Commenters wrote that the IFR misstates how security vetting works, stating that all relevant background check processes occur independently of whether a worker has an unexpired EAD. The commenter said many security flags require follow up investigation, interagency coordination, and a full review of classified or sensitive information that can take considerable time to evaluate, and these assessments occur within the structured adjudicative framework, not during the mechanical, threshold review of an EAD-renewal request.

Response: DHS disagrees with the premise of these comments. While some background checks and security review processes may be ongoing, others are initiated when USCIS receives a request and are completed in connection with that adjudication. There are no statutory or other regulatory limitations on USCIS' authority to conduct background and security checks to determine eligibility for employment authorization. Additionally, background checks and vetting can be a lengthy process that may require additional time to resolve or to make an eligibility determination. For USCIS to renew an immigration benefit, the applicant must meet the relevant eligibility standards and merit a favorable exercise of discretion, if applicable. All individuals who apply for immigration benefits, including applications for employment authorization, are required to submit and sign the application authorizing the release of any information from their records that USCIS may need to determine eligibility for the benefit sought. By signing and submitting the form to USCIS, the applicant consents to verification by USCIS, as well as use of information to determine initial or continued benefit eligibility. Given the, at times, lengthy vetting process, the previous practice allowed automatic extension of EADs to aliens that would otherwise be found ineligible after USCIS initiates or resolves background check information.

The previous practice of automatically extending employment authorization for a period of up to 540 days prioritized EAD backlog management over program integrity, public safety and national security. Requiring completion of adjudicative review before extending employment authorization and/or EADs better aligns with DHS's vetting responsibilities and the policy priorities of enhancing program integrity, public safety, and national security.

Comment: Multiple commenters stated that USCIS remains free to conduct continuous vetting during the renewal process and deny the renewal application and terminate employment authorization immediately should it identify new information indicating a security concern.

Some commenters stated that DHS already has the capability to perform continuous screening and vetting, such as through ATLAS and the Continuous Immigration Vetting (CIV) program, which allow for ongoing information sharing and monitoring of individuals in the immigration system, stating these systems can identify security concerns at any time, not just during the renewal application process.

Response: DHS continues to implement various strategies to address public safety and national security concerns. These efforts include, but are not limited to, the use of continuous screening and vetting capabilities, interagency information-sharing, and enhancements to identity and security verification processes. However, these tools do not obviate the need to complete appropriate vetting and screening before extending employment authorization. Conducting background checks, whether continuously or at certain intervals (for example, when an alien again applies for an immigration benefit), is only one part of the overall vetting and screening process.

Furthermore, derogatory information identified during the background check process must still be reviewed and resolved.[41] DHS believes that before any immigration benefit is granted, such as an extension of employment authorization and/or an EAD, USCIS should complete the vetting and screening process and determine that the alien continues to be eligible for the benefit and merits a favorable exercise of discretion, as applicable.

Comment: A commenter stated that the rule discounts the multiple layers of

[40] *See* E.O. 14161, Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats (Jan. 20, 2025), 90 FR 8451, 8451 (Jan. 30, 2025); s*ee* E.O. 14159, Protecting the American People Against Invasion (Jan. 20, 2025), 90 FR 8443, 8446 (Jan. 29, 2025).

[41] Thus, even with CIV, USCIS is required to manually resolve derogatory information, which needs time. *See* DHS/USCIS/PIA–076 Continuous Immigration Vetting, at 8, *https://www.dhs.gov/publication/dhsuscispia-076-continuous-immigration-vetting* (last updated March 31, 2023) (''Although automation assists with the identification of national security concerns, FDNS officers also manually review each hit to confirm the validity, relevancy, and accuracy of the information and to determine if the information is actionable, consistent with DHS authorities. If actionable, USCIS FDNS may perform administrative investigations to produce findings to sufficiently inform adjudications.'').

vetting and monitoring tools that are already being conducted by employers to identify potential security threats, including Form I–9 verification, E-Verify participation, and criminal background checks.

Response: DHS will not delegate to employers its responsibility to enhance program integrity and better protect public safety and national security. The varying levels of vetting by different employers are not a substitute for the vetting that USCIS conducts. USCIS has information-sharing agreements with various agencies within the U.S. government and foreign partners. Therefore, vetting from an employer is typically not comparable to USCIS access and vetting. In addition, Form I–9 and E-Verify are not used for national security and public safety vetting. Form I–9 is required for all U.S. employers to document identity and employment authorization for every worker hired. E-Verify is a voluntary program that electronically compares the information on Form I–9 with SSA and DHS records to confirm employment eligibility.[42] Criteria for security checks and vetting depend upon the immigration benefit sought as well as various other factors, and each benefit request has its own requirements and vulnerabilities. DHS does not believe that renewing employment authorization should be an exception to the stated policy objectives of better protecting public safety and national security and ensuring continued eligibility and that the applicant warrants a favorable exercise of discretion (as applicable) prior to issuing immigration benefits. USCIS is exercising its full authority to investigate immigration benefit requests filed by aliens who may pose risks to the national security and public safety of the United States while adhering to the provisions of the INA and applicable laws, as outlined in DHS Delegation of Authority 0150.1 and 15006.[43] The elimination of automatic extensions of employment authorization and/or an EAD based on the filing of a renewal application is one component of this broader effort to enhance program integrity and safeguard the United States.

d. Rule Would Not Strengthen Security

Comment: One commenter said justifying the rule under ''the guise of national security is ironic'' because the rule's likely consequence in derailing the livelihoods of aliens may push them to violate the law for survival. Another commenter stated that most of the public safety and national security risk created by malicious aliens stems from their presence in the United States rather than their ability to work and encouraged DHS to study how significant the risk associated with income generated through lawful employment is compared to the risk associated with presence on U.S. soil. A commenter stated that DHS implicitly assumes that unemployment is the antidote to potential crime when common sense and empirical evidence provides the opposite is true.

Response: DHS disagrees with the comment that this rule will result in derailing the livelihoods of aliens and the insinuation that it may push individuals to become criminals to survive.

As explained in the IFR, DHS has taken significant steps to reduce the overall EAD filings that followed the unprecedented flood of illegal immigration into the United States during previous years.[44] For example, DHS has narrowed the use of parole and better aligned TPS and related programs with statutory criteria. As a result, initial EAD applications have significantly declined since 2025. USCIS has also seen a decline in the number of filings in the largest EAD categories that were formerly eligible for automatic extensions based on the filing of a renewal EAD application, as shown in Table 1.

BILLING CODE 9111–97–P

[42] *See* E-Verify, *1.1 Background and Overview, https://www.e-verify.gov/e-verify-user-manual-10-introduction/11-background-and-overview* (last updated May 29, 2024).

[43] *See, e.g.,* DHS, *Delegation to the Bureau of Citizenship and Immigration Services,* Delegation No. 0150.1 (June 5, 2003), available at *https://www.hsdl.org/c/view?docid=234775;* DHS, USCIS, *Delegation to Director, United States Citizenship and Immigration Services, to Order Expedited Removal and to Enforce Immigration Laws,* Delegation No. 15006 (May 2, 2025), *https://www.uscis.gov/sites/default/files/document/legal-docs/Delegation_to_USCIS_for_LE_Authorities_15006_1_1.pdf.* DHS Delegation Number 0150.1 is based on the Homeland Security Act of 2002 and delegates broad authority under the INA, to the Bureau of Citizenship and Immigration Services (BCIS), now USCIS, to administer the laws, process benefits, investigate potential fraud, make prosecution recommendations, and initiate removal proceedings. DHS Delegation Number 15006 grants the Director of USCIS the authority to issue warrants, order immediate removal of aliens, to detain or release aliens on bond, and the ability to investigate civil and criminal immigration law violations.

[44] *See* 90 FR 48799, 48809 (Oct. 30, 2025).

Table 1. Form I-765 Receipts from Jan. 2025 to Jun. 2026 Based on Pending Asylum and Adjustment of Status Applications (Initial and Renewal Applications)		
Month and Year	Number of Form I-765 receipts under C08 (pending asylum application)	Number of Form I-765 receipts under C09 (pending adjustment of status application)
Jan. 2025	240,060	64,106
Feb. 2025	222,552	69,139
Mar. 2025	228,104	84,268
Apr. 2025	199,659	99,790
May 2025	181,301	81,857
June 2025	178,422	74,289
July 2025	181,122	76,554
Aug. 2025	81,251	63,086
Sept. 2025	79,825	54,088
Oct. 2025	85,803	76,572
Nov. 2025	63,902	51,620
Dec. 2025	53,893	49,774
Jan. 2026	42,562	41,169
Feb. 2026	50,358	44,647
Mar. 2026	51,049	57,995
Apr. 2026	49,989	75,254
May 2026	36,316	41,143
Jun. 2026	32,472	36,455
Source: DHS, USCIS, Chief Data and Analytics Office (CDAO), CLAIMS3 & ELIS, queried 07/2026, PAER0022044.		

BILLING CODE 9111–97–C

The two largest categories of Form I–765 applicants are those with pending asylum applications (C08) and those with pending adjustment of status applications (C09). Together these categories made up approximately 80% of all I–765 applicants from January 2025 through the end of June 2026.[45]

Table 1 shows how C08 and C09 filings have decreased since the start of the current administration in January 2025. USCIS received a total of 240,060 C08 filings in January 2025, which decreased to 32,472 in June 2026.[46] Similarly, USCIS received a total of 64,106 C09 filings in January 2025, which decreased to 36,455 in June 2026. USCIS notes the decreased EAD filing rates support the point made in the IFR that the potential lapse, and in particular the duration of any lapse, is speculative and could be outweighed by the harm posed by automatic extensions.

Finally, DHS regularly publishes detailed statistics on its activities,[47] but declines to perform a study of the additional risk to national security caused by income aliens generated through lawful employment for multiple reasons. For example, isolating and quantifying the incremental risk attributable solely to income derived from lawful employment—as distinct from the risk associated with presence, travel, associations, unauthorized employment, or other activities—would present significant methodological and data limitations. The relevant population would be small, sensitive national security information would constrain the availability and use of underlying case data, and it would be difficult to draw statistically meaningful conclusions.

DHS acknowledges the commenter's view that the primary public safety and national security risk posed by malicious actors arises from their presence in the United States and not solely from their continuing ability to work. Even so, DHS considers it important and appropriate to use its authorities to reduce risks associated with both presence and employment. Access to lawful employment can provide malicious actors with financial resources, routine cover for their activities, and access to certain workplaces and facilities. Limiting the ability of aliens with potentially malicious intent to retain EADs and/or employment authorization, and to lawfully work and generate income, without full vetting is therefore a meaningful component of DHS's broader efforts to safeguard benefit integrity, national security and public safety.

For these reasons, DHS continues to view measures that reduce the likelihood that malicious actors can obtain or rely on employment authorization and related secure documentation as worthwhile.

Comment: Some commenters stated that, if the goal is to strengthen vetting integrity, the logical solution is to expedite case processing so that all

[45] Though their numbers were much smaller, I–765 applications also declined in the A07, A08, A10, C16, C20, C24, and C31 categories. DHS, USCIS, OPQ, I–765 Application for Employment Authorization Receipts by Eligibility Category Code, Month, and EAD Type FY 2025–2026 (through Mar 05, 2026). CLAIMS3, ELIS, queried 03/2026, PAER0020648; DHS, USCIS, Chief Data and Analytics Office (CDAO), I–765 Application for Employment Authorization Receipts by Eligibility Category Code, Month, and EAD Type October 30, 2025–June 30, 2026. CLAIMS3, ELIS, queried 07/2026, PAER0022044.

[46] DHS, USCIS, OPQ, I–765 Application for Employment Authorization Receipts by Eligibility Category Code, Month, and EAD Type FY 2025–2026 (through Mar 05, 2026). CLAIMS3, ELIS, queried 03/2026, PAER0020648; DHS, USCIS, Chief Data and Analytics Office (CDAO), I–765 Application for Employment Authorization Receipts by Eligibility Category Code, Month, and EAD Type October 30, 2025–June 30, 2026. CLAIMS3, ELIS, queried 07/2026, PAER0022044.

[47] *See* Office of Homeland Security Statistics, *https://ohss.dhs.gov* (last visited Apr. 2, 2026).

background checks and reviews are completed more quickly. One commenter also stated that workers should be able to maintain their employment authorization and support their families while vetting occurs.

Response: DHS undertakes every effort to complete case processing as expeditiously as possible while being conscious of the importance of vetting every benefit requestor thoroughly for eligibility, including vetting for criminal activity and other security risks. DHS believes screening, vetting, and determining continued eligibility before granting a renewal of employment authorization and/or documentation is essential to enhance program integrity and better protect public safety and national security. Such processes, however, especially given the volume of initial and renewal EAD applicants that USCIS encounters, necessarily take time. Note that expediting a case generally means that USCIS would move the benefit request to the front of the processing queue to the detriment of those who may have filed earlier but does not otherwise change the time needed to properly conduct screening and vetting and determine continued eligibility. To the extent that these commenters suggest that USCIS should expedite all EAD renewal applications and thus put renewal EAD applications in front of other applications in the processing queue, DHS maintains that this would not be a viable solution and would not enhance program integrity or better protect public safety and national security.

Comment: Multiple commenters stated that the security benefit of the rule is incremental because renewal applicants have already been robustly vetted and will not be re-vetted until the EAD renewal is adjudicated, stating that this second vetting by USCIS occurs even if EAD extensions are automatic.

Response: USCIS must ensure that all aliens who request immigration benefits from USCIS are eligible for the benefit sought, merit a favorable exercise of discretion, if applicable, and do not pose a threat to national security or public safety. It is necessary and within USCIS' authority to continue investigating immigration benefit requests and to assess whether an applicant has established ongoing eligibility and warrants favorable discretion, if applicable, and whether they pose a risk to the national security and public safety of the United States, before issuing immigration benefits. This includes renewal applications for employment authorization and/or EADs, which may reveal new derogatory information or changed circumstances that were not present at the time of the initial grant.

Comment: One commenter stated that the IFR would cause DHS resources to be spent on EAD processing while people remain in the United States without decisions on their ability to stay, stating that the rule ''punishes applicants, families, communities, and employers for USCIS' failure to timely process applications.'' Another commenter similarly stated that the rule ''does not meaningfully improve homeland security'' and would divert resources rather than supporting security or operational efficiency.

Response: DHS is dedicated to ensuring that all aliens who enter and remain in the United States do not present threats to national security or public safety. USCIS plays an instrumental role in preventing terrorists and other bad actors from harboring in the United States, and screening and vetting should be prioritized over purely expedient adjudications to that end. DHS will continue to work to reduce frivolous, fraudulent, and meritless EAD filings to free up adjudicatory and other resources to better ensure national security and program integrity. Therefore, DHS does not agree that focusing resources on careful EAD renewal adjudications ''diverts'' resources from security; rather, such adjudications are themselves a core security function of USCIS.

e. Other Comments on Security Rationale

Comment: Some commenters expressed concern with DHS's rationale that bad actors could benefit from EADs being automatically extended and the income generated from working to support ''nefarious activities,'' stating that it is speculative, discriminatory, and perpetuates anti-immigrant rhetoric. A commenter said this is particularly dangerous language for Asian American communities who face a persistent narrative as the ''perpetual foreigner'' and will only contribute to that ''pernicious stereotype'' and support unfounded suspicions that Asians are agents of foreign governments.

Response: DHS disagrees with the commenters' assertions. DHS ended the practice of providing automatic extension of employment authorization and/or EADs based on the filing of a renewal EAD application to ensure continued eligibility and prioritizing the proper vetting and screening of aliens in furtherance of its mission. This rule does not target Asian American communities or any other specific group of aliens. Instead, this rule, as written, applies to all aliens who were eligible for the automatic extension of their employment authorization and/or EADs under former 8 CFR 274a.13(d). As explained in the IFR and this final rule, DHS is prioritizing the completion of vetting prior to granting an immigration benefit to enhance program integrity and better protect public safety and national security. The examples provided in the IFR illustrated the broader concern that extending employment authorization before completing vetting can allow aliens who may present public safety or national security risks to retain employment authorization. Ending automatic extensions based on the filing of an EAD renewal application ensures that continued employment authorization is conferred only after USCIS has completed renewed vetting, evaluated any new derogatory information, and determined that the alien remains eligible and continues to merit a favorable exercise of discretion, if applicable. DHS believes that the program integrity, public safety, and national security benefits of eliminating automatic extensions of EADs outweigh the risks of potential temporary lapses in employment authorization.

Comment: Commenters stated that, while DHS repeatedly cites purported national security concerns as justification for the IFR, the ''underemphasized yet explicit'' motivation for the IFR is a reduction in EAD filings overall. They stated that the rule is intended to generally deter immigration, specifically for asylum seekers, and that DHS ignores that asylees and refugees are authorized employment even if the expiration date on their EAD has passed. One commenter stated that, while DHS claims it is ending the practice of automatically renewing EADs for refugees and asylees to take a ''uniform approach'' and avoid ''the potential for confusion'' of employers, it does not quantify the potential confusion or justify why it cannot at least provide automatic renewals for refugees and asylees, who are authorized to work incident to their status.

The commenters concluded that the IFR is meant to undermine and frustrate those with legal work authorization and will cause unnecessary lapses in work authorization creating unreasonable obstacles, citing DHS's referenced goal of providing a ''comprehensive policy solution'' and stating the rule is actually intended to unnecessarily confuse employers, frustrate immigrants' ability to work, and push more into ''dire straits.'' Another commenter questioned enhanced security as the true intent of

the rule, suggesting other motives such as intentionally causing aliens to fall out of status and lose their jobs.

Response: DHS disagrees with the commenters that the goal of this rule is to reduce EAD filings overall, generally deter immigration or to ''unnecessarily confuse employers'' and ''frustrate immigrants' ability to work.'' As previously stated, the purpose of this rule is to prioritize the proper vetting and screening of aliens, to ensure continued eligibility, and to confirm that applicants continue to merit favorable exercises of discretion, if applicable, before granting new periods of employment authorization and/or new EADs by ending the practice of automatically extending the validity of employment authorization and/or EADs.

DHS recognizes that aliens who are granted asylum or refugee status are authorized employment incident to their asylum or refugee status. As explained in the IFR, aliens who are authorized employment incident to their status [48] and are maintaining their respective immigration status, such as asylees and refugees, will continue to be employment authorized while maintaining their immigration status, regardless of the expiration date on their EAD. Aliens who are authorized employment incident to status will continue to have the choice to file Form I–765 to obtain EADs for proof of identity. As stated in the IFR, DHS is taking a uniform approach for all aliens by ending the practice of providing automatic extensions of employment authorization and/or EADs.

Comment: One commenter said that eliminating automatic extensions does not serve E.O. 14159, Protecting the American People Against Invasion, which orders DHS and other agencies to ensure that employment authorization is not provided to any unauthorized alien in the United States. The commenter said eliminating automatic extensions has no impact on this mandate, as the purpose of such automatic extensions is to afford USCIS the time and resources to make a robust determination in compliance with its statutory and regulatory obligations in cases where aliens were already approved for employment authorization.

Response: DHS maintains that this rule accomplishes the mandate of E.O. 14159. This executive order directs the Secretary of Homeland Security, in coordination with the Secretary of State and the Attorney General, in Section 16 to take all appropriate action to align any departmental activities with the policies set out by the President, to ensure that ''employment authorization is not provided to any unauthorized alien in the United States.'' As stated in the IFR and this rule, ending the practice of providing automatic extensions of EADs is consistent with this instruction in E.O. 14159 because a previous grant of employment authorization does not mean that an applicant remains indefinitely eligible for employment authorization, and it is necessary to review eligibility to ensure that an alien's circumstances have not changed such that the alien is no longer eligible. Granting automatic extensions of employment without proper vetting and full adjudication to ensure continued eligibility is not consistent with E.O. 14159 or with current priorities.

ii. Consistency in USCIS Rationale and Reversal of Longstanding Policy

Comment: Multiple commenters wrote that USCIS says it does not expect delays in processing EAD renewals in the future, but also says it must end automatic extensions on EADs now because it needs more time to finish security checks. Commenters said both cannot be true. Commenters also stated that, if DHS expects continued delays, then ending automatic extensions will push employees out of work authorization simply because the government cannot finish adjudicating these cases fast enough. These commenters said courts invalidate rules when an agency's reasoning is contradictory and the agency offers no adequate justification for the inconsistency, with some commenters citing *F.C.C.* v. *Fox Television Stations, Inc.*

Also referencing this purported inconsistency, multiple commenters stated that DHS's conclusion that EAD applications will decline and that more adjudicative resources will reduce EAD renewal processing times ignores that those same resources will be available at the initial stage to address any red flags. Thus, the commenter said DHS's purported need for fuller investigations at the renewal stage will be even less necessary moving forward. The commenter said the claim also cannot be reconciled with the Department's historic position that it can complete sufficient investigations promptly, given sufficient resources.

Multiple commenters said the IFR rejects and contradicts the policies of both the 2016 and the recent 2024 rules, the purpose of which was to mitigate the harm to workers and employers caused by interruptions in work authorization, without adequate explanation, justification, or alternative remedies. One commenter specified that the IFR cites no data showing sustained reductions in renewal processing times, no new performance metrics, and no analysis demonstrating that the long-recognized adjudication challenges identified in 2016 and again in 2024 have materially changed.

Response: DHS disagrees with the commenters' assertion that the reasoning in the IFR, and this final rule, is contradictory or unjustified. DHS notes the IFR does not state that ''USCIS does not expect delays in processing EADs.'' Instead, DHS explained it has taken measures to address floods of filings from TPS beneficiaries and other applicants, and that DHS expects that overall filing rates for initial and renewal EADs are likely to substantially decline, freeing up adjudicative resources to reduce renewal EAD processing times.[49]

USCIS routinely evaluates filing volumes relative to adjudicative resources and reallocates workloads to address priorities as appropriate and feasible, including between initial and renewal EAD filings. The IFR explains that, while USCIS continues to work to improve processing times and reduce backlogs, DHS has determined that automatic extensions are inconsistent with ensuring continued eligibility or with current security and vetting priorities. DHS believes that the reasoning provided in the IFR is appropriate and that the purpose of the IFR has been adequately justified. Ending automatic extensions based on the filing of an EAD renewal application ensures that continued employment authorization is conferred only after USCIS has completed renewed vetting, evaluated any new derogatory information, and determined that the alien remains eligible and continues to merit a favorable exercise of discretion, if applicable. DHS believes that the program integrity, public safety, and national security benefits of eliminating automatic extensions of EADs outweigh the risks of potential temporary lapses in employment authorization.

As discussed in greater detail in response to a previous comment in Section IV.C.2.i.a. of this preamble, the decision to end automatic extensions reflects a change in how DHS balances operational efficiency and continuity of employment against these security and benefit integrity concerns rather than an inconsistency in DHS's underlying commitment to timely adjudications.

DHS expects that overall, EAD filing rates will substantially decline and free up adjudicative resources to reduce

[48] *See* 8 CFR 274a.12(a).

[49] *See* 90 FR 48799, 48809 (Oct. 30, 2025).

renewal EAD processing times. Decreasing processing times would result in a reduced need for aliens filing renewal EAD applications to rely on an automatic extension of their EAD to avoid potential lapses. Since the IFR became effective on October 30, 2025, USCIS has seen a steady decrease in overall EAD filings. *See* Table 1 in Section IV.C.2.i.d. of this preamble. USCIS notes that decreased EAD filing rates support the point made in the IFR: that the potential for an alien to have a lapse, and in particular the duration of any lapse, is speculative and could be outweighed by the harm posed by automatic extensions.

iii. Lack of Acknowledgement of the Backlog and Other Operational Realities

Comment: Multiple commenters stated that the IFR ignores that backlogs persist today and provides no projections or plans to reduce the backlogs that necessitate automatic extension. Some of these commenters said the IFR incorrectly portrays backlogs as a future ''scenario,'' but processing delays are significant. A commenter stated that external analyses reinforce the conclusion that long delays in EAD adjudication are a documented, ongoing reality and, despite this record, DHS offers no empirical data showing in the IFR that processing times have improved enough to make automatic extensions unnecessary. A commenter stated that external analyses reinforce the conclusion that long delays in EAD adjudication are a documented, ongoing reality and, despite this record, DHS offers no empirical data showing in the IFR that processing times have improved enough to make automatic extensions unnecessary. Some commenters referenced DHS backlog data in asserting the value of the automatic extension mechanism and the rule's lack of acknowledgement of the backlog. Another commenter stated that, while striving for timely adjudication is a worthy goal, it does not eliminate the need for automatic extensions, and USCIS should not eliminate the regulatory provision of automatic extensions in its entirety.

Response: DHS is ending the automatic extension of employment authorization and EADs not because USCIS has completed its backlog of pending cases, but rather because DHS is prioritizing ensuring continued eligibility and proper vetting. However, USCIS will continue to work through its backlog of cases without unnecessarily granting immigration benefits to those who may be ineligible or threaten the public safety and national security of the United States.

DHS acknowledged the EAD backlog in the IFR, stating that most of the backlog resulted from prior policy decisions that resulted in an overwhelming number of initial and subsequent renewal EAD filings.[50] DHS discussed potential future backlog scenarios while also acknowledging the current backlogs in each of those rules. Specifically, DHS provided data in the 2024 TFR to project the impact of the asylum filing surges and backlogs to consider possible renewal EAD application filing behaviors and the impact throughout the effective period of the 2024 TFR. *See* 89 FR 24628 (Apr. 8, 2024). DHS discussed the same data in the 2024 Final Rule. *See* 89 FR 101208 (Dec. 13, 2024). These rules attempted to mitigate the impact of potential future renewal EAD processing backlogs that could have been caused by a variety of circumstances, and DHS used those data projections to estimate the impact of codifying the automatic extension period increase from up to 180 days to up to 540 days. DHS has reassessed that conjectural approach and determined that, notwithstanding ongoing backlogs, automatic extensions are not an appropriate mechanism given the associated security and integrity risks.

As discussed elsewhere in this preamble, DHS has taken significant steps to reduce the overall EAD filings that followed the unprecedented flood of illegal immigration into the United States during previous years.[51] Significant declines in initial EAD applications since 2025 highlight the impact of these changes, which include a narrowed use of parole and a realignment of TPS and related programs with statutory criteria. Specifically, USCIS has also seen a decline in the number of filings in the largest EAD categories that were formerly eligible for automatic extensions based on the filing of a renewal EAD application, as shown in Table 1. *See* Section IV.C.2.i.d. of this preamble. The two largest categories of Form I–765 applicants are those with pending asylum applications (C08) and those with pending adjustment of status applications (C09). Together these categories made up approximately 80% of all I–765 applicants from January 2025 through the end of June 2026.[52] Table 1 shows how C08 and C09 filings have decreased since the start of the current administration in January 2025. For example, USCIS received a total of 240,060 C08 filings in January 2025, which decreased to 32,472 in June 2026.[53] Similarly, USCIS received a total of 64,104 C09 filings in January 2025, which decreased to 36,455 in June 2026.

Comment: Multiple commenters said the IFR ignores the reality of continued high demand for work authorization and that DHS is wrong to expect that EAD renewal filings will ''substantially decline'' because this Administration attempted to terminate the Cuban, Haitian, Nicaraguan, and Venezuelan (CHNV) parole program and several TPS designations. Many people who first came through CHNV and similar parole programs, or who previously had TPS, have now applied for asylum or other protections that still require EAD renewals. Additionally, the commenters said the termination of the CHNV parole program and the TPS designations have all been challenged in court with no final judgments issued; if terminations are reversed, parolees and TPS beneficiaries will continue applying for EAD renewals. The commenters

[50] *See* 90 FR 48799, 48807 (Oct. 30, 2025) (discussing an influx of EAD applications that ''continues to bog down USCIS processing times and adjudicative resources,'' and ''was largely caused by the prior administration's policies that allowed a significant number of aliens to enter the country on parole and seek asylum and/or TPS, and alongside such applications, employment authorization'').

[51] *See* 90 FR 48799, 48809 (Oct. 30, 2025). *See also* USCIS, ''DHS Strengthens Integrity in Nation's Immigration System, Returns to Commonsense Legal Immigration Levels,'' *https://www.uscis.gov/newsroom/news-releases/dhs-strengthens-integrity-in-nations-immigration-system-returns-to-commonsense-legal-immigration* (Nov. 13, 2025); Testimony of USCIS Director Joseph B. Edlow, Oversight of the Department of Homeland Security: ICE, CBP, and USCIS: Hearing Before the House Comm. on Homeland Security, *https://docs.house.gov/meetings/HM/HM00/20260210/118916/HHRG-119-HM00-Wstate-EdlowJ-20260210.pdf,* at 6, (Feb. 10, 2026), (''These critical efforts have strengthened the integrity of our legal immigration system, reinforced accountability, and ensured that USCIS resources are directed toward lawful, properly filed cases.'').

[52] Though their numbers were much smaller, I–765 applications also declined in the A07, A08, A10, C16, C20, C24, and C31 categories. DHS, USCIS, OPQ, I–765 Application for Employment Authorization Receipts by Eligibility Category Code, Month, and EAD Type FY 2025–2026 (through Mar. 05, 2026). CLAIMS3, ELIS, queried 03/2026, PAER0020648; DHS, USCIS, Chief Data and Analytics Office (CDAO), I–765 Application for Employment Authorization Receipts by Eligibility Category Code, Month, and EAD Type October 30, 2025–June 30, 2026. CLAIMS3, ELIS, queried 07/2026, PAER0022044.

[53] DHS, USCIS, OPQ, I–765 Application for Employment Authorization Receipts by Eligibility Category Code, Month, and EAD Type FY 2025–2026 (through Mar. 05, 2026). CLAIMS3, ELIS, queried 03/2026, PAER0020648; DHS, USCIS, Chief Data and Analytics Office (CDAO), I–765 Application for Employment Authorization Receipts by Eligibility Category Code, Month, and EAD Type October 30, 2025–June 30, 2026. CLAIMS3, ELIS, queried 07/2026, PAER0022044.

concluded that DHS must plan for continued high renewal volumes.

One commenter said the rule fails to account for the impact that halting asylum decisions will have on the backlog of renewal EAD applications. The commenter referenced the November 28, 2025, statement of the USCIS Director that ''USCIS has halted all asylum decisions until we can ensure that every alien is vetted and screened to the maximum degree possible.'' The commenter said halting asylum decisions means that asylum applications will remain pending longer, which means more asylum applicants' EADs will expire during the pendency of their asylum applications and result in the need to file additional requests to renew their EADs.

Response: DHS acknowledges that various policy changes outside of this rulemaking, such as significant changes to humanitarian parole programs,[54] the termination of TPS designations,[55] and changes made to the asylum program,[56] have affected, and will continue to affect, the demand for employment authorization and/or EADs in the future. DHS also recognizes the continued high demand for employment authorization and/or EADs, and DHS disagrees with the commenters' assertion that the IFR ignored such demand. Rather, as the IFR and this final rule explain, DHS believes the program integrity, public safety, and national security benefits of eliminating automatic extensions of EADs outweigh the risks of potential temporary lapses in employment authorization.

While DHS recognizes that the demand for employment authorization and/or EADs remains high, the various immigration-related initiatives implemented by this administration described previously in the IFR preamble have reduced EAD filings overall. *See* Table 1 in Section IV.C.2.i.d. of this preamble.

Comment: Commenters stated that the IFR ignores the impact of DHS's recent and planned future reductions in the USCIS workforce. Specifically, in April, nearly 20,000 USCIS staff—about 80 percent of the workforce—received communications urging them to end their employment with USCIS. The commenter said the rule does not explain how ongoing or planned USCIS staffing cuts affect the adjudicative resources available to process renewal EAD applications or how it accounted for these cuts in its planning to reduce backlogs. Another commenter similarly said the IFR also ignores the effects of this administration's ''decimation'' of the federal workforce and the longest shutdown of government operations in history.

Response: The IFR and this final rule do not undercount or ignore the impact of processing times and resources needed for adjudicating EADs. As stated previously, DHS is prioritizing public safety, national security and benefit integrity.

DHS notes that USCIS is generally fee-funded and able to continue its adjudicatory work during government shutdowns. However, DHS notes that government shutdowns could impact our ability to work with federal law enforcement partners and other agencies that are more directly impacted.

Regarding the size of USCIS' workforce, DHS agrees that adequate staffing and efficient allocation of resources are important to reducing backlogs and minimizing the risk that a renewal EAD application will remain pending past the current card's expiration. USCIS continuously takes operational steps within existing budgetary and hiring authorities to further enhance processing efficiency, including hiring and reallocating personnel, refining workflows, investing in automation where appropriate,[57] and implementing the fee [58] and program changes directed by recent legislation and executive actions.[59]

iv. ''Proper Planning'' Rationale

Comment: Multiple commenters stated that DHS's assertion that renewal applicants' ''proper planning'' could avoid lapses in work authorization is false and ignores operational realities and backlogs, asserting that EAD renewal applicants cannot ''properly plan'' for every unforeseen circumstance that may affect USCIS processing times. Commenters stated that the 2016 and 2024 Final Rules were issued to address unforeseen circumstances that neither the agency nor applicants could reasonably anticipate.

Commenters cited processing backlog figures when stating that applicants who follow the agency's recommendation not to file more than 180 days in advance face unavoidable employment gaps. Multiple commenters stated that many EAD applications, including renewals, took longer than 180 days to adjudicate.[60]

Response: As previously discussed, DHS has determined that the potential impact that some aliens may experience a temporary lapse, of unpredictable duration, in the validity of their employment authorization and/or EAD is outweighed by the need to better protect the safety and security of the American people by ensuring that employment authorization and/or an EAD is not granted until USCIS has thoroughly vetted and screened the applicant, resolved any derogatory hits, and determined that the alien continues to be eligible for the immigration benefit and merits a favorable exercise of discretion, as applicable.

USCIS provides case processing times for select forms and locations to inform the public how long it generally takes to process benefit requests.[61] USCIS updates case processing times on its website monthly with the latest available data. The processing times

[54] *See, e.g.,* Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans, 90 FR 13611 (Mar. 25, 2025). This termination is the subject of ongoing legal challenges but remains in place. *See Doe* v. *Noem,* No. 1:25–cv–10495–IT (D. Mass); *Noem* v. *Doe,* 145 S. Ct. 1525 (2025).

[55] The TPS designations for numerous countries have been terminated in the past year, but there has been significant litigation over these terminations. *See, e.g., Mullin* v. *Doe,* No. 25–2083 (argued Apr. 29, 2026). The latest status of TPS designations is available on the USCIS website. USCIS, *Temporary Protected Status* (Mar. 17, 2026), *https://www.uscis.gov/humanitarian/temporary-protected-status.*

[56] *See, e.g.,* Proclamation 10888, *Guaranteeing the States Protection Against Invasion,* 90 FR 8333 (Jan. 20, 2025) (suspending the entry of aliens who unlawfully enter the United States across the southern border and barring those aliens from asylum and other provisions of the INA). Litigation against the Proclamation is ongoing, but asylum remains barred for covered aliens as of the time of drafting this rule. *See Refugee and Immigrant Ctr. for Educ. & Legal Servs.* v. *Mullin,* No. 25–5243,—F.4th—, 2026 WL 1110616 (D.C. Cir. Apr. 24, 2026) (affirming the district court's decision with modifications to the definition of the certified class and enjoining the Departments from continuing to implement the Invasion Proclamation, including the Proclamation's restriction on asylum but staying the decision until after disposition of either a petition for rehearing or rehearing en banc).

[57] For example, USCIS has undertaken various efforts to incorporate AI to deliver immigration services to their customers more efficiently. *See* DHS United States Citizenship and Immigration Services—AI Use Cases, *https://www.dhs.gov/ai/use-case-inventory/uscis* (last updated Feb. 12, 2026).

[58] *See* DHS, U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, 89 FR 6194 (Jan. 31, 2024) (''These fee collections fund the cost of fairly and efficiently adjudicating immigration benefit requests, including those provided without charge to refugee, asylum, and certain other applicants or petitioners''). USCIS is primarily a fee-based agency. *See* sec. 286(m), 8 U.S.C. 1356(m) that is generally not appropriated by Congress.

[59] *See, e.g.,* USCIS Immigration Fees and Related Procedures by H–R.1 Reconciliation Bill, 91 FR 22952 (Apr. 29, 2026).

[60] *See* USCIS, Immigration and Citizenship Data, FY 22 Appropriations Reporting Requirement—Application Processing Data for September, 2025, *https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data* (last visited Feb. 13, 2026).

[61] *See* USCIS, Case Processing Times, *https://egov.uscis.gov/processing-times* (last visited May 8, 2026).

fluctuate over time and are based on how long it took USCIS to complete (meaning issue an approval or denial notice) 80% of adjudicated cases over the six months prior to the posted processing times.[62] Each case is unique, and some cases may take longer than others. Processing times should be used as a reference point, not an absolute measure of how a case will take to be completed. The fact that a particular form type and category shows a processing time slightly longer than 6 months at the 80th percentile does not mean that a particular application will take longer than 6 months to approve or deny. Processing times, because they represent a 6-month reporting period, are a lagging indicator as it pertains to more recent policy changes and related filing rates. Processing times are also based on the time it took USCIS to approve or deny applications, which can be skewed by the time needed to request additional evidence before an application is approved or denied.

Although USCIS generally recommends that applicants not file requests to renew EADs more than 180 days before the expiration of their EADs, there is no prohibition on filing the form before a certain date ahead of expiration. Proper planning by applicants includes filing early, rather than close to the expiration of the EAD, and ensuring that all evidence needed for USCIS to determine eligibility has been submitted with the application at the time of filing. While proper planning might not avoid a temporary lapse in employment authorization and/or documentation in all cases, it should help to reduce the potential of a lapse and shorten the duration if a lapse were to occur.

3. Rationale for Eliminating the Automatic Extension of EADs

Comment: A couple of commenters opposed the rule without providing their rationale. They supported automatic extension of employment authorization, and the provision of employment authorization documents, without vetting or reviewing aliens' applications. One called the regulatory change ''wrong'' and ''inhumane.''

Response: As discussed in greater detail in response to more specific comments elsewhere in this preamble, to the extent that some renewal applicants might face a temporary lapse in employment authorization and/or documentation, DHS believes this approach is nevertheless justified as it will enhance program integrity and better protect public safety and national security. Ending automatic extensions based on the filing of an EAD renewal application ensures that continued employment authorization is conferred only after USCIS has completed renewed vetting, evaluated any new derogatory information, and determined that the alien remains eligible and continues to merit a favorable exercise of discretion, if applicable. DHS believes that the program integrity, public safety, and national security benefits of eliminating automatic extensions of EADs outweigh the risks of potential temporary lapses in employment authorization and or EAD validity.

In addition to these independent reasons for promulgating this rule, DHS is acting in accord with presidential directives. As discussed in the Executive Summary, E.O. 14159 instructs the Secretary of Homeland Security, alongside the Secretary of State and Attorney General, to ensure that employment authorization is not provided to unauthorized aliens.[63] Furthermore, removing automatic extensions of employment authorization and/or EADs aligns with Executive Order 14161, which requires DHS to vet and screen all aliens within the United States ''to the maximum degree possible,'' [64] and Presidential Proclamation 10949, which orders DHS to ensure that aliens already within the United States do not support foreign terrorists or bear hostile attitudes toward its citizens, culture, government, institutions, or founding principles.[65]

4. Impact on USCIS Processing

i. Administrative Burden and Efficiency

Comment: Multiple commenters asserted that the IFR would increase the administrative burden on the government and further slow the adjudication process and USCIS' ability to timely processes EAD renewals. A commenter stated that eliminating the automatic extension does not speed up adjudications, but simply ''creates a guaranteed administrative failure'' and will lead to increases in emergency service requests, inquiries, and appeals. Similarly, another commenter wrote that the IFR would create unnecessary administrative inefficiencies as USCIS would likely face an increase in prematurely filed renewal applications, multiple submissions from applicants fearing gaps in employment, and additional employer verification requests during pending periods. One commenter reasoned it would be less burdensome for USCIS to not implement the IFR than to implement it.

Other commenters stated that the Agency has been unable to timely adjudicate EAD renewals for several years and the IFR does not resolve the current operational reality to avoid gaps in employment authorization, because even when applicants file at the earliest possible date, their current EADs often expire long before adjudication concludes as USCIS processing times are sometimes 8 to 11 months. A commenter remarked that backlogs and resulting lapses in employment authorization are not the fault of EAD renewal applicants.

One commenter stated that the IFR does not account for the impact of other DHS rules, including the recent Duration of Status proposed rule,[66] which would increase the adjudication workload on USCIS staff and jeopardize the Agency's ability to ensure extensions can be consistently processed within existing timeframes.

Response: DHS acknowledges that backlogs and operational challenges were justifications for the 2022 and 2024 Temporary Final Rules and the 2024 Final Rule. However, as DHS explained in the IFR, the automatic extension of the validity of an EAD grants the benefit of extending an alien's expired employment authorization and/or EAD merely by filing a timely renewal EAD application and without first completing adjudicative review and related vetting, including resolution of derogatory information identified during the vetting process. That is, the benefit is granted without USCIS first performing the following actions: an eligibility determination; completing vetting and screening checks; resolving potential hits of derogatory information in connection with the alien; and a determination that the employment authorization should be granted in the exercise of discretion, if applicable. The automatic extension, therefore, poses a security vulnerability that could allow bad actors to continue to work and generate income to potentially finance nefarious activities that pose an imminent threat to the American public. Granting benefits without proper vetting and full adjudication is contrary to the

[62] *See* USCIS, Case Processing Times, *https://egov.uscis.gov/processing-times/more-info* (last visited Apr. 22, 2026).

[63] *See* Executive Order, Protecting the American People Against Invasion, 90 FR 8443, 8446 (Jan. 29, 2025).

[64] *See* 90 FR 8451, 8451 (Jan. 31, 2025).

[65] Proclamation 10949 (June 4, 2025), 90 FR 24497–98 (June 10, 2025).

[66] DHS, Immigration and Customs Enforcement, *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 (proposed Aug. 28, 2025).

mission of DHS and poses a threat to the safety and security of the American people.[67] DHS believes that this concern outweighs concerns about potential backlogs and operational challenges that may result in temporary lapses of employment authorization and/or EAD validity.

As DHS stated in the IFR, it is the policy of the Administration ''to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people.'' [68] Pursuant to this policy, the Secretary of Homeland Security, in collaboration with the Secretary of State and the Attorney General, has been directed to ''rescind the policy decisions of the previous administration that led to the increased or continued presence of illegal aliens in the United States, and align any and all departmental activities with the policies set out by this order and the immigration laws'' including by ''ensuring that the parole authority under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) is exercised on only a case-by-case basis in accordance with the plain language of the statute'' and by ''ensuring that designations of TPS are consistent with the provisions of section 244 of the INA (8 U.S.C. 1254a), and that such designations are appropriately limited in scope and made for only so long as may be necessary to fulfill the textual requirements of that statute.'' [69]

DHS has already taken a number of actions in support of the directives described in the preceding paragraph.[70] Thus, in addition to the serious concerns relating to automatic EAD extensions discussed previously, DHS is taking steps independent of this rule, including narrowing the use of parole and to align TPS designations with statutory criteria, that are likely to result in lower EAD filing volumes and improve renewal EAD application processing times.

With respect to the comment about the impact of other DHS rules that could impact the adjudication workload on USCIS and thus, the processing timeframe of EAD renewals: DHS published a final rule eliminating duration of status (D/S) on July 17, 2026.[71] DHS agrees with commenters that there will be an increase in the filing volume of Forms I–539, Application for Extension of Stay/Change of Status, received by USCIS following September 15, 2026, the effective date of the final rule as those nonimmigrants who are required to file such forms begin to do so. The transition period described in 8 CFR 214.1(m), however, provides for a 4-year transition period for F and J nonimmigrants currently in the United States for D/S to gradually shift to a fixed admission period.[72] As explained in the final rule, these F and J nonimmigrants will continue to remain admitted for D/S until they depart, or until the program end date specified on designated forms or 4 years after the effective date of the rule, whichever comes first.[73] This would allow time for DHS to shift resources as needed to ensure that the larger, increased volumes are integrated into existing workflows. USCIS will continue to monitor its resource allocations and adjust as appropriate.

On December 4, 2025, USCIS changed the validity periods for certain other EAD categories, including C08s, to enhance its screening and vetting efforts.[74] Therefore, C08 applicants now must seek renewal of their EAD more often than under the previous 5-year EAD validity period. DHS, however, cannot accurately predict whether this policy change will adversely affect EAD renewal processing times, as a likely increase in EAD renewals could be offset by other recent or future policy changes. For example, on February 23, 2026, DHS published an NPRM proposing to modify filing and eligibility requirements for aliens with a pending asylum application requesting employment authorization and an employment authorization document (EAD). *See* 91 FR 8616 (Feb. 23, 2026). As of the publication of this final rule, the NPRM has not been finalized. If finalized as proposed, changes to eligibility for C08 employment authorization could significantly reduce the number of initial C08 applications and, by extension, the longer-term number of renewal applications.

ii. Processing Timelines

Comment: One commenter asserted that early filing routinely leads to rejections or denials, and that filing fees are not returned to the applicant if they are rejected for early filing. Another commenter reasoned that since USCIS' policy only allows service inquiries after 365 days, this would limit employer and employee's options for addressing delays.

Response: Although USCIS generally recommends that applicants not file to renew their EAD more than 180 days before the expiration of their current EAD, USCIS will not reject or deny an otherwise eligible Form I–765 renewal solely because it was filed sooner. The USCIS Contact Center is an available resource and provides specific customer service options, including how to obtain assistance if a case is rejected or denied.[75] Further, USCIS does not have a set rule that applicants must wait 365 days to submit a service inquiry. Rather, USCIS posts processing times on its Case Processing Times web page, which includes a tool to help determine whether an applicant can request an update on their case. Depending on the applicant's receipt date and other factors, USCIS provides an estimated date for when a case inquiry may be submitted or a link to submit a case inquiry.[76]

DHS recognizes that an alien who is authorized employment incident to their status may still wish to obtain an EAD. Aliens who are authorized employment incident to status will continue to have the choice to file Form I–765 to obtain an EAD as proof of identity and employment authorization. DHS also recognizes that, in the absence of automatic extensions, some aliens may experience temporary lapses in employment authorization and/or EAD validity if their renewal applications are not adjudicated before their current EADs expire. However, DHS maintains that the security risks associated with automatically extending employment authorization and/or EADs without updated vetting and adjudication outweigh the benefits of using automatic

[67] *See, e.g.,* Conference Report to accompany H.R. 4567 [Report 108–774], ''Making Appropriations for the Department of Homeland Security for the Fiscal Year Ending September 30, 2005,'' p. 74 (Oct. 9, 2004), *https://www.gpo.gov/fdsys/pkg/CRPT-108hrpt774/pdf/CRPT-108hrpt774.pdf* (recommending, among other things, the creation of an organization to conduct ''law enforcement/background checks on every applicant, beneficiary, and petitioner prior to granting immigration benefits.'').

[68] *See* 90 FR 8443, 8446.

[69] *See* 90 FR 8443, 8446.

[70] *See, e.g., Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans,* 90 FR 13611 (Mar. 25, 2025); *Termination of the October 3, 2023 Designation of Venezuela for Temporary Protected Status,* 90 FR 9040 (Feb. 5, 2025); *Special Immigrant Juvenile Classification and Deferred Action,* USCIS Policy Alert (June 6, 2025) *https://www.uscis.gov/sites/default/files/document/policymanual-updates/20250606-SIJDeferredAction.pdf* (last visited June 13, 2025).

[71] *See* 91 FR 44976.

[72] *See* 91 FR 44976 (discussing 8 CFR 214.1(m)(1)).

[73] *See* 91 FR 44976, 45017.

[74] *See* DHS, USCIS, Policy Alert, Subject: Updating Certain Employment Authorization Document Validity Periods (December 4, 2025), *https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20251204-EmploymentAuthorizationValidity.pdf.*

[75] *See* USCIS, *Contact Us* (last visited Feb. 3, 2026), *https://www.uscis.gov/about-us/contact-us.*

[76] *See Frequently Asked Questions About Processing Times,* USCIS, *https://egov.uscis.gov/processing-times/processing-times-faqs* (last visited Mar. 23, 2026).

extensions to ensure that aliens have uninterrupted employment authorization and/or EADs. While DHS cannot guarantee that every renewal will be adjudicated before the existing EAD expires, DHS believes that proper planning by applicants, combined with reduced filing volumes and ongoing operational improvements, may lessen the likelihood and duration of lapses.

iii. Procedural Fairness

Comment: Many commenters expressed concerns about the procedural fairness of applicants losing work authorization due to USCIS processing times. Specifically, some commenters said that the IFR would punish people who are following the law, complying with immigration procedures, or, more generally, ''have done everything right,'' losing status through ''no fault of their own.'' Likewise, several commenters remarked that the current automatic extension policy helps prevent nonimmigrants from being punished for delays beyond their control. A few commenters said that removing automatic extensions without addressing processing delays would be unjust.

A few other commenters remarked that the IFR would contradict administrative equity or fairness. Other commenters said that the rule would contradict DHS's own acknowledgement that interruptions in work authorization cause ''substantial and unnecessary harm.'' A couple of commenters said that the rule would penalize law abiding applicants due to an extreme individual case.

Response: DHS recognizes that many renewal applicants diligently comply with filing requirements and that delays in adjudication may not be within their control. DHS also acknowledges that prior rulemakings, including the 2016 and 2024 rules, sought to mitigate the impact of processing delays on workers and employers by providing automatic extensions of employment authorization and/or EADs.

However, as explained in the IFR, DHS has reassessed the balance between continuity of employment authorization and the need to ensure that immigration benefits are granted only after appropriate vetting and eligibility determinations. There is no statutory entitlement to an automatic extension of employment authorization. Employment authorization in the relevant categories is generally discretionary and time-limited, and renewal requires a new adjudication. The IFR and this final rule do not deny renewal to eligible applicants; they simply require that continued employment authorization be based on an approved renewal application rather than on the mere filing of that application.

DHS has determined that granting automatic extensions without updated vetting and adjudication is inconsistent with its mission and with E.O.s directing DHS to ensure that employment authorization is not provided to unauthorized aliens and that all aliens in the United States are vetted and screened to the maximum degree possible. While DHS is mindful of the hardships that may arise from temporary lapses in employment authorization, the need to protect national security and public safety, and to enhance the integrity of immigration benefits, justifies discontinuing automatic extensions.

iv. General or Mixed Feedback on USCIS Processing

Comment: Several commenters asked questions about USCIS operational metrics, processing times, use of RFEs, and remedial actions for applicants who lose their jobs due to adjudication delays. A commenter agreed that a 540-day extension was too long because there should be thorough vetting before granting EADs and/or employment authorization.

Response: DHS acknowledges commenters' questions about the rule's impact. As discussed in the IFR and earlier in this preamble, the department has taken measures to address policies that resulted in the historic spike in EAD applications received during the previous administration. DHS anticipates a substantial decrease in both initial and renewal filings for EADs,[77] which would allow for a reduction in processing times for renewal EADs.

USCIS has the discretion to deny benefit requests for lack of required initial evidence or for ineligibility, or to request that additional evidence is submitted within a specified period of time.[78] The benefit requestor bears the burden of proof for establishing eligibility.[79] A request for evidence (RFE), though it may add time to the adjudication of an application, is an opportunity for the applicant to provide additional evidence to USCIS in support of their application.

DHS will not be implementing remedial actions in case an alien's employment authorization lapses. DHS believes that careful planning by applicants includes filing early, rather than close to the expiration of the EAD, and ensuring that all evidence needed for USCIS to determine eligibility has been submitted with the application at the time of filing, may help to reduce the risk of a potential lapse in employment authorization. While proper planning might not avoid a temporary lapse in employment authorization and/or documentation in all cases, it should help to reduce the potential of a lapse and shorten the duration if a lapse were to occur. DHS also notes that an applicant may request that USCIS expedite the adjudication of an application that is under USCIS jurisdiction.[80] USCIS considers all expedite requests on a case-by-case basis and generally requires documentation to support such requests.[81] The decision to expedite is within the sole discretion of USCIS.[82] Expediting a case generally means that USCIS would adjudicate a benefit ahead of others, including those who may have filed earlier, so USCIS carefully weighs the urgency and merit of each expedite request.[83]

Finally, DHS agrees with commenters' belief that the previous 540-day automatic extension was too long, as demonstrated by this rule's finalization of the IFR's removal of the automatic extension process.

5. Combined Impacts on Individuals, Employers, the Economy, and Specific EAD Categories

i. Impacts on Aliens, Families, and Communities

a. General Hardship, Fairness, Educational Disruptions, and Family Impacts

Comment: Many commenters expressed concerns that the IFR would cause lapses in valid work authorization, causing job loss or interruptions of work, while undermining aliens' financial stability.

Commenters expressed that lapses in work authorization lead to job loss, income loss, housing/food insecurity, loss of health coverage, strain on community resources, educational disruption, and harm to families and children, and that this is unfair to individuals who have complied with all requirements. Many commenters expressed general concerns about the consequences of lost wages due to gaps in employment authorization. For example, commenters shared that lost wages could lead to housing and food

[77] *See* 90 FR 48814, footnote 157.

[78] *See* 8 CFR 103.2(b)(8)(ii).

[79] *See* INA sec. 291, 8 U.S.C 1361.

[80] *See* USCIS, Expedite Requests (last updated Sep. 8, 2026), *https://www.uscis.gov/forms/filing-guidance/expedite-requests.*

[81] *See id.*

[82] *See id.*

[83] *See id.*

insecurity for nonimmigrants. Several commenters wrote that a lapse in employment could make nonimmigrants face the threat of eviction and other commenters shared concerns about increased risk of homelessness. Commenters remarked that many nonimmigrants may not have families or friends to lean on for temporary shelter, making this group particularly vulnerable to income shortages. One commenter remarked that in the current job market, it would be extremely difficult for them to find another job if they were to lose employment due to a lapse in work authorization.

Several commenters expressed concern about the negative impact that the IFR would have on families. Some commenters said that employment lapses would result in financial insecurity for households. Some commenters specifically expressed concern that the IFR would cause significant financial hardship for families, including those who depend on dual incomes to meet basic needs such as mortgage payments, rent, childcare, healthcare, food, transportation, and other living expenses. A commenter said that the IFR could force family separation. A commenter remarked that a lapse in employment authorization would affect nonimmigrants' ability to travel and visit or take care of sick family members. Another commenter wrote that work authorization gaps would disproportionately affect households where women care for children, elders, and disabled family members.

Several commenters expressed concern regarding the IFR's specific impact on children. For example, commenters shared that employment gaps would hinder their ability to provide care for their special needs children. A commenter remarked that families that continually face unmet needs endure stress that can impact the long-term health and development of children. Similarly, another commenter wrote that if household income is interrupted, children could lose their access to stable food, shelter, healthcare, and education ''overnight.'' The commenter reasoned that, as a result, children whose parents lack stable work authorization are more likely to suffer from poor overall health, and have a greater likelihood of hospitalization, school absenteeism, and disciplinary issues. Commenters remarked that food insecurity from disrupted wages would contribute to conditions such as hypertension and diabetes and said that children from poor families are four times as likely to be in ''less than very good health'' than children from wealthier families. Another commenter similarly remarked that they anticipate U.S. citizen children with an immigrant parent to be particularly impacted by the IFR.

A few commenters said that the IFR poses humanitarian difficulties and challenges aliens' rights to pursue dignified work, as well as the American Dream. Other commenters said that the IFR is inhumane and erodes trust in the immigration system, while others stated it sends the message that working aliens are dispensable.

One commenter stated that many EAD applicants are victims of disasters abroad and do not need to face further hardship. Similarly, multiple commenters stated that aliens come to the United States fleeing conflict or persecution and described automatic work authorization as ''a lifeline.'' Another commenter described the IFR's removal of automatic extensions of EAD validity periods as an unlawful form of coercion, stating that it will make life in the United States unbearable for aliens. A few commenters expressed concerns about the IFR causing potential discrimination in the hiring process. For example, a couple of commenters expressed concern that employers would not hire employees who are dependent on work authorization, due to potential disruptions from processing delays. One commenter remarked that the automatic extension policy helps level the hiring playing field against potential discrimination.

A couple of commenters remarked that many nonimmigrant families live on modest wages and may not have enough saved up to supplement a gap in income. One commenter added that, since asylum seekers are not eligible for federal benefits, this group would be left particularly vulnerable.

Some commenters also expressed concerns that nonimmigrants would lose benefits such as unemployment insurance and employer sponsored health coverage during employment authorization gaps. One commenter said that many nonimmigrants rely on EADs to demonstrate their eligibility to purchase healthcare on the Healthcare Marketplace. Multiple commenters added that, without health care coverage, aliens may be more likely to avoid treating health conditions and seeking preventive services. Commenters remarked that this would consequently increase use of emergency rooms and urgent care and expose nonimmigrant populations to medical debt. Additional commenters remarked that the 2025 tax and budget law, Public Law 119–21, also known as the ''One Big Beautiful Bill Act,'' will further limit health coverage for aliens, and expressed concern for resulting health outcomes, citing several articles which demonstrated correlation between one's ability to afford health insurance and their health outcomes. One commenter also remarked that some medical insurance plans require minor children to have an unexpired EAD for coverage.

Many commenters expressed concerns about the impact that the IFR would have on public resources. Commenters reasoned that loss of income would have to be supplemented by increased reliance on public assistance programs, charity, and other community or humanitarian services. For example, commenters said that the IFR would increase demand for services like food pantries, emergency shelters, clothing or donation centers, and community health centers. A few commenters remarked that these resources are already strained, particularly after having absorbed the spillover from shrinking federal assistance programs. One commenter remarked that cities in Maine are already exceeding their general assistance funds and cannot afford additional strain on resources. The commenter added that alien workers fill vital roles at social service agencies, working as translators, interpreters, case managers, and cultural brokers. The commenter reasoned that loss of these workers would exacerbate the strain on these agencies, predicting that if the alien workers face a lapse in EAD validity, they may then turn to the social service agency for help. The commenter added that local support services such as food banks have already seen an uptick in demand over the past year.

Several commenters expressed concern that nonprofit legal providers would see an overwhelming increase in demand for services. Similarly, some commenters said that crisis-driven requests require timely responses and cannot be integrated into existing caseloads without sacrificing key legal services, and that shouldering more of these cases would cause stress to their organization and divert attention away from humanitarian case preparation.

Response: DHS recognizes that lapses in employment authorization can create real hardship for affected aliens, their families, their employers and the communities in which they live. Commenters described risks such as job loss, reduced income, housing and food insecurity, loss of health coverage, strain on community resources, educational disruption, and negative impacts on children and family stability, particularly for households

relying on dual incomes or modest wages. DHS is also mindful of other disruptions that a temporary lapse in employment authorization of an alien may bring, including for those who may rely on an automatic extension to obtain REAL ID-compliant driver's licenses and other forms of identification.

DHS considered these concerns before issuing the IFR [84] and again in finalizing this rule. However, DHS has concluded that the need to ensure proper vetting and screening, and continued eligibility, before granting renewed employment authorization and issuing secure evidence of that authorization outweighs the risk that some applicants might experience a temporary lapse in employment authorization and/or EAD validity. DHS also determined that extending this benefit without updated adjudication and screening is inconsistent with its mission and with E.O.s [85] directing DHS to ensure that employment authorization is not provided to unauthorized aliens and that aliens in the United States are vetted and screened to the maximum degree possible.

Nevertheless, DHS emphasizes that this rule does not eliminate eligibility for employment authorization or prevent eligible aliens from obtaining initial or renewal EADs. Rather, it ends the practice of automatically extending employment authorization and/or EAD validity for up to 540 days based solely on the filing of a renewal application, without completion of adjudicative review and related vetting, including resolution of any derogatory information. Continued employment authorization will now depend on USCIS' approval of a renewal application, after USCIS has determined that the alien continues to be eligible and continues to merit a favorable exercise of discretion, if applicable.

This rule also does not change underlying eligibility standards for immigration benefits, public benefits, or educational programs, and it does not restrict aliens from seeking assistance for which they are otherwise eligible under Federal or State law. Certain categories of aliens, such as refugees and asylees, remain ''qualified aliens'' for specified public benefits under existing statutes, and those authorities are unchanged by this rule. Likewise, this rule does not alter the ability of States, localities, or private organizations to provide charitable or humanitarian assistance.

DHS also notes that, independent of this rule, it has taken steps to reduce the extraordinary EAD filing volumes driven by prior policies, including narrowing the use of parole and aligning TPS designations with statutory criteria. DHS expects that overall EAD filing rates (initial and renewal) will substantially decline because of those actions, freeing adjudicative resources to reduce renewal EAD application processing times. For example, initial and renewal EAD applications for the largest EAD categories that were formerly eligible for automatic extensions have significantly reduced since the start of 2025. *See* Table 1 in Section IV.C.2.i.d. of this preamble.

Accordingly, the decreased EAD filing rates support the point made in the IFR that any claims about an increase in the number and duration of employment authorization and/or EAD lapses are speculative and outweighed by the harm posed by automatic extensions.

USCIS also publishes current case processing time information on its website.[86] Proper planning by applicants, such as monitoring EAD expiration dates, consulting posted processing times, and filing renewal applications as soon as permitted by regulation and form instructions, can further mitigate the risk and duration of any lapses in employment authorization.

Overall, DHS recognizes the seriousness of the hardships described by commenters but concludes that, on balance, the national security, public safety, and benefit integrity interests served by ending automatic EAD extensions outweigh the potential adverse impacts associated with temporary lapses in employment authorization and/or EAD validity.

b. Mental Health and Vulnerability, Including Risk of Exploitation

Comment: Commenters asserted that employment gaps due to the lack of automatic extensions and processing delays will exacerbate stress, trauma, and anxiety, and may push some aliens into unauthorized or exploitative employment or unsafe living conditions.

Multiple commenters remarked that the IFR would instill fear, stress, depression, and anxiety, among other mental health concerns. One commenter asserted that some of the immigrant population is already experiencing significant levels of trauma and stress from immigration enforcement activity, and that the IFR would only exacerbate such feelings.

Many commenters shared concerns about nonimmigrants' increased level of vulnerability to exploitation by employers and landlords, as well as human trafficking, sexual harm, and abuse owing to the IFR's elimination of automatic extensions. For example, multiple commenters said that loss of employment authorization makes nonimmigrants vulnerable to exploitative working conditions. Some commenters remarked that if aliens lose their ability to work legally, they may seek under the table work or unlawful employment. Commenters warned that this leaves such individuals vulnerable to exploitation, explaining that these jobs often have lower wages, minimal labor protections, and abusive conditions which they may be afraid to report due to unlawful status. They also indicated that 84.9 percent of unauthorized immigrants reported not being paid time and a half for overtime labor, and 37.1 percent reported being victims of minimum wage violations. The commenter added that many employers of unauthorized workers do not carry workers compensation insurance, meaning that employees may be responsible for covering their own medical costs in the case of work-related injury. The commenter added that since USCIS recently ended a program that protected whistleblowers, unauthorized employees are now less likely to report various types of abuse. A different commenter added that forcing applicants into unlawful employment may also impact their eligibility for future immigration benefits, putting them in a long-term position of vulnerability.

Response: DHS recognizes that uncertainty about employment authorization and potential lapses in income can contribute to stress, anxiety, and other mental health challenges, particularly for individuals who may already have experienced trauma or instability. DHS also recognizes that economic insecurity and lack of lawful employment opportunities can increase vulnerability to exploitation by unscrupulous employers, landlords, or others, and may heighten risks of trafficking, abuse, or other harm.

The IFR and this final rule do not deny eligible aliens access to employment authorization or to the underlying immigration benefits for which they qualify. Rather the IFR, affirmed by this final rule, removes only the automatic extension mechanism that previously allowed aliens to remain employment authorized for up to 540

[84] *See* 90 FR 48799, 48809 (Oct. 30, 2025).

[85] *See* E.O. 14159, Protecting the American People Against Invasion (Jan. 20, 2025), 90 FR 8443, 8446 (Jan. 29, 2025) and E.O. 14161, Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats (Jan. 20, 2025), 90 FR 8451, 8451 (Jan. 30, 2025).

[86] *See* USCIS, Case Processing Times, *https://egov.uscis.gov/processing-times/more-info* (last visited Apr. 22, 2026).

days based solely on a pending renewal application, without completion of updated vetting and adjudication. As described throughout this preamble, DHS has determined that such automatic extensions present an unacceptable security and program integrity risk because they confer significant benefits before USCIS has completed vetting and screening, resolved any derogatory information, determined continued eligibility and that the applicant merits a favorable exercise of discretion, if applicable.

DHS cannot structure its regulatory framework on the assumption that aliens and/or employers will respond to temporary lapses in employment authorization by engaging in unauthorized employment or other unlawful conduct. The INA prohibits the knowing employment of unauthorized aliens and establishes consequences for both employers and aliens who violate those provisions. While DHS recognizes that some aliens may face difficult choices if a lapse occurs, DHS does not condone unauthorized employment or believe that it is an appropriate response to a temporary lapse in employment authorization.

DHS shares commenters' concerns about exploitation and abuse. DHS, including through components such as ICE and USCIS' fraud detection and victim protection programs, will continue to enforce laws related to human trafficking, forced labor, and other forms of exploitation, and to coordinate with the Department of Labor and other agencies on enforcement. Existing protections for victims of trafficking, crime, and abuse (including T and U nonimmigrant classifications and VAWA) are unaffected by this rule. Nothing in this rule diminishes DHS's commitment to identify and assist victims or to support the investigation and prosecution of traffickers and other offenders.

DHS recognizes that some aliens may experience heightened stress or vulnerability if their employment authorization temporarily lapses. However, DHS has concluded that the need to ensure that employment authorization is extended only after appropriate vetting and adjudication, consistent with current national security and public safety priorities, justifies ending automatic extensions. DHS also expects that reductions in overall EAD filing volumes may help limit the frequency and length of lapses and that timely filing and planning by applicants can further reduce uncertainty. For reduced filing volumes, *see* Table 1 in Section IV.C.2.i.d. of this preamble.

c. Identification, Driver's Licenses, and Access to Services

Comment: Several commenters expressed concerns that lapses in employment authorization and the associated use of employment authorization documents would hinder nonimmigrants' abilities to obtain or renew their driver's licenses, open and access bank accounts, obtain or renew health insurance, enroll in educational programs and training, and interact with law enforcement. Commenters remarked that lack of a driver's license could interfere with critical daily activities for nonimmigrants, such as taking children to school, commuting to work, or attending doctors' appointments or immigration hearings. A few commenters shared that in many cases, nonimmigrants require driver's licenses to perform their job duties and that, without a valid driver's license, nonimmigrants may be pushed to drive without a license, compromising road safety.

Response: DHS acknowledges that EADs are commonly used by aliens as identity and, in some contexts, status documents for State-issued driver's licenses and identification cards, financial services, and other purposes. Under the prior automatic extension framework, an EAD that was facially expired could be treated as unexpired for certain purposes if accompanied by a Form I–797C receipt notice, including obtaining a driver's license. As explained in the IFR, DHS determined that continuing that practice and the use of automatically extended EADs is no longer appropriate.

This rule does not change State authority to determine which documents are acceptable for issuance of driver's licenses or other State identification, nor does it amend the Department's REAL ID regulations for issuance of driver's licenses or identification cards acceptable for federal official purposes defined in the REAL ID Act. It does, however, make clear that, for renewal applications filed on or after October 30, 2025, a pending Form I–765 and associated receipt notice will no longer operate to automatically extend EAD validity under DHS regulations. An EAD that is facially expired will not be treated as unexpired for employment or immigration purposes unless it qualifies for an automatic extension under 8 CFR 274a.13(d) based on a renewal application filed before October 30, 2025, or is otherwise extended by law or an applicable **Federal Register** notice (for example, certain TPS-related documents).

The rule does not prevent eligible aliens from seeking or renewing EADs, nor does it prohibit States or other entities from accepting alternative forms of identification or documentation where permitted by law.

DHS also expects that, as overall EAD filing volumes decline and renewal processing times improve, the risk and duration of lapses will be reduced. USCIS has already seen a decline in filing rates for the main EAD categories that were eligible for automatic extensions. *See* Table 1 in Section IV.C.2.i.d. of this preamble.

DHS concludes that the security and benefit integrity gains from ensuring that EADs used as evidence of identity and work authorization reflect a recent adjudication and completed vetting outweigh the potential risks associated with discontinuing automatic extensions.

ii. Employment, Employers, and Economic Impacts

a. Employer Burdens, Business Continuity, and Sector Specific Concerns

Comment: Multiple commenters argued that loss of automatic extensions will increase Form I–9 compliance complexity, cause turnover and productivity losses, exacerbate existing shortages in health care, education, agriculture, manufacturing, etc., and impose particular burdens on small employers.

Commenters expressed opposition to removing automatic extensions, stating that such a change would cause significant disruption to employers, including operational inefficiencies (loss of productivity and delays), administrative burdens, staffing gaps, human capital costs and retention, civil penalties, and compliance burdens as employees await renewal decisions without work authorization. A few commenters stated that employers could violate Form I–9 compliance rules due to unclear authorization statuses.

Multiple commenters asserted that the IFR would exacerbate existing labor shortages and projected a continued decrease in labor force participation rates through at least 2030, cautioning that the IFR could worsen such shortages by preventing asylum seekers from working during EAD processing and removing vetted workers. One commenter stated that labor shortages would negatively impact the U.S. economy, hinder growth and contribute to inflationary pressures. Another commenter stated that a decline of 2 million immigrant workers between 2019 and 2021 contributed to labor

shortages across sectors, including a labor shortage in the construction industry valued at $10.8 billion, reasoning that the IFR would replicate such labor shortages across every industry. A commenter stated that until public and private sector efforts could fully meet industry demand, the United States would need additional workers to fill jobs left vacant by the domestic workforce, expressing concern that ending the EAD extension could further disrupt workforce stability and business continuity for manufacturers. Many commenters stated that the removal of automatic extensions would negatively impact critical industries and sectors of the U.S. economy that rely on foreign workers, including agriculture, technology, energy, manufacturing, logistics, transportation, hospitality, education, and construction. Several commenters expressed concern about the impact on healthcare and healthcare workers, noting that even a brief lapse in employment authorization disrupts patient care, clinic operations, and community health access. One commenter remarked about how the IFR will adversely affect teaching hospitals and academic health systems that employ EAD workers.

Other commenters expressed concerns that the IFR would undermine labor unions, collective bargaining, and workforce stability by disrupting bargaining units that include immigrant workers with EADs, stating that increased risk of sudden job loss among workers would strain unions' ability to enforce workplace standards, forcing them to devote more resources to protecting vulnerable workers and addressing instability caused by the IFR.

Multiple commenters expressed the importance of automatic extensions for business continuity amid persistent government processing delays and stated that the IFR would impose unnecessary burdens and costs, especially on smaller companies without in-house legal departments. Some commenters stated that the rule would force employers to conduct extensive contingency planning and workforce audits to prepare for potential lapses in work authorization. Specifically, a commenter stated that groups such as asylees, who are authorized to work incident to status, may still be asked to show an EAD to their employer, and further reasoned that the IFR could still cause employer confusion and job loss among these groups. Other commenters stated that eliminating automatic EAD extensions would cause businesses to lose workers and cited to a USCIS analysis establishing that EAD extensions previously saved U.S. employers an estimated $3.5 billion by avoiding labor turnover.

Numerous commenters expressed concern that employers would be forced to terminate employees due to administrative delays in processing EAD renewals. Commenters stated that previous sudden reversals of work permit rules have created confusion for employers and caused them to make rash decisions based on misinformation about changing Federal regulations, leading to erroneous layoffs where workers with valid EADs were dismissed because employers did not understand how to comply with current rules. A commenter said that such impacts would exacerbate the ongoing teacher shortage crisis.

Response: DHS recognizes that some sectors, including healthcare, education, manufacturing, agriculture, hospitality, and technology, and unionized workplaces may be particularly sensitive to interruptions in workforce continuity.

This rule does not change employers' underlying obligations under section 274A of the INA, 8 U.S.C. 1324a, and 8 CFR part 274a to hire only individuals who are authorized to work in the United States, to verify employment eligibility, and to reverify employment authorization when existing documentation expires.

By ending automatic extensions for renewal applications filed on or after October 30, 2025, this rule ensures that employment authorization will be evidenced by a secure, unexpired document issued following adjudication. This reduces the risk that employers will rely on outdated or invalid documentation, and it aligns with DHS's responsibility to ensure that employment authorization and/or an EAD is provided only after USCIS has completed appropriate vetting and determined continued eligibility.

To ensure that workplaces and businesses have a clear understanding of the requirements of the IFR, DHS has updated the Handbook for Employers (M–274) and related guidance to assist employers in understanding these changes and properly completing Form I–9. Employers are responsible for ensuring I–9 compliance for all of their employees, including updates to the I–9 verification process.[87]

DHS acknowledges that, where renewal adjudications are not completed before current EADs expire, some employers may face temporary staffing gaps and associated costs. These can include lost productivity, overtime for remaining staff, recruitment and training for temporary or replacement workers, and internal administrative costs associated with planning, auditing, and compliance. DHS discussed these categories of impacts in the IFR and in the economic analysis accompanying this rule and recognizes there may be negative impacts for some employers.[88] DHS outlined the difficulties in estimating the number of EADs that would lapse in the Section V.B.1. of this preamble. However, in this final rule DHS has made estimates of economic impacts and emphasizes that there is likely to be variation in the impacts, due to factors such as dynamic process times, filing volumes, and filing behavior. For this reason, DHS provides a wide range for the estimates.

DHS has determined that these operational burdens are outweighed by the national security, public safety, and benefit integrity concerns associated with automatic EAD extensions. Automatic EAD extensions allow employment authorization and/or EAD validity to continue for up to 540 days based solely on a pending renewal application, before USCIS has completed updated background checks and adjudication. Considering current security priorities and E.O.s directing enhanced vetting of aliens already present in the United States, DHS has concluded that continued reliance on automatic extensions is not an acceptable means of managing adjudication backlogs.

Independent of this rule, DHS has taken steps expected to reduce initial and renewal EAD filing volumes by narrowing the use of parole and aligning TPS and related policies with statutory text. As discussed previously in response to comments, DHS anticipates that overall EAD filings will decline and that adjudicative capacity can increasingly be focused on timely renewal adjudications.

DHS notes that an applicant may request that USCIS expedite the adjudication of an application that is under USCIS jurisdiction.[89] USCIS considers all expedite requests on a case-by-case basis and generally requires documentation to support such

[87] *See* DHS, USCIS, Handbook for Employers M–274, *5.0 Automatic Extensions of Employment Authorization and/or Employment Authorization Documents (EADs) in Certain Circumstances* (last updated Oct. 30, 2025), *https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/50-automatic-extensions-of-employment-authorization-andor-employment-authorization-documents-eads-in.*

[88] *See* 90 FR 48799, 48817 (Oct. 30, 2025). *See also* Section V of this preamble.

[89] *See* USCIS, Expedite Requests, *https://www.uscis.gov/forms/filing-guidance/expedite-requests* (last updated Sep. 8, 2026).

requests.[90] The decision to expedite is within the sole discretion of USCIS.[91] Expediting a case generally means that USCIS would adjudicate a benefit ahead of others, including those who may have filed earlier, so USCIS carefully weighs the urgency and merit of each expedite request.[92]

DHS recognizes the concerns raised by employers, unions, and industry groups and will continue to monitor implementation and processing times. Nonetheless, DHS concludes that ensuring that renewed employment authorization is granted only after complete vetting and adjudication is necessary to better protect national security and public safety and to enhance the integrity of the employment verification system. Adhering to a system that prioritizes national security, public safety, and benefit integrity outweighs the potential risks and additional burdens that applicants and their employers may face by a potential temporary lapse in employment authorization.

b. Immigrant Contributions to the Economy and Macroeconomic and Local Economic Impacts of the Rule

Comment: Numerous commenters stated that the IFR ignores the vital economic contributions of immigrants, and operational realities that the work authorization is a critical tool to successfully integrate aliens into the United States and contribute to the economy. Commenters also stated that the IFR is disrupting businesses that employ these aliens and thereby losing the economic contribution of immigrants. For example, commenters discussed the positive impacts that asylees and refugees make to the U.S. economy and stated that this population contributed more revenue than they cost in expenditures to the U.S. government. Another commenter said that in 2023, New York State's immigrant population represented about 23 percent of the total population and paid $74.8 billion in taxes, thus demonstrating that immigrants are productive members of the workforce. The commenter also stated that a lapse in employment authorization could mean that they would lose their homes, face hunger, contribute less taxes to state and the federal government or would otherwise become vulnerable (such as incurring negative health effects). Another commenter said that immigrant workers are a key driver of New York City's economy, making up 36 percent of the population; accounting for 37 percent of total wage, salary, and business income; and in 2021, contributed tens to hundreds of billions of dollars in taxes and spending to the city and state. An additional commenter identified in-migration of workers, including asylum seekers and other immigrants, as one of the few positive trends offsetting the rapid exit of older workers and emphasized that many economic development strategies depend on immigrants' continuous access to work authorization. Other commenters highlighted potential impacts on the economy, pointing out that asylum seekers and refugees work in sectors that face shortages and pay billions in taxes, and that immigrants will add $7 trillion to the economy over the next decade.

Commenters raised concerns about the macroeconomic impacts of eliminating automatic extensions of EADs, such as undermining U.S. economic competitiveness, innovation capacity, and national interests by forcing workers into temporary unemployment. Other commenters predicted that the IFR would lead to negative economic impacts, including reduced tax revenue, costs to taxpayers, supply chain disruptions, reduced consumer spending, the risk of a recession, and job losses. Some commenters expressed general concern that the IFR will reduce economic productivity and destabilize the workforce and the economy, considering that one in five U.S. workers is an immigrant who relies on EADs.

Commenters said that the IFR would significantly increase States' healthcare costs by driving up the uninsured rate among immigrants, who already face limited access to Medicaid and Affordable Care Act coverage. The commenters remarked that with lapses in work authorization eliminating employer-sponsored insurance, States could bear nearly $280 billion in uncompensated care costs. The commenters also stated that the IFR would adversely impact the States' ability to enforce their laws, reasoning that legal workers with lapses in work authorization would increasingly enter the underground economy and become less likely to report labor and civil rights violations and discussed how this would interfere with the States' ability to enforce their labor and civil rights laws, because effective enforcement relies on employees' ability and willingness to report violations.

A commenter said the IFR would have significant negative consequences on the federal budget and federal agencies such as the Internal Revenue Service (IRS) and Department of Labor (DOL) because the IFR would reduce the amount of taxable income reported to the IRS when applicants face prolonged lapses in employment authorization, diminishing federal revenue and complicating federal fiscal projections. The commenter further asserted that cutting off work authorization for aliens awaiting renewal would push thousands of workers into unauthorized employment or out of the workforce entirely and consequently increase DOL's investigatory burdens.

Furthermore, commenters highlighted a range of potential negative impacts on the local and state economy, such as disrupting the workforce and hindering an alien's ability to maintain consistent employment, which, in turn, could directly affect essential community services, including infrastructure projects, healthcare, and public safety. A commenter highlighted that immigrants play a major role in entrepreneurship. Another commenter remarked that Maine stands to lose an economic boom they are currently experiencing if immigrant workers lose work authorization.

While expressing concerns about the impacts the IFR's regulatory changes would have on the economy, multiple commenters requested a return to previous practices allowing automatic extension of EAD validity periods.

Response: DHS agrees that immigrants, including aliens who were eligible for the automatic extension of their employment authorization and/or EAD for up to 540 days, make important contributions to the national and local economies through their labor, entrepreneurship, tax payments, and consumer spending; and that continuity of lawful employment can benefit workers, employers, and communities. DHS also acknowledges the many cited studies, data points, and experiences to support their claims about these contributions.

As the commenters noted, prior DHS rulemakings, including the 2022 and 2024 temporary final rules and the 2024 final rule, emphasized the economic and operational benefits of automatic extensions as a tool to mitigate the effects of EAD processing delays. Those rules estimated that automatic extensions could reduce wage losses for affected workers, avoid turnover costs for employers, and maintain tax contributions that might otherwise be impacted by lapses in employment authorization. In adopting those measures, DHS gave significant weight to the economic and labor market

[90] *See id.*

[91] *See id.*

[92] *See id.*

advantages of continuity of employment.

The IFR and this final rule in contrast reflect a reassessment of that policy and how to balance those economic considerations against DHS's core responsibilities for national security, public safety, and benefit integrity. DHS has determined that continued use of automatic extensions, which allow employment authorization and the related use of secure documentation to continue for up to 540 days based solely on the filing of a renewal application, before USCIS has completed updated vetting, resolved any derogatory information, and determined that the alien remains eligible and continues to merit a favorable exercise of discretion, if applicable, is not consistent with DHS's current policy priorities reflected in, among others, E.O. 14159 [93] and 14161.[94] Those E.O.s direct DHS to vet and screen aliens already present in the United States to the maximum degree possible, to ensure that employment authorization is not provided to unauthorized aliens, and to identify all resources that may be used to ensure that all aliens who are already in the United States, are vetted and screened to the maximum degree possible.

Accordingly, ending the practice of providing automatic extension of employment authorization documents enhances the benefit integrity in adjudications of employment authorization requests and better protects public safety and national security by ensuring that aliens are properly vetted and determined to continue to be eligible (and merit a favorable exercise of discretion, if applicable) for employment authorization before such authorization is provided to the alien. DHS emphasizes that it is charged with combating unauthorized employment in accordance with section 274A of the Act, 8 U.S.C. 1324a, which Congress implemented, among other reasons, because of the detrimental negative effect that unauthorized employment and illegal immigration has on the United States and the economy.[95] In light of these directives, DHS is now placing greater weight on security and benefit integrity considerations.

DHS recognizes that ending automatic extensions may result in temporary lapses in employment authorization and/or EAD validity for some renewal applicants if the adjudication of their renewal EAD application is not completed before their current EAD expires. Those lapses can lead to lost wages for affected workers, lost output and turnover costs for employers, and associated reductions in payroll and income tax contributions for the duration of the lapse. DHS also acknowledges that such impacts may be more pronounced in certain localities, sectors, or communities where EAD holders represent a substantial share of the workforce, and that employers and governments may face transitional challenges as they adjust to this change.

While DHS faces uncertainty in projecting the size of any future affected population and the magnitude of resulting macroeconomic impacts, under several assumptions DHS has estimated the impacted population and cost-impacts for a specific window of time. As explained in the IFR and earlier in this preamble, EAD processing times have fluctuated over recent years due to changes in application volumes, programmatic policies, resource levels, and court orders. DHS has also undertaken significant policy changes, such as narrowing the use of parole and better aligning TPS and related programs with statutory criteria, that are expected to materially reduce initial and renewal EAD filings over time. Given this evolving environment, DHS estimates of the number of renewal applicants who might experience lapses in the absence of automatic extensions population, and the resultant impact estimates, likely face significant variation. For this reason, we clearly articulate the assumptions and inputs relied upon to make the estimates and provide ranges for them.

With respect to commenters' concerns about reduced tax revenues and increased uncompensated care, DHS acknowledges that lower earned income during periods when some workers are not employed could reduce certain tax payments and contributions toward employer-sponsored health coverage for those individuals. At the same time, total tax receipts and healthcare costs depend on numerous factors across the broader economy, and DHS cannot attribute or forecast such aggregate effects with sufficient precision to support a quantitative estimate specific to this rule.

DHS also does not agree that ending automatic extensions will necessitate or require a shift of large numbers of workers into unauthorized employment.[96] While DHS acknowledges that unauthorized work can create an underground labor market where exploitation is more likely and enforcement more difficult, this rule does not require or condone unauthorized employment. The INA prohibits the knowing employment of unauthorized aliens and establishes consequences for both employers and aliens who engage in such conduct. *See* INA sec. 274A, 8 U.S.C. 1324a; 8 CFR part 274a. DHS will continue to enforce those provisions, as well as coordinate with the Department of Labor and other agencies on labor-rights enforcement and protection of workers, regardless of immigration status. Nothing in this rule alters existing worker-protection authorities or the ability of Federal, State, or local entities to investigate and remedy labor law violations.

DHS further notes that this rule does not change underlying eligibility criteria for employment authorization or prevent renewal applicants from obtaining employment authorization and/or an EAD. Eligible aliens remain able to apply for and receive renewed EADs, and, once those renewals are approved, continue contributing economically through lawful employment. DHS expects that other policy changes that DHS has made will reduce EAD filing volumes, and when combined with ongoing process improvements and careful resource allocation within USCIS, will lessen the frequency and duration of any future lapses in employment authorization and/or EADs.[97] DHS has seen falling

[93] *See* Executive Order 14159 ''Protecting the American People Against Invasion,'' 90 FR 8443 (Jan. 29, 2025)

[94] *See* Executive Order 14161, ''Protecting the United States from Terrorist and Other National Security and Public Safety Threats,'' 90 FR 8451 (Jan. 31, 2025). *See also* Presidential Proclamation 10949, ''Restricting the Entry of Foreign Nationals To Protect the United States From Foreign Terrorists and Other National Security and Public Safety Threats,'' 90 FR 24497 (June 10, 2025).

[95] Section 274A of the Act, 8 U.S.C. 1324a was codified as part of the Immigration Reform and Control Act of 1986, Public Law 99–603, for the purpose of controlling illegal immigration to the United States by, among other things, establishing penalties for employers who knowingly hire undocumented aliens, and prohibit the employment of aliens who are unauthorized to work in the United States either because they entered the country illegally or are in an immigration status which does not permit employment. *See* H.R. REP. 99–682, 46, 1986 U.S.C.C.A.N. 5649, 5649–5650. The legislative history reflects that Congress considered, among other things, evidence of prior studies demonstrating the adverse impact of illegal immigration that warranted legislation to protect U.S. labor and the economy. *See, e.g.,* H.R. REP. 99–682, 46–52, 1986 U.S.C.C.A.N. 5649, 5649–5656.

[96] The final rule making the up to 540-day automatic extension period permanent was based on speculative assumptions given the operational realities at USCIS at the time. *See* 89 FR 101208, 101245 (noting ''the purpose of this final rule is to provide a long-term solution to mitigate the potential for unpredictable circumstances to significantly increase renewal EAD application processing times that would require future urgent action'').

[97] *See* Table 1 in Section IV.C.2.i.d. of this preamble for numbers of I–765 applicants from the

numbers of I–765 applications since October 2025. *See* Table 1 in Section IV.C.2.i.d. of this preamble.

Renewal applicants can further reduce their risk of a temporary lapse in employment authorization by filing as early as permitted under applicable regulations and form instructions, ensuring that their application includes all evidence needed to establish continued eligibility so that processing is not delayed by a Request for Evidence, and by keeping informed of current processing-time information posted by USCIS.[98] Proper planning by applicants, together with anticipated reductions in overall EAD demand, may help mitigate the extent of any temporary disruptions.

As discussed above, DHS believes the public safety, national security and benefit-integrity benefits of eliminating automatic extensions outweigh the potential macroeconomic and local economic costs identified by commenters. Ending the practice of providing automatic extension of employment authorization documents enhances the benefit integrity in adjudications of employment authorization requests and better protects public safety and national security by ensuring that aliens are properly vetted and determined to continue to be eligible (and merit a favorable exercise of discretion, if applicable) for employment authorization before such authorization is provided to the alien.

iii. Relief for Specific Immigration Categories

a. Impact on Refugees, Asylees, Asylum Seekers, Unaccompanied Alien Children (UACs), and Other Humanitarian Categories

Comment: Multiple commenters stated that refugees, asylees, TPS beneficiaries, VAWA self-petitioners, and unaccompanied children will be disproportionately harmed by gaps in work authorization because of their vulnerability, limited access to public benefits, which makes work authorization crucial to their wellbeing, and reliance on work to support themselves, safety, and integration. A commenter indicated that the IFR would not only destabilize the workforce, but would inflict unconscionable distress and cause lasting harm to refugees, asylees (including those with pending claims) and other humanitarian entrants and their families, solely on account of the government's processing delay and the impact of lapses in employment on this population.

Some commenters expressed concern that asylum seekers of specific nationalities including Haitians, Ukrainians, Asian Americans and Pacific Islanders, and Afghans were disproportionally affected by the IFR. Additionally, some of these commenters indicated that these aliens did not enter through an unknown or informal process but known, vetted and humanitarian programs, and are law-abiding and productive individuals that benefited the government and the economy. For that reason—while at the same time acknowledging the Department's interest in benefit integrity, security vetting, and aligning policies with recent executive directives emphasizing enforcement and careful screening, a commenter advocated for a narrow, risk-sensitive approach that preserves the core logic of the interim final rule while avoiding an ''all or nothing'' outcome for the vetted humanitarian population.

Another commenter remarked that the removal of the automatic extension of EADs would have severe consequences for those obtaining status through the Violence Against Women Act (VAWA), in particular Asian American and Pacific Islander women, who are particularly vulnerable to these harms, as work interruptions can force them into unsafe situations or dependence on abusive partners. Others indicated that access to employment authorization offers safety, stability, and a better quality of life for survivors of gender-based violence. One commenter explained that abusers commonly misuse the immigration system, for example, by threatening to withhold, withdraw, or sabotage immigration filings, as a means of control and intimidation, and predicted the rule would exacerbate this problem. This submission called attention to backlogs in adjudicating EAD renewal applications and predicted hardships for survivors and families due to lapses in employment.

A commenter expressed concern that unaccompanied children and youth would be negatively impacted. The commenter said that young protection seekers, even those not yet eligible to work, often rely on EADs as a form of government identification to access essential social services and care such as psychological, education, and housing services. The commenter also said that EADs ''facilitate critical access to jobs and training opportunities for older youth.''

Response: DHS understands that refugees, asylees, asylum applicants, TPS beneficiaries, VAWA self-petitioners, unaccompanied children, and other humanitarian populations may be particularly vulnerable to hardship if they experience lapses in employment authorization and/or EAD validity. As recognized in the IFR for purposes of all applicants, including those in humanitarian programs, DHS is cognizant that a lapse in employment authorization and/or EAD validity may impact individual aliens, and their families. Many applicants in the United States may have fled persecution, violence, or disaster, may have limited access to public benefits, and often rely heavily on employment authorization to support themselves and their families and to integrate into their communities.

This rule does not eliminate access to employment authorization for any of these categories. Refugees and asylees (not including asylum applicants) remain employment authorized incident to their status under 8 CFR 274a.12(a); they may continue to work so long as they maintain that status, regardless of the expiration date on any EAD issued as evidence of that authorization. Similarly, aliens with a pending asylum application may apply for employment authorization in accordance with the regulations provided at 8 CFR part 208 and 8 CFR part 274a. TPS beneficiaries likewise receive employment authorization consistent with section 244 of the Act, 8 U.S.C. 1254a, and its implementing regulations at 8 CFR 244, and TPS-related extensions of documentation may continue to be provided by law or **Federal Register** notice. This rule does not change those underlying eligibility frameworks.

The IFR and this final rule simply end the practice of automatically extending the validity of EADs and, for categories not authorized incident to status, attendant employment authorization based solely on the filing of a renewal application on or after October 30, 2025, except where extensions are provided by law or **Federal Register** notice (such as certain TPS-related documents). DHS has determined that automatic extensions of employment authorization and/or EADs, even for vulnerable populations, present the same underlying concern: they allow continued employment authorization and use of secure documentation for up to 540 days based solely on a pending renewal application, before USCIS has determined continued eligibility and that the applicant merits a favorable exercise of discretion (if applicable) in

largest eligibility categories, the C08 and C09, from January 2025 to June 2026.

[98] USCIS publishes case processing times on *USCIS.gov* that are regularly updated. *See* USCIS, Case Processing Times, *https://egov.uscis.gov/processing-times* (last visited May 8, 2026).

light of any new information, including potential criminal or other derogatory information.

Consistent with Executive Orders [99] and the Department's mission, DHS does not believe that it is reasonable to maintain a separate automatic extension regime for particular categories of applicants, while at the same time addressing this core security and benefit integrity issue. Even a risk-based approach for humanitarian programs, as a commenter suggested, would fail to address the core concern that some aliens could continue employment authorization, and potentially use associated documents to obtain other benefits, without updated vetting and adjudication. The Department has instead chosen a uniform approach that applies the same principle across affected categories.

DHS acknowledges that some asylum applicants and other humanitarian applicants may experience temporary lapses in employment authorization if renewal adjudications are not completed before their current EADs expire. Asylum applicants, in particular, may have limited access to public benefits under existing statutes, and gaps in income may be difficult to absorb. DHS considered these factors but concluded that they did not outweigh the need to ensure that each renewal of employment authorization and/or an EAD is granted only after USCIS has completed appropriate vetting and determined that the applicant continues to be eligible and continues to merit a favorable exercise of discretion, if applicable.

DHS notes that, separate from this rule, asylum and refugee status confers or may lead to eligibility for certain public benefits under existing law, and certain other vulnerable groups may be eligible for specialized support programs.[100] Those frameworks are not altered by this rule.

In addition, DHS has taken steps to reduce incentives for frivolous or non-meritorious filings that might delay adjudications for bona fide humanitarian applicants, thereby seeking to improve processing for those with meritorious claims. For example, in the past four years, USCIS has seen alarming new filing trends, including a 360% overall increase in VAWA self-petition filings.[101] When unqualified aliens misuse the VAWA program, it causes significant processing delays, harming survivors with legitimate claims.[102] On December 22, 2025, USCIS took steps to address these issues by updating guidance in the USCIS Policy Manual to streamline and clarify the expectations of submitted evidence and reduce the need for Requests for Evidence and Notices of Intent to Deny, among other clarifying changes.[103]

With respect to unaccompanied children and youth, this rule does not change any statutory protections or procedural safeguards applicable to that population.[104] To the extent that employment-eligible unaccompanied children and youth seek EADs to participate in job training opportunities for valid employment purposes, they remain eligible to apply and, if approved, to work consistent with existing regulations. The IFR and this final rule do not impact or prevent the use of valid EADs as identity documents; they simply end the practice of automatically extending the validity of employment authorization documents for aliens who have timely filed an application to renew their EAD in certain employment authorization categories filed on or after October 30, 2025.

DHS recognizes the heightened vulnerability of humanitarian populations and will continue to administer those programs consistent with statutory protections and humanitarian objectives. However, DHS concludes that the core principle underlying this rule, namely that renewed employment authorization should not be automatically extended without fully completing the adjudicative review and the related vetting, including resolution of any derogatory information identified during the vetting process—must be applied consistently across affected categories to fulfill DHS's national security, public safety, and benefit integrity responsibilities. As explained in detail in the IFR, granting benefits without fully completing the adjudicative review, which includes proper vetting, is contrary to the statutory mission of DHS and poses a threat to the safety and security of the American people.[105]

b. Impact on Employment-Based Nonimmigrants, Their Dependents, and Employment-Based Green Card Applicants

Comment: Multiple commenters expressed concern about the removal of automatic extensions of EADs for H–4 dependent spouses. Some commenters said that eliminating automatic EAD renewal disproportionately harms women, who make up most H–4 EAD holders. Multiple commenters raised concerns that H–4 nonimmigrants are dependent on their spouses' H–1B status, creating vulnerabilities.

A number of commenters remarked that current processing times for H–4 EAD applications frequently exceed the recommended filing time of 180 days prior to the current EAD's expiration and argued the removal of automatic extensions would result in many aliens losing employment authorization and facing unavoidable work gaps. Commenters said that delays in H–1B processing, from either the Department of Labor or DHS, could adversely affect an H–4 nonimmigrant's status and application for an EAD, complicating timely filing.

Other commenters suggested that removing the automatic extension would significantly reduce the employability of H–4 nonimmigrants and will cause adverse effects including family income and savings disruption, termination of health insurance for spouses and children, possible eviction or inability to meet mortgage obligations, psychological stress and medical hardship, administrative burden on employers managing I–9 reverifications, and work interruptions.

Other commenters said that H–4 EAD holders contribute significantly to the economy through their specialized work and through taxes; have been thoroughly vetted by USCIS; and are actively contributing to their

[99] *See* Executive Order 14159 ''Protecting the American People Against Invasion,'' 90 FR 8443 (Jan. 29, 2025); Executive Order 14161, ''Protecting the United States from Terrorist and Other National Security and Public Safety Threats,'' 90 FR 8451 (Jan. 31, 2025); Presidential Proclamation 10949, ''Restricting the Entry of Foreign Nationals To Protect the United States From Foreign Terrorists and Other National Security and Public Safety Threats,'' 90 FR 24497 (June 10, 2025).

[100] *See, e.g.,* U.S. Department of Health and Human Services, Domestic Violence Fact Sheet (discussing access to HHS funded services for immigrant survivors of domestic violence), *https://www.hhs.gov/civil-rights/for-individuals/special-topics/national-origin/domestic-violence/index.html* (last revised Aug. 22, 2012).

[101] *See* USCIS, USCIS Restores Integrity to the VAWA Domestic Abuse Program After Finding Rampant Fraud, *https://www.uscis.gov/newsroom/alerts/uscis-restores-integrity-to-the-vawa-domestic-abuse-program-after-finding-rampant-fraud* (last updated Dec. 22, 2025).

[102] *Id.*

[103] *See* USCIS, *USCIS Policy Alert: Violence Against Women Act,* PA–2025–33 (last updated Dec. 22, 2025).

[104] *See, e.g.,* William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110–457 (Dec. 23, 2008).

[105] *See, e.g.,* Conference Report to accompany H.R. 4567 [Report 108–774], ''Making Appropriations for the Department of Homeland Security for the Fiscal Year Ending September 30, 2005,'' p. 74 (Oct. 9, 2004), *https://www.gpo.gov/fdsys/pkg/CRPT-108hrpt774/pdf/CRPT-108hrpt774.pdf* (recommending, among other things, the creation of an organization to conduct ''law enforcement/background checks on every applicant, beneficiary, and petitioner prior to granting immigration benefits.'').

communities. The commenters indicated that the lack of a reasonable extension period for a fully vetted and documented population of legal residents is counterproductive to the goals of a stable immigration system. Therefore, one commenter urged DHS to reconsider this IFR, or revert to the previous duration of the automatic extension or extend it to at least 240 days, to align with the current USCIS processing timelines or exempt certain categories like C26 and other legal resident categories who are already vetted multiple times.

Other commenters highlighted the effects of the IFR on business as they are relying on a stable and authorized workforce to meet client commitments, drive innovation, and support U.S. economic growth. This commenter concluded that the IFR would primarily affect H–4 and L–2 dependents whose EAD renewals already face significant processing delays, which in turn disrupts projects, increases administrative burdens and cause significant financial and emotional distress to the employees and their families. Many also believed that they could lose their authorization to work, impacting them and the U.S. citizens they employ. Many urged USCIS to retain the automatic extensions to reduce backlogs and improve adjudication, reduce disruptions to businesses, including small-businesses, and increase America's global competitiveness.

Response: This rule does not change the underlying eligibility of H–4, L–2, or other employment-based dependents to apply for employment authorization and/or EAD. This final rule also does not alter the eligibility of employment-based adjustment applicants to seek EADs while their Form I–485 applications are pending. For nonimmigrants whose employment authorization is incident to status and not necessarily evidenced by an EAD (for example, certain L–2 spouses with appropriate notation on their Form I–94), that authorization continues for so long as the underlying nonimmigrant status remains valid, irrespective of any separate EAD. For those whose employment authorization is granted under 8 CFR 274a.12(c), renewal of that authorization remains discretionary and time limited.

As is the case for all nonimmigrant classifications who were eligible to receive an automatic extension of the validity of employment authorization documents prior to the IFR, this rule eliminates only the practice of providing an automatic extension of the EAD validity and, where applicable, attendant employment authorization based solely on a timely filed renewal EAD application on or after October 30, 2025. DHS acknowledges that, given current and historical processing times for some dependent and employment-based EAD categories, as well as the steps needed to fully adjudicate and vet an application, there may be a risk that USCIS may not complete adjudication of every renewal application before the prior card expires. In such cases, affected dependents and adjustment applicants may experience temporary lapses in employment authorization and associated impacts on income, benefits, and career continuity. Employers may also face disruptions if they are unable to retain those employees pending renewal.

DHS has carefully weighed these impacts against its responsibility to ensure that renewed employment authorization is granted only after USCIS has completed appropriate vetting and determined that the applicant continues to be eligible and merit a favorable exercise of discretion, if applicable. Automatic extensions for H–4, L–2, and employment-based adjustment applicants present the same underlying security and program integrity concerns as automatic extensions for other categories: they allow continued employment authorization and use of facially expired secure documentation for up to 540 days based solely on a pending application, before USCIS has determined continued eligibility in light of any new information, including potential ineligibility for employment authorization or potential criminal or other derogatory information.

For these reasons, DHS declines to preserve automatic extensions of any length for any subset of renewal EAD applicants, including employment-based- dependents or adjustment applicants.[106] Providing carve outs would perpetuate the core concern that some aliens could continue employment authorization, and potentially use associated documents to obtain other benefits, without updated vetting and adjudication. The Department has instead chosen a uniform approach that applies the same principle across affected categories.

DHS notes that many employment-based EADs are linked to other benefit requests (for example, principal nonimmigrant extensions or adjustment applications) and that USCIS is engaged in efforts to streamline and coordinate processing where operationally feasible. USCIS will continue to explore process improvements to further reduce the potential for future backlogs, including the potential for expanded use of premium processing or other tools where authorized by statute, while ensuring that security and integrity are not compromised.

DHS recognizes the important economic and personal contributions of employment-based nonimmigrants, their families, and adjustment applicants, and the disruption that lapses in employment authorization may cause for these aliens, their employers, or to the businesses that these aliens may have opened and operated based on their EAD. Nevertheless, DHS concludes that the need to ensure that renewed employment authorization is extended only after full adjudicative review for continued eligibility (including whether the applicant merits a favorable exercise of discretion, if applicable) and vetting, consistent with current national security and public safety priorities, justifies ending automatic extensions for these categories as well and outweighs the potential impacts of temporary lapses in employment authorization.

6. Clarification Request

Comment: A commenter requested that USCIS confirm that the filing date governs eligibility for automatic extensions. Specifically, the commenter sought to confirm that all timely filers before October 30, 2025, would receive automatic extensions, regardless of when their current EAD expired.

Response: The IFR,[107] and this final rule, do not impact the validity of EADs that were automatically extended prior to October 30, 2025, or which are otherwise automatically extended by law or **Federal Register** notice. To have received an automatic extension under the regulation in effect prior to October 30, 2025, an eligible renewal application must have met the following conditions:

- The alien must have timely filed an application to renew the employment authorization and/or EAD before the EAD expires. *See* 8 CFR 274a.13(d)(1)(i);[108]
- The alien's application to renew the employment authorization and/or EAD must have been properly filed before

[106] *See* 90 FR 48799, 48810 (discussing DHS consideration of alternatives, such as shorter automatic extensions of EADs and outlining the security and eligibility concerns underlying rejection of alternatives).

[107] *See* 90 FR 48799, 48799 (Oct. 30, 2025).

[108] TPS beneficiaries must have filed during the re-registration period in the Applicable **Federal Register** notice; *see* 81 FR 82398, 82455 (Nov. 18, 2016).

October 30, 2025,[109] irrespective of when the EAD expired;

- The renewal EAD application is based on the same employment authorization category shown on the front of the expiring EAD or, for an alien approved for TPS, whose EAD was issued pursuant to either 8 CFR 274a.12(a)(12) or (c)(19); and
- The alien's eligibility to apply for employment authorization continued notwithstanding the expiration of the EAD and was based on an employment authorization category that does not require the adjudication of an underlying application or petition before the adjudication of the renewal application, as may have been announced on the USCIS website.[110]

For aliens who meet these requirements, an EAD that appears on its face to be expired (''facially expired'') is considered unexpired for up to 540 days from the expiration date on the front of the EAD when combined with a Notice of Action (Form I–797C) that USCIS mails to an applicant, indicating a timely filing (*i.e.,* the receipt notice for the Form I–765 issued by USCIS has a receipt date that is prior to the expiration date on the EAD and before October 30, 2025) of the renewal application based on the same employment eligibility category as stated on the facially expired EAD (or in case of an EAD and I–797C notice that contains either A12 or C19 category code—the category code need not match for these categories. In those cases, the alien's facially expired EAD is considered unexpired for up to 540 days from the date of the EAD, even if the EAD expires on or after October 30, 2025.

7. Recommendations for the Automatic Extension and EAD Validity Period

Several commenters encouraged DHS to explore alternative solutions that better balance national security, economic stability, and human dignity.

i. Maintain the Automatic Extension, Including Various Lengths of the Extension Period

Comment: Many commenters urged DHS to withdraw the IFR and instead maintain the automatic extension policy. Some commenters stated that keeping the automatic extension policy is necessary to protect workers and their families from losing continuity of employment caused by processing delays and protecting the economic and strategic interests of the United States. Multiple commenters reasoned that the automatic extension should be retained until reliable EAD renewal processing benchmarks (for example, less than 90 days) are consistently met.

Numerous commenters said DHS should at a minimum restore the up-to-180-day automatic extension period. Other commenters recommended various extension periods, including up to 120 days, up to 180 days, or up to 240 days, rather than removing extension periods entirely to better align with the current USCIS processing timelines and ensure minimal workforce disruption.

Response: DHS declines to adopt the commenters' suggestions. Keeping a reduced automatic extension period would conflict with DHS's overriding concern that granting employment authorization benefits to aliens without those aliens being properly vetted and determined to continue to be eligible (and merit a favorable exercise of discretion, if applicable) based on a complete adjudicative review is contrary to the DHS mission to enhance benefit integrity and protect public safety and national security.[111] As explained in the IFR,[112] if DHS pursued these options, aliens with derogatory information flagged during the background check process would nevertheless still obtain an automatic extension of some lengths (such as 180 or 240 days). These extensions pose a security vulnerability and undermine benefit integrity. As with the up to 540-day automatic extension, any automatic extension duration would not eliminate the risk that an alien who wished to fund nefarious activities could continue to work lawfully and generate money. These same aliens could use their automatically extended employment authorization and/or EADs to obtain valid identity documents, which would make it easier to commit conduct detrimental to the United States.

ii. Consecutive EAD Validity Periods

Comment: Numerous commenters recommended implementing consecutive EAD validity periods so that applicants could file early without losing work authorization, time, and money. Commenters reasoned that under the current system, when aliens file well in advance of expiration, USCIS routinely issues overlapping validity periods rather than starting the new approval period at the end of the existing authorization period resulting in early filers losing usable work authorization time. Some commenters concluded that consecutive EAD validity periods would allow aliens to apply far in advance, provide USCIS with a longer adjudication window, and preserve the full period of authorized employment.

Similarly, another commenter reasoned that EADs should be issued for longer validity periods to reduce the frequency of renewals, stating that a 1-year EAD is, in practice, effective for only 6 months as renewal adjudication typically requires approximately 6 months. The commenter wrote that the IFR ignores the operational realities, that, although USCIS may accept EAD renewals filed more than 180 days before expiration, the agency issues overlapping—not consecutive—validity periods, effectively cutting into the card's usable time and forcing applicants into an ever earlier renewal cycle.

Response: DHS considered the alternatives suggested by the commenters but will not adopt them. DHS's top priority is the robust vetting of all aliens in our country to better protect the safety of American workers and the public at large. The IFR, and this final rule, will enhance public safety by ensuring proper vetting before issuing renewal EADs, which are important benefits, and improve program integrity. DHS is enhancing its vetting and screening efforts, increasing its ability to detect aliens with potentially harmful intent, deter fraud, and place removable aliens into proceedings. USCIS uses all provisions under the law, to the extent permissible under the law, to deny benefits to those who are a risk to public safety and national security. This includes more frequent vetting of aliens, including more frequent determinations that an alien granted an EAD continues to remain eligible for employment

[109] To have been properly filed before October 30, 2025, the alien must have submitted their application so that USCIS actually received the properly signed application, with required fees, on or before October 29, 2025. *See* 8 CFR 103.2(a)(7)(i). Accordingly, an alien whose application was submitted but not yet received before October 30, 2025, is ineligible for the automatic extension.

[110] The website entitled ''Automatic Employment Authorization Document (EAD) Extension'' has since been archived in light of the IFR but the web page is still available for viewing at *https://www.uscis.gov/archive/automatic-employment-authorization-document-ead-extension* (last updated Oct. 29, 2025).

[111] *See, e.g.,* Conference Report to accompany H.R. 4567 [Report 108–774], ''Making Appropriations for the Department of Homeland Security for the Fiscal Year Ending September 30, 2005,'' p. 74 (Oct. 9, 2004), *https://www.gpo.gov/fdsys/pkg/CRPT-108hrpt774/pdf/CRPT-108hrpt774.pdf* (recommending, among other things, the creation of an organization to conduct ''law enforcement/background checks on every applicant, beneficiary, and petitioner prior to granting immigration benefits.'').

[112] *See* 90 FR 48810.

authorization and, as applicable, continues to merit a favorable exercise of discretion. DHS believes that it would be inconsistent with these policy goals for USCIS to issue, concurrently or in close proximity, multiple EADs to the same alien with consecutive validity periods or to issue EADs with longer validity periods, as the commenters suggest. Consecutive EADs based on the filing of multiple renewal applications, concurrently or in close proximity, would be tantamount to one EAD with a longer validity period. The result of these alternatives would be less frequent vetting and eligibility determinations, which would be directly contrary to DHS's stated policy goal of the IFR and this final rule.

iii. Allowing Application Filing Earlier Than 180 days

Comment: Some commenters recommended extending the filing window for EAD renewals beyond the current 180 days prior to expiration to mitigate processing risks. A few commenters said USCIS should allow EAD renewals to be filed 12 months prior to expiration.

Response: Although USCIS generally recommends that applicants not file requests to renew EADs more than 180 days before the expiration of their EADs, there is no prohibition on filing the form before a certain date ahead of expiration. However, USCIS does not postdate the renewal EAD in relation to an applicant's current EAD's validity period. Therefore, applicants who file and have their EAD applications adjudicated further ahead of the expiration of their current EADs may have less of a risk of incurring gaps in their employment authorization but may also have a shorter combined employment authorization validity period.

USCIS is committed to continuing to explore processing efficiencies, including possible expansion of premium processing for some or all affected populations.

iv. Enhanced Vetting

Comment: Some commenters said DHS should implement enhanced vetting, such as ongoing security checks for applicants, without eliminating automatic extension of EADs. Other commenters recommended DHS maintain the automatic extension of EADs for up to 540 days while renewal applications are adjudicated, but conduct vetting on a ''particularized basis,'' noting that USCIS can use its discretionary authority to cancel an extension in individual cases when and if derogatory information or other concerns arise.

Response: In service of the DHS mission, and to ensure that DHS grants benefits only after having thoroughly vetted in the context of the renewal application and full adjudicative review for continued eligibility (including, as applicable, whether the applicant merits a favorable exercise of discretion), DHS declines to adopt these recommendations. DHS has determined that automatic extensions are not compatible with its current security and benefit integrity priorities, even in an environment where enhanced vetting tools are used. DHS will grant renewed employment authorization only after USCIS has reviewed a completed application, conducted the appropriate checks, resolved any derogatory information, and determined that the applicant continues to be eligible and continues to merit a favorable exercise of discretion, if applicable. Even if DHS were to cancel the extension in individual cases, as the commenter suggests, the alien would still have had the benefit of a renewed EAD, even if for a short time, without proper vetting and a full eligibility adjudication, which is contrary to the DHS mission to enhance benefit integrity and better protect public safety and national security. Any automatic extension of employment authorization and/or EAD validity based solely on the filing of a renewal application, even if subsequently cancelled or terminated, would not eliminate the risk that an alien who wished to fund nefarious activities could continue to work lawfully and generate money, even though the alien may not be eligible for the renewal EAD in the first place. Thus, DHS believes granting a benefit without completely and fully finishing the adjudicatory process (including vetting) would make it easier for aliens engaged in nefarious activity to commit conduct detrimental to the United States and will not adopt the commenter's suggestion.

8. Processing Capacity and Timelines

i. Timely Processing of Renewals

Comment: A few commenters stated support for the IFR but urged USCIS to ensure timely processing of renewals, so workers and employers do not experience unintended lapses in employment authorization. A commenter added that if the process cannot be completed within 180 days of application, then the IFR is ''very unfair.'' Many commenters said USCIS should be required to adjudicate and process all EAD applications more quickly. Multiple commenters recommended a specific timeframe (for example, under 90 days or under 6 months/180 days) be set for renewals to ensure timely processing. A commenter stated that efficient, timely processing is the only measure that genuinely improves both security and economic stability.

Response: DHS remains committed to timely processing applications without lowering security and vetting standards or benefit integrity. DHS understands the importance of timely processing and strives to adjudicate applications as efficiently as possible. However, a variety of factors can affect processing times, such as security vetting requirements and the total number of applications pending review. USCIS continually monitors its resource allocations and makes adjustments, as appropriate and feasible to ensure customer service. However, DHS cannot commit to a maximum processing time in all cases given the need for thorough review of each application to ensure that USCIS only grants employment authorization after full vetting and screening of the applicant, including resolution of any derogatory information, and determining that the alien continues to be eligible for employment authorization and/or an EAD and to merit a favorable exercise of discretion, if applicable.

DHS notes that we expect overall EAD filing rates (initials and renewals) are likely to substantially decline given actions DHS has taken to align policy with statutory text. DHS anticipates that this decline will free up adjudicative resources to reduce renewal EAD processing times and the need for renewal EAD applicants in the longer term to rely on an automatic extension of their EAD to avoid lapses in employment authorization and/or EAD validity due to processing delays.[113]

Therefore, aliens seeking renewal of their employment authorization and/or EADs may not be likely to experience lapses in employment authorization and/or EAD validity.

ii. Increase Resources and Staffing

Comment: Numerous commenters urged USCIS to focus on reducing backlogs, improving processing capacity, and modernizing processing systems. Some commenters discussed how the IFR offers no alternative solutions or proposed improvements to processing times. A commenter urged DHS to work with Congress to approve appropriations to strengthen USCIS' capacity to consistently facilitate adjudications in a timely manner. Some

[113] *See* section IV(C)(2)(i)(c), *supra.*

commenters said it was crucial for USCIS to enhance staffing and resource allocation to ensure that approvals are completed before expiration of EADs. A commenter stated that USCIS should consider redoubling resources and staffing to reduce backlogs and minimize harmful impacts.

Response: DHS agrees that reducing backlogs, improving processing capacity, and modernizing case-processing systems, as well as ensuring sufficient staffing, are important objectives, and USCIS is pursuing such efforts as permissible within its existing statutory fee authority and broader initiatives.

For example, USCIS continuously takes steps within existing budgetary and hiring authorities to further enhance processing efficiency, hire new staff,[114] reallocate personnel, refine workflows, invest in automation,[115] and implement the fee [116] and program changes directed by recent legislation and executive actions.[117]

As discussed elsewhere in this preamble, DHS has taken significant steps to reduce the overall EAD filings that followed the unprecedented flood of illegal immigration into the United States during previous years.[118] As such, DHS also expects that overall EAD filing rates (both initials and renewals) will decline over time due to other actions taken by USCIS, such as narrowing the use of parole and better aligning TPS and related programs with statutory criteria. In fact, USCIS has already seen a reduction in EAD filings since January 2025 as evidenced by Table 1 in Section IV.C.2.i.d. of this preamble above. USCIS notes the decreased EAD filing rates support the point made in the IFR, that the potential lapse, and in particular the duration of any lapse, is speculative and could be outweighed by the harm posed by automatic extensions. DHS expects that this reduction in volume will free adjudicative resources, and USCIS will continue to monitor its workloads and adjust staffing and resource allocations as appropriate.

This final rule, however, is not a backlog-management measure. It addresses the fundamental concern that automatic extensions allow employment authorization and/or EAD validity to continue for up to 540 days based solely on the filing of a renewal application, before USCIS has fully completed vetting, resolved any derogatory information, and determined that the alien remains eligible and continues to merit a favorable exercise of discretion, if applicable. Even if additional resources were to further improve processing times, they would not eliminate the core security and program-integrity risk inherent in granting automatic extensions without a full adjudication of the application.

Comment: Multiple commenters suggested implementing premium processing options for EAD renewals. A commenter stated that since many applications take more than 6 months, premium processing should be an option before ending the automatic extension. Some commenters noted that this alternative allows employers and/or employees to determine for themselves if the additional cost of premium processing is reasonable and necessary for their business or individual needs. Other commenters said DHS should focus on allowing concurrent premium processing for H–1B, H–4, and H–4 EAD applications to provide predictability for dependent applicants and their employers.

Response: USCIS will continue to explore expanding premium processing for Form I–765 for affected populations.[119] USCIS will alert the public through the website if it expands premium processing services to include additional classes of applicants for employment authorization and, if so, which categories will have premium processing.[120]

USCIS reminds the public that, in the absence of premium processing, an applicant may request that USCIS expedite the adjudication of an application, including for employment authorization, that is under USCIS jurisdiction.[121] USCIS considers all expedite requests on a case-by-case basis and generally requires documentation to support such requests.[122] The decision to expedite is within the sole discretion of USCIS.[123] Expediting a case generally means that USCIS would adjudicate a benefit ahead of others, including those who may have filed earlier, so USCIS carefully weighs the urgency and merit of each expedite request.[124]

Note that EADs for H–4 nonimmigrants who timely filed renewal EAD applications before October 30, 2025, were automatically extended if they had an unexpired Form I–94, Arrival Departure Record, showing valid H–4 nonimmigrant status. *See* 8 CFR 274a.13(d)(1)(iii); 90 FR at 48804. Even under the rules prior to the IFR, however, an H–4 nonimmigrant spouse eligible for employment authorization under 8 CFR 274a.12(c)(26) was not eligible for an automatic extension of employment authorization if their renewal application was dependent upon the adjudication of an application to extend their H–4 nonimmigrant status. *See* 8 CFR 274a.13(d)(1)(iii) (Jan. 1, 2025). USCIS is engaged in efforts to streamline and coordinate processing where operationally feasible. USCIS will continue to explore process improvements to further reduce the potential for future backlogs, including the potential for expanded use of premium processing or other tools where authorized by statute, while ensuring that security and integrity are not compromised.

iii. Prioritize Initial EAD Reviews

Comment: A commenter reasoned that DHS resources should prioritize initial EAD screenings, where new entrants are evaluated, rather than duplicating

[114] *See, e.g.,* USICS, ''USCIS Received 35,000 Applications for Homeland Defenders, Most for Any Job in Agency History,'' *https://www.uscis.gov/newsroom/news-releases/uscis-received-35000-applications-for-homeland-defenders-most-for-any-job-in-agency-history* (Nov. 6, 2025).

[115] For example, USCIS has undertaken various efforts to incorporate AI to deliver immigration services to their customers more efficiently. *See* DHS United States Citizenship and Immigration Services—AI Use Cases, *https://www.dhs.gov/ai/use-case-inventory/uscis* (Last updated Feb. 12, 2026).

[116] *See* DHS, U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, 89 FR 6194 (Jan. 31, 2024) (''These fee collections fund the cost of fairly and efficiently adjudicating immigration benefit requests, including those provided without charge to refugee, asylum, and certain other applicants or petitioners''). USCIS is primarily a fee-based agency. *See* sec. 286(m), 8 U.S.C. 1356(m) that is generally not appropriated by Congress.

[117] *See, e.g.,* USCIS Immigration Fees and Related Procedures by H–R.1 Reconciliation Bill, 91 FR 22952 (Apr. 29, 2026).

[118] *See* 90 FR 48799, 48809 (Oct. 30, 2025). *See also* USCIS, ''DHS Strengthens Integrity in Nation's Immigration System, Returns to Commonsense Legal Immigration Levels,'' *https://www.uscis.gov/newsroom/news-releases/dhs-strengthens-integrity-in-nations-immigration-system-returns-to-commonsense-legal-immigration* (Nov. 13, 2025); Testimony of USCIS Director Joseph B. Edlow, Oversight of the Department of Homeland Security: ICE, CBP, and USCIS: Hearing Before the House Comm. on Homeland Security, *https://docs.house.gov/meetings/HM/HM00/20260210/118916/HHRG-119-HM00-Wstate-EdlowJ-20260210.pdf,* at 6, (Feb. 10, 2026), (''These critical efforts have strengthened the integrity of our legal immigration system, reinforced accountability, and ensured that USCIS resources are directed toward lawful, properly filed cases.'').

[119] The statutory authority for premium processing is found at section 286(u) of the Act, 8 U.S.C. 1356(u).

[120] *See* DHS, USCIS, *How Do I Request Premium Processing?* (last updated Mar. 23, 2026), *https://www.uscis.gov/forms/all-forms/how-do-i-request-premium-processing.*

[121] *See* DHS, USCIS, *Expedite Requests* (last updated Sep. 8, 2026), *https://www.uscis.gov/forms/filing-guidance/expedite-requests.*

[122] *See id.*

[123] *See id.*

[124] *See id.*

review efforts for previously cleared renewal applicants.

Response: Although renewal EAD applicants will already have been vetted during the adjudication of their initial EAD applications, DHS disagrees that review at subsequent stages, including upon the filing of a renewal EAD application, is duplicative. Aliens may engage in criminal activity after entry, for example, and new derogatory information, including that which is newly obtained despite having occurred previously, may appear at any stage. DHS will continue to prioritize vetting with the filing of every benefit request, and DHS will proceed with finalizing this rule to end the practice of automatically extending employment authorization and/or EADs to ensure that applicants do not receive benefits without full and complete vetting in conjunction with the application and a determination that they continue to be eligible.

9. Coordination, Guidance, and Outreach

i. Additional Guidance and Communication

Comment: A commenter said USCIS should provide clear communication and documentation outlining the impacts of the IFR and information on how professionals in similar situations can navigate the change effectively. Similarly, other commenters recommended:

- Clear employer guidance (such as updated I–9 instructions and outreach);
- SAVE-based verification so that employers are less dependent on self-reported information;
- An electronic notification system for renewal filing receipt and adjudication status that employers can rely upon for reverification purposes; and
- Health-sector-specific guidance recognizing the unique staffing obligations of hospitals, laboratories, and emergency care providers.

Response: On October 30, 2025, USCIS published an update to section 5 of the Handbook for Employers M–274, which contains guidance for employers regarding Form I–9, Employment Eligibility Verification. The update highlighted October 30, 2025, as the relevant date to determine whether an alien qualifies for the automatic extension announced in the 2024 Final Rule.[125] USCIS further updated the Handbook at Section 5.1 to spell out the categories and sources of evidence for those aliens who qualified for the automatic extension.[126] USCIS updates the M–274 periodically, and in addition offers guidance for employers on the agency website, hosts several monthly webinars for employers and employees on the I–9, and maintains a Form I–9 Contact Center with a phone number and email address.[127]

SAVE is an online service administered by USCIS that provides point in time immigration status and U.S. citizenship information to federal, state, territorial, tribal, and local agencies.[128] SAVE is limited to its statutory purposes [129] and, accordingly, does not provide employment eligibility verification to private employers. E-Verify, which is also administered by USCIS, does provide a service that allows employers to electronically confirm employment eligibility of newly hired workers.

DHS will not adopt the suggestion to provide an electronic notification system that employers can access to see information about the status of pending applications. Employment authorization applications may contain sensitive information. Under the Privacy Act of 1974,[130] Freedom of Information Act (FOIA),[131] and other applicable laws, regulations and policies,[132] USCIS and other immigration agencies are legally obligated to safeguard a petitioner's and applicant's information and limit information sharing. Third party access to information relating to pending application information may result in accidental disclosure of information that is protected by law.

However, for aliens alleging that they qualify for an automatic extension of their employment authorization under previous rules, an employer may use the Form I–797C, Notice of Action, that an alien supplies for employment verification purposes, to check the status of the underlying benefit request by going to the USCIS Case Status Online web page [133] and entering the receipt number on the Form I–797C.

As for health-sector-specific guidance, DHS appreciates the unique staffing obligations of hospitals, laboratories, and emergency care providers. However, the comment does not suggest the type of guidance that would be

[125] *See* USCIS, Handbook for Employers M–274, *5.0 Automatic Extensions of Employment Authorization and/or Employment Authorization Documents (EADs) in Certain Circumstances* (last updated Oct. 30, 2025), *https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/50-automatic-extensions-of-employment-authorization-andor-employment-authorization-documents-eads-in.*

[126] *See* DHS, USCIS, Handbook for Employers M–274, *5.1 Automatic Extensions Based on a Timely Filed Application to Renew Employment Authorization and/or Employment Authorization Document Before Oct. 30, 2025* (last updated Oct. 30, 2025), *https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/50-automatic-extensions-of-employment-authorization-andor-employment-authorization-documents-eads-in/51-automatic-extensions-based-on-a-timely-filed-application-to-renew-employment-authorization.*

[127] *See* USCIS, *I–9, Employment Eligibility Verification, https://www.uscis.gov/i-9* (last updated April 2, 2025) (explaining the relation of the M–274 to the I–9); *see also* USCIS, *I–9 Central, https://www.uscis.gov/i-9-central* (last visited May 6, 2026) (a central website with a number of updated links on I–9 topics); USCIS, *Employment Eligibility Webinars, https://www.uscis.gov/i-9-central/form-i-9-resources/employment-eligibility-webinars* (last visited May 6, 2026); USCIS, *Form I–9 Contact Us, https://www.uscis.gov/i-9-central/form-i-9-contact-us* (last updated April 15, 2025).

[128] USCIS, SAVE (last visited Apr. 23, 2026), *https://www.uscis.gov/save.*

[129] *See, e.g.,* Immigration Reform and Control Act of 1986, Public Law 99–603, 100 Stat. 3359, 3396 (Nov. 6, 1986) (mandating creation of an electronic system for verifying the immigration status of alien applicants for, and recipients of, certain types of federally funded benefits and requiring that the system be made available to federal, state, and local agencies administering these benefits); Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104–193, 110 Stat. 2105 (Aug. 22, 1996) (restricting immigrant eligibility for public benefits, expanding the need for benefit-granting agencies to verify immigration status); Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104–208, 110 Stat. 3009 (Sept. 30, 1996) (requiring the former Immigration and Naturalization Service, and now DHS as its successor, to respond to inquiries from federal, state, and local agencies seeking to verify or determine the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law); REAL ID Act of 2005, Public Law 109–13, 119 Stat. 231 (May 11, 2005) (requiring state motor vehicle administrations to verify the immigration status of alien applicants for a REAL ID driver's license or identification card); Patient Protection and Affordable Care Act of 2010, Public Law 111–148, 124 Stat. 119 (Mar. 23, 2010) (provided for a variety of healthcare reforms, including health insurance benefits and subsidies for qualified aliens lawfully present in the United States, to be verified by health and human services agencies using SAVE); The Federal Aviation Administration Extension, Safety, and Security Act of 2016 (FAA Act), Public Law 114–190, 130 Stat. 615 (Jul. 15, 2016) (directing DHS to authorize SAVE access for airport operators to determine the eligibility of individuals seeking unescorted access to any security identification display area of an airport).

[130] Public Law, 88 Stat. 1896, 93–579 (Dec. 31, 1974), codified at 5 U.S.C. 552a (specifically 5 U.S.C. 52a(b) (providing that no agency shall disclose any records which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by or with the prior written consent of the individuals to whom the record pertains).

[131] Public Law 89–554, 80 Stat. 378 (September 6, 1966) codified at 5 U.S.C. 552 (*see* specifically 5 U.S.C. 552(b)(7)(C), exempting from FOIA release materials that could reasonably be expected to constitute an unwarranted invasion of personal privacy) and DHS's implementing regulations at 6 CFR part 5 (Disclosure of Records and Information).

[132] *See, e.g.,* 8 CFR part 103, specifically 8 CFR 103.2(a)(3) and 8 CFR 103.2(b)(19)(i) and (ii) (when read together, articulating that notification is provided only to applicants, petitioners, and representatives).

[133] *See* DHS, USCIS, *Case Status Online, https://egov.uscis.gov* (last visited May 26, 2026).

uniquely useful to this population, and DHS believes the IFR, this final rule, and USCIS web page updates that followed the IFR and will accompany this final rule are sufficient guidance for all affected aliens and their employers.

ii. Accountability

Comment: A commenter suggested requiring accountability on renewal processing times so workers and employers can plan realistically. Another commenter recommended quarterly performance reports by category.

Response: DHS understands the importance of timely processing and strives to adjudicate applications as efficiently as possible. However, as discussed above in Section IV.C.8.i. of this preamble, processing times can be affected by a variety of factors, including security vetting requirements, and the need for thorough review to enhance program integrity and better protect public safety and national security. USCIS will continue to monitor its resource allocations and adjust, as appropriate. DHS will not commit to periodic reports at this time beyond the processing times available on the USCIS website.[134]

10. Other Alternatives and Recommendations

Comment: A commenter discussed Continuous Immigration Vetting (CIV) as a more effective timely identification of national security and public safety risks than point-in-time screening and vetting that occurs only upon application submissions. Multiple commenters asked why DHS cannot utilize ''concurrent vetting,'' an apparent reference to CIV, as an alternative to the procedures implemented by the IFR. Commenters noted that DHS currently employs CIV in some contexts. Specifically, commenters noted that, ''DHS already has a system that protects security while letting people keep working, and it has not explained why it cannot keep using it.''

Response: DHS appreciates the commenters' focus on the role of CIV and other automated screening tools in enhancing national security and public safety. CIV is an event-based vetting tool that automates and streamlines the process of notifying USCIS of potential derogatory information in Government databases that may relate to individuals in USCIS systems, as new information is discovered.[135] DHS agrees that continuous screening and vetting capabilities (including systems such as CIV and ATLAS, along with interagency information sharing) are important components of DHS's security efforts.

However, these tools are not a substitute for the full adjudicative process that occurs when USCIS considers a new application for an immigration benefit, including a renewal of employment authorization. Continuous vetting may identify new information or trigger further review, but it does not, by itself, resolve questions of eligibility (including whether the alien warrants a favorable exercise of discretion, if applicable), assess all relevant evidence, or provide the structured context in which USCIS officers make determinations about continued eligibility and the exercise of discretion, if applicable. Eligibility determinations are complex and require an officer to examine all the facts and evidence of a case prior to a finding. Vetting, like CIV, is one part of the overall process.

A core concern addressed by the IFR and this final rule is that automatic extensions of EADs allow employment authorization to continue for up to 540 days based solely on the filing of a renewal application, without USCIS first completing adjudicative review and the related vetting, including the resolution of any derogatory information. That is, the benefit is granted without USCIS first performing the following actions: an eligibility determination, completing vetting and screening checks, resolving potential hits of derogatory information in connection with the alien, and a determination that the employment authorization should be granted in the exercise of discretion, if applicable. Even with continuous vetting in place, an alien could remain work authorized under an automatic extension and use that authorization to obtain or maintain other documents, such as driver's licenses, including REAL ID compliant driver's licenses in some jurisdictions, during a period when USCIS has not yet reevaluated eligibility in light of any new information or changed circumstances.

Accordingly, DHS has determined that automatic extensions are not compatible with its current security and benefit integrity priorities, even in an environment where CIV and other continuous vetting tools are used. Those tools complement but do not replace the requirement that renewed employment authorization be granted only after USCIS has completed the actions discussed above. Therefore, DHS declines to rely on CIV as a basis for retaining automatic extensions of EADs.

Comment: Multiple commenters requested that USCIS withdraw or delay the implementation of the IFR until DHS could guarantee timely EAD processing for all categories.

Several commenters requested a grace period or transitional period to mitigate the abrupt impacts of the IFR. Some commenters reasoned that the IFR provided no grace period for applicants who relied on the prior policy at the time of filing, imposing undue hardship on individuals and families who would face employment gaps threatening their livelihoods and financial security.

Some commenters requested specific transitional measures, including:

- Granting the automatic extension to all applicants whose renewal applications were postmarked before the effective date of the rule, even if received later;
- Delaying the effective date of the IFR by at least 90 days;
- Providing a transition period of at least 12 months for employers and employees to adjust workforce planning and compliance systems;
- A phased transition to prevent work authorization gaps during EAD adjudication; and
- Coordinating with the Department of Health and Human Services, the Health Resources and Services Administration, the Department of Veterans Affairs, and the Centers for Medicare & Medicaid Services to assess workforce impacts prior to full implementation.

A few commenters urged DHS to delay implementation and open a full notice and comment period.

Response: DHS understands that the IFR and this final rule, and any resulting gaps in continued employment authorization, may have adverse impacts on employers and applicants to the extent that individuals experience disruptions in employment. However, as stated earlier in the preamble DHS expects that overall EAD filing rates will substantially decline and free up adjudicative resources to reduce renewal EAD processing times. Decreasing processing times would result in a reduced need for aliens filing renewal EAD applications to rely on an automatic extension of their EAD to avoid potential lapses. DHS notes that USCIS has, as expected, seen a steady decrease in overall EAD filings since

[134] *See* DHS, USCIS, *Case Processing Times, https://egov.uscis.gov/processing-times* (last visited May 8, 2026).

[135] DHS, *Privacy Impact Assessment for the Continuous Immigration Vetting,* (Feb. 14, 2019), *https://www.dhs.gov/publication/dhsuscispia-076-continuous-immigration-vetting.*

January 2025. *See* Table 1 in Section IV.C.2.i.d. of this preamble.

In addition, as discussed in Section IV.C.2.iv. of the preamble, proper planning by an alien may allow the alien to timely file a renewal EAD application thus mitigating the risk of experiencing prolonged lapses in their employment authorization and/or EAD validity. Ultimately, granting benefits without proper vetting and full adjudication is contrary to the DHS mission to enhance benefit integrity and better protect public safety and national security.[136] DHS believes that these policy goals outweigh concerns about potential backlogs and operational challenges that may result in a temporary lapse of employment authorization and/or EAD validity. Therefore, DHS declines to adopt the commenters' suggested transitional measures or otherwise delay implementation of this rule.

Comment: A commenter reasoned that an alternative to ending the policy of automatic extensions would be a more concerted effort to explain the 540-day automatic extension to employers who may be confused. The commenter suggested ''(1) conducting outreach and public engagements with employers, unions, and associations of human resources staff to explain the extensions; (2) posting about the extensions on its websites or social media platforms; and (3) creating fact sheets, FAQs, and other materials that explain the extensions in accessible language.''

Response: DHS conducted most, if not all, of the outreach the commenter suggested following publication of the 2024 TFR and 2024 final rule.[137] However, additional outreach would not resolve concerns with the automatic extension framework. For example, employers are required to use an applicant's unsecure Form I–797, Notice of Action, with separate web pages and tools to determine whether, and for how long, an alien employee remains in an automatically extended period of employment authorization. Further, additional outreach would not address the fact that employers do not receive direct notice if their alien employees' pending EAD renewal applications have been denied, which creates a risk that employers could unwittingly engage in unauthorized employment and provide income to aliens with potentially nefarious motives.

After considering these concerns, DHS determined that continued reliance on the 540-day automatic extension, even with expanded outreach and educational materials, would not sufficiently address these compliance and program integrity risks. DHS will continue to provide clear, accessible information about employment authorization validity through its public-facing resources.

DHS notes that the justification for the IFR and this final rule is to enhance benefit integrity and better protect public safety and national security. While employer confusion is relevant to the integrity of the EAD program, conducting more outreach to employers to eliminate potential confusion would not address the primary concerns addressed by the IFR and this final rule. Therefore, DHS declines to adopt this suggestion.

Comment: Additional alternatives and recommendations included suggestions of specific remedies for applicants:

- Implementing 90-day Service Level Agreements (SLAs) with fee refunds for delays.
- Allowing automatic extensions for applicants who file their EAD applications at least nine months before their current EADs expire and committing to adjudicating those applications within nine months.
- Enabling interim I–9 verification during card production.
- Allowing automatic extensions for certain EAD categories for which vetting may take longer than others.

Response: DHS has considered the alternatives noted above as well as a return to previous practices. USCIS generally does not refund fees to applicants for immigration benefits. *See* 8 CFR 103.2(a). While DHS continues to focus on ways to improve processes, DHS will not commit to allowing automatic extensions or interim verification for certain EAD application categories because the time it takes to vet an applicant is entirely dependent on the applicant and his or her case history and vetting is just one part of the overall adjudicative review to determine continued eligibility and that the applicant continues to merit a favorable exercise of discretion, if applicable. DHS is also not enabling interim I–9 verification during EAD production because approval notices are not secure documents establishing proof of current work authorization. USCIS notices can only be used in the very limited circumstances where DHS has expressly authorized a specific combination for I–9 purposes in the M–274 Handbook for Employers.[138]

DHS is not enacting the suggested alternatives because it is prioritizing national security and public safety and is determined to cease any provision of employment authorization documents to ineligible aliens.[139]

11. Administrative Procedure Act

i. ''Good Cause'' for Bypassing the Notice and Comment Period

Comment: Numerous commenters stated that DHS failed to demonstrate valid ''good cause'' to bypass the standard notice and comment process. Commenters said that immediate implementation without notice and comment rulemaking represents a ''significant procedural failure.'' Two commenters requested that USCIS reconsider the decision to immediately implement the IFR and that fair advance notice should be given in the future.

Other commenters stated that the described ''security vulnerability that could allow bad actors to continue to work and generate income to potentially finance nefarious activities that pose an imminent threat to the American public'' had no causal connection to the automatic extension, was speculative, unsupported by any reliable evidence, and at any rate that a single example of potential adverse consequence is insufficient to establish the meticulous and demanding good cause standard. Commenters indicated that the analysis was devoid of specific factual allegations of harm or threat to public safety.

Commenters also indicated that the IFR failed to explain how the incident in Boulder was related to the automatic work authorization extension provision or why this one incident, even if related, would justify the impact the termination of this rule would have on hundreds of thousands of workers and their U.S. employers.

[136] *See, e.g.,* Conference Report to Accompany H.R. 4567 [Report 108–774], ''Making Appropriations for the Department of Homeland Security for the Fiscal Year Ending September 30, 2005,'' p. 74 (Oct. 9, 2004), *https://www.gpo.gov/fdsys/pkg/CRPT-108hrpt774/pdf/CRPT-108hrpt774.pdf* (recommending, among other things, the creation of an organization to conduct ''law enforcement/background checks on every applicant, beneficiary, and petitioner prior to granting immigration benefits.'') (last visited May 26, 2026).

[137] 89 FR 24628 (Apr. 8, 2024) (temporarily increased the automatic extension period to up to 540 days); 89 FR 101208 (Dec. 13, 2024) (permanently increased the automatic extension period to up to 540 days).

[138] *See* DHS, USCIS, *Handbook for Employers M–274* (last updated July 7, 2026), *https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274.* For example, a USCIS approval notice that extends an H–1B worker's nonimmigrant status, together with the attached Form I–94, may serve as evidence of that worker's continued employment authorization.

[139] *See* E.O. 14161, Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats (Jan. 20, 2025), 90 FR 8451, 8451 (Jan. 30, 2025); *see* E.O. 14159, Protecting the American People Against Invasion (Jan. 20, 2025), 90 FR 8443, 8446 (Jan. 29, 2025).

Many commenters stated that DHS's claim that providing a notice and comment period would cause noncitizens to ''rush'' to file EAD renewal applications was unfounded. One commenter said that this ''rush'' is unlikely given that USCIS instructs applicants not to file more than 180 days before their current EAD expires, and because the high renewal fees make rapid, unplanned filings less feasible.

Multiple commenters said that to properly invoke the ''good cause'' exemption, the claimed harm must be ''demonstrable and immediate—like war, health crisis, or economic collapse.'' The commenters noted that DHS recognizes that ''good cause'' has been limited to quantifiable threats, such as in the aftermath of the 9/11 attacks or hurricanes, and that one anecdote is insufficient evidence of ''demonstrable and immediate'' harm at the scale of economic collapse. They also asserted that DHS failed to establish that the attack would not have occurred in the absence of automatic renewals, or that it would have been detected or prevented with additional vetting. Finally, these commenters also indicated that there was no good cause because DHS failed to overcome indisputable evidence that immigrants are less likely to commit crimes than native-born citizens.

Response: DHS disagrees with the commenters that DHS failed to meet the good cause standard under 5 U.S.C. 553(b) or that DHS did not provide sufficient factual evidence of a public security risks to justify bypassing notice and comment procedures. DHS maintains that, under the totality of the circumstances, bypassing notice and comment procedures under 5 U.S.C. 553(b) was justified to act swiftly and expeditiously, as notice and comment procedures would have been impracticable or contrary to public interest.

DHS also disagrees that the IFR was devoid of specific factual allegations of harm or threat to public safety, that the harm was speculative, and that the solution of the IFR was not rationally connected to the need for immediate action. The IFR clearly explained the relevance of the Boulder incident and its connection to the automatic extension,[140] and why the measure was justified, notwithstanding the impact of the automatic extension's termination on aliens and employers. DHS notes that it has now considered all comments received on the IFR and responded to them in this preamble, thereby providing the notice and comment process sought by commenters.[141]

DHS believes that commenters may have misunderstood the risks associated with granting automatic extensions of an alien's expired employment authorization and/or EAD that is merely based on the timely filing of a renewal EAD application but not on fully vetting an applicant's eligibility or background. As explained in the IFR, aliens could obtain an automatic extension even if they no longer qualified for employment authorization and/or an EAD. Examples include if the alien no longer possessed the underlying status, had derogatory information that would render them ineligible for employment authorization, or would not merit a favorable exercise of discretion, if applicable. These aliens could properly file a timely renewal application to obtain the benefit of continued employment authorization and/or an EAD for up to 540 days. This would allow aliens who could be public safety or national security threats to use associated documentation to potentially obtain other credentials, such as driver's licenses, and use it to engage in nefarious activities.

Unfortunately, aliens committing harmful acts and those engaging in nefarious activities do not operate on a schedule that aligns neatly with them seeking benefits applications. They may or may not engage in harmful activity post-approval of an application granting immigration status. Attacks, such as the one in Boulder, Colorado, are tough to predict, but they may not be impossible to stop with proper and thorough vetting and intelligence sharing among government agencies each time an alien is seeking immigration benefits.[142] Congress has long emphasized the importance of vetting each and every applicant before an immigration benefit is granted.[143] Fully vetting each applicant during every USCIS encounter helps identify patterns, flags activities, alerts officials to potential threats, and protects U.S. residents from harm. The attack in Boulder, Colorado—committed by an alien in possession of an EAD that was automatically extended—provided clear evidence of the ongoing public emergency, exposed the security vulnerability of the automatic extension, and demonstrated that every time USCIS is granting a benefit without fully vetting an applicant, an opportunity is lost to detect bad actors and protect the public. The public's response to the Boulder event underscored the urgency to act to safeguard public safety,[144] and DHS acted accordingly.

If DHS had announced the change, and followed the standard rulemaking procedures, the automatic extension process would have continued during the time spent developing this final rule. During that period, aliens with unresolved derogatory information could have obtained an automatically extended EAD. Even if USCIS had ultimately denied the actual application, the documents related to the automatically extended EAD would remain in possession of the affected alien, even if they were engaging in nefarious activity. Indeed, the automatically extended EAD may have given the attacker the very thing that enabled him to follow through with the attack in the first place. This demonstrates that the threat of attacks, as shown by the events in Boulder,

[140] *See* 90 FR 48799, 48808 (Oct. 30, 2025) (explaining that the need to fully vet applicants for renewal EADs became clear when an alien with an automatically extended EAD perpetrated a heinous attack that injured many people in Boulder, Colorado on June 1, 2025).

[141] *Cf. Little Sisters of the Poor Saints Peter and Paul Home* v. *Pennsylvania,* 591 U.S. 657, 683–84 (2020) (holding that an agency's IFR complied with the APA's procedural requirements under 5 U.S.C. 553(b)(2)–(3)).

[142] It is DHS's mandate, among others, to prevent terrorist attacks and administer immigration laws, including administering the laws pertaining to employment authorization. For purposes of grating employment authorizations to aliens, the authority is delegated to USCIS. DHS acknowledges the commenters reference to statistics indicating that aliens may commit less crimes than native born citizens. This rule deals exclusively with aliens. Therefore, the information as well as the comparison is irrelevant to the matter at hand.

[143] *See* Conference Report to accompany H.R. 4567 [Report 108–774], ''Making Appropriations for the Department of Homeland Security for the Fiscal Year Ending September 30, 2005,'' p. 74, *https://www.gpo.gov/fdsys/pkg/CRPT-108hrpt774/pdf/CRPT-108hrpt774.pdf* (last visited May 26, 2026).

[144] The public, including members from Congress, criticized immigration and law enforcement authorities, including DHS, for not detecting the alien's activities and not protecting the public. They emphasized the urgency to fix security vulnerabilities. *See* ''Chairman Pfluger, Green Request DHS Documents on Suspect in Boulder Terror Attack'' (June 4, 2025), *https://homeland.house.gov/2025/06/04/chairmen-green-pfluger-request-dhs-documents-on-suspect-in-boulder-terror-attack* (''This tragedy is indicative of a heightened terrorism threat on U.S. soil, signaling an urgent need for increased homeland security measures, particularly with respect to foreign nationals who are unlawfully present in the United States, as Soliman reportedly overstayed a nonimmigrant visa. Our nation has now faced several major acts of antisemitic terror this year alone, including the recent assassination of two Israeli embassy staffers in our nation's capital.''); *see CPR.org,* ''Colorado notified feds after failed gun purchase by accused Boulder firebomber, months before the attack'' (June 6, 2025), *https://www.cpr.org/2025/06/10/cbi-notified-homeland-security-after-attempted-gun-purchase-by-boulder-attacker* (questioning how DHS's failure to probe Soliman's attempted purchase or how, more broadly, they approach immigration enforcement investigations through the National Instant Criminal Background Check System, which tracks and notifies authorities when people without legal status attempt to buy guns).

Colorado, is real, immediate, and ongoing.

If DHS had announced the rulemaking, DHS believes that aliens would have rushed to file renewal EAD applications to obtain automatic extensions before the rule's effective date. DHS does not believe that USCIS' instructions to renewal applicants to file 180 days before the expiration of their authorization would have helped in this regard as it would have been unclear how quickly a final rule would be issued by DHS.

Similarly, DHS does not agree that renewal fees necessarily make rapid, unplanned filings less feasible. Historically, increased filing fees have not depressed the number of individuals seeking immigration benefits, and fee waivers are still available for some applicants.[145]

For these reasons, allowing automatic extension to continue for the duration of the notice and comment period would have been irresponsible given the high threat level.[146] It would also have been contrary to the public interest, impeding DHS's ability to fully execute its functions—to vet every EAD applicant with each application to prevent terrorist attacks and grant immigration benefits only to eligible aliens.

Finally, DHS is not aware of any case law—and the commenters did not cite to any—requiring that good cause can only be demonstrated if there has been more than one incident that causes an emergency or that the demonstrable and immediate harm must be of the scale of an ''economic collapse'' or a 9/11-type of event. Similarly, the government is not required to prove that the Boulder, Colorado attack would not have occurred in the absence of automatic extension renewals. The applicable APA standard is whether ''notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' [147] This standard is met when, *inter alia,* there is an emergency; when delay caused by the APA's notice and comment procedures would result in serious harm to life, property or an immediate threat to the public safety; or when announcing the rule would have hurt the public interest.[148] DHS has met the standard.

Immediately ending the practice and acting expeditiously given the security posture was a reasonable measure. As is noted throughout this rulemaking, this rule does not remove the alien's ability to seek and obtain employment authorization in accordance with current laws and regulations. To address the prior flood of EAD applications, as discussed earlier, this administration has taken significant actions that are expected to result in fewer EAD applications and shorter renewal EAD processing times.[149]

Additionally, the issuance of employment authorization and/or an EAD depends largely on the applicant timely filing a renewal EAD application with sufficient evidence to establish eligibility. Thus, early and timely filing of a renewal application may allow the alien to mitigate or reduce the risk for the alien, the alien's family, and the alien's employer. DHS does not anticipate, nor have commenters provided evidence, that the IFR will adversely impact hundreds of thousands of workers and their U.S. employers. This assessment considers efforts to reduce the number of filings through policy and operational measures, as well as expected improvements in processing resulting from the overall reduction in filings. While DHS cannot rule out the potential for temporary lapses in employment authorization, DHS believes that the program integrity, public safety, and national security benefits of eliminating automatic extensions of EADs outweigh the risks of potential temporary lapses in employment authorization.

Immediately ending the practice of providing automatic extensions resulted in continued improvement in program integrity by ensuring that employment authorization is provided in a manner consistent with the laws of the United States, allowed the agency to properly perform its adjudicative function, and immediately closed the gap in the security vulnerability that the automatic extension created.

ii. ''Foreign Affairs'' Exception

Comment: Many commenters stated that DHS improperly relied on the exception for to a pre-promulgation notice-and-comment for rules involving the ''foreign affairs function of the United States.'' Commenters stated that this exception has a ''high bar'' and courts have warned against ''[t]he dangers of an expansive reading of the foreign affairs exception'' in the immigration context, where inevitable ''incidental foreign affairs effects'' would effectively ''eliminate[ ] public participation in this entire area of administrative law.'' Other commenters said that DHS does not explain how, or cite anything to substantiate its allegation that, the comment period would disrupt foreign affairs, other than reiterate the national security crisis as demonstrated by the recent events in Boulder, Colorado. The commenters stated that these speculative and vague claims cannot support a ''foreign affairs'' exception.

Response: DHS disagrees that it did not explain how, or cite anything to substantiate, its explanation that the rulemaking involves a ''foreign affairs function of the United States.'' [150] DHS further explained that the comment period would disrupt a foreign affairs function because the practice of granting automatic extensions involves the status of people and the transfer of goods across the border, and ending the practice of granting automatic extensions directly implicates foreign

[145] *See, e.g.,* 89 FR 6194, 6355 (Jan. 31, 2024) (''DHS saw no or limited decreases in the number of benefit requests submitted after its fee adjustments in 2010, 2016, and 2020 and has no data that would indicate that the fees for family-based benefit requests, lawful permanent residence, and naturalization in this final rule would prevent applicants from filing.'').

[146] *See E.O. 14159,* 90 FR 8443 (Jan. 29, 2025); *see also, e.g.,* Office of the Director of National Intelligence, Annual Threat Assessment of the U.S. Intelligence Community (March 2025), at 5, *https://www.intelligence.gov/annual-threat-assessment* (last visited Sep. 9, 2026), (''Transnational criminals, terrorists, and other nonstate actors are threatening and impacting the lives of U.S. citizens, the security and prosperity of the Homeland, and U.S. strength at home and abroad. Some transnational criminal organizations (TCOs) are producing and trafficking large amounts of illicit drugs that are imperiling American lives and livelihoods. They are conducting other illegal activities that challenge U.S. security, such as human trafficking, cyber operations, money laundering, and inciting violence. U.S. citizens—at home and abroad—are also facing more diverse, complex, and decentralized terrorist threats. Actors, ranging from designated Foreign Terrorist Organizations—including the Islamic State of Iraq and ash-Sham (ISIS), al-Qa'ida, other Islamist terrorist groups, and some drug cartels—to terrorists acting alone or in small cells, are likely to pursue, enable, or inspire attacks. Finally, large-scale illegal immigration has strained local and national infrastructure and resources and enabled known or suspected terrorists to cross into the United States.''). For additional information and updated information on the national security risks and threat assessments, *see* Office of the Director of National Intelligence, Annual Threat Assessment of the U.S., *https://www.intelligence.gov/annual-threat-assessment* (last visited Sep. 9, 2026).

[147] 5 U.S.C. 553(b)(B).

[148] *See* 90 FR 48812–14.

[149] *See* 90 FR 48799, 48809 (Oct. 30, 2025). *See also* USCIS, ''DHS Strengthens Integrity in Nation's Immigration System, Returns to Commonsense Legal Immigration Levels,'' *https://www.uscis.gov/newsroom/news-releases/dhs-strengthens-integrity-in-nations-immigration-system-returns-to-commonsense-legal-immigration* (last updated Nov. 13, 2025); Testimony of USCIS Director Joseph B. Edlow, Oversight of the Department of Homeland Security: ICE, CBP, and USCIS: Hearing Before the House Comm. on Homeland Security, *https://docs.house.gov/meetings/HM/HM00/20260210/118916/HHRG-119-HM00-Wstate-EdlowJ-20260210.pdf,* at 6, (Feb. 10, 2026), (''These critical efforts have strengthened the integrity of our legal immigration system, reinforced accountability, and ensured that USCIS resources are directed toward lawful, properly filed cases.'') (last visited May 26, 2026).

[150] 5 U.S.C. 553(a)(1).

affairs because of the significance a decline in remittances can have on many countries. Eliminating the practice of providing automatic extensions based on the filing of a renewal EAD application is also part of the implementation of the President's foreign policy directives, thus further implicating a foreign affairs function.[151] Engaging in notice and comment procedure also would have resulted in undesirable international consequences, as outlined in the IFR.[152]

Specifically, DHS explained in detail why ending the practice of providing employment authorization based on the filing of an EAD renewal application will also impact foreign remittances sent abroad, to the extent that such remittances include money earned through employment based on automatically extended employment authorization cards and EADs. Reductions in remittances, including those stemming from changes in U.S. immigration policies have been viewed unfavorably by other countries.[153] DHS also established how remittances may pose international money laundering and terrorist financing risks. Thus, ending the practice of providing unvetted employment authorization and/or documents, and fully vetting these aliens, particularly those coming from regions or nations with identified security risks, as well as economic impacts on other countries on account of the U.S. immigration policies, involves more cautious and sensitive considerations of those matters as they could easily impact foreign nations.[154]

Further, as also indicated in the IFR, having to engage in notice and comment rulemaking on such matters may lead to the disclosure of sensitive intelligence related to the reasons why the administration is taking this step in the first place.

Overall, these consequences were neither speculative nor vague.

Comment: Multiple commenters stated that DHS's justifications for invoking the foreign affairs function exception were both unsupported and overbroad, relying on a recent notice from the Secretary of State claiming that virtually all border-related activities constitute ''foreign affairs.'' One commenter added that this notice has no legal effect, as agencies cannot define the scope of the APA or its exceptions. Another commenter stated that the IFR regulates domestic employment authorization, not foreign affairs. The commenter said that courts apply the foreign affairs function exception only when an agency action clearly implicates foreign relations or when notice and comment would provoke ''undesirable international consequences,'' neither of which are justified in the IFR.

Response: Nothing in the law prevents the Secretary from adopting the foreign affairs determination made by Secretary Rubio for rulemaking purposes.

As outlined in the IFR, the Secretary has broad general authority under section 103(a) of the Act, 8 U.S.C. 1103(a) to administer and enforce ''this chapter and all other laws relating to the immigration and naturalization of aliens, except insofar as this chapter or such laws relate to the powers, functions, and duties conferred upon the President, the Attorney General, the Secretary of State, the officers of the Department of State, or diplomatic or consular officers . . . .'' *See* INA sec. 103(a)(1); 8 U.S.C. 1103(a)(1).

The Department of State is the agency that is leading interagency coordination in developing and implementing foreign policy and foreign affairs matters. Correspondingly, DOS and DHS are called upon to coordinate often, including in numerous Presidential actions reflecting the President's top foreign policy priorities, such as E.O. 14161 upon which this action is based. The Secretary of Homeland Security and the Secretary of State both derive their authority from the law and the powers granted to the executive. Thus, it is appropriate for the Secretary of Homeland Security, in fulfilling the Secretary's responsibilities under the APA and this rulemaking, to refer to Secretary Rubio's determination. This approach ensures also that the government presents a unified position on issues related to entry, status, immigration and the removal of aliens, in alignment with the President's foreign policy determination and objectives.[155] Correspondingly, DHS continues to find that EADs and employment authorizations, including automatic extensions under former 8 CFR 274a.13(d), are directly connected to the alien's status or authorized period of stay, because eligibility for employment authorization and/or documentation is dependent on the alien's status or circumstances. Because the grant of employment authorization and/or EADs is integral to the control of aliens, and affects the transfer and movements of goods, including money across the U.S. border, these actions fall within the Secretary's foreign affairs determination and within the President's foreign policy directives, thereby clearly involving and implicating the foreign affairs functions.

iii. Reasoned Decision-Making Requirement

Comment: Many commenters, including organizations and a form letter campaign, said that, not even a year ago, DHS determined that a 540-day automatic extension of employment authorization was necessary to meet a Congressional mandate. However, the IFR eliminates automatic extensions entirely without any new evidence or a coherent rationale to justify such a reversal. The commenters reasoned that the IFR fails to satisfy the ''reasoned decision-making'' requirement of the APA and cited *FCC* v. *Fox Television Stations,* 556 U.S. 502 (2009).

Response: DHS disagrees with the commenters' assertion that the IFR did not provide a reasoned justification for the rulemaking. The IFR discussed the prior rulemakings pertaining to EAD automatic extensions and then explained that this administration's priority is the robust vetting of all aliens in our country to better protect the safety of American workers and the public at large. 90 FR 48799, 48808 (Oct. 30, 2025). The IFR also explained that this rulemaking will enhance public safety by ensuring proper vetting before issuing renewal EADs, which are important benefits, and improve program integrity. *See* 90 FR 48799, 48804 (Oct. 30, 2025). DHS is enhancing its vetting and screening efforts, increasing its ability to detect aliens with potentially harmful intent, deter fraud, and place removable aliens into proceedings. DHS uses all applicable provisions under the law to help protect the United States from those who pose a risk to public safety and national security.

The IFR, and this final rule, ends the practice of automatically extending the validity of employment authorization documents, so that DHS can take appropriate action before an immigration benefit is again provided to an alien. The IFR discussed specific examples of the harm that could result from continuing to automatically extend an alien's expired employment authorization and/or EAD merely by filing a timely renewal EAD

[151] *See* 90 FR 48814 and footnote 139. DHS is addressing the comments related to the application of Secretary Rubio's foreign affair determination in response to the next comment.

[152] *See* 90 FR 48814–15.

[153] *Id.*

[154] 90 FR 48815.

[155] *See, e.g., Arizona* v. *United States, 567* U.S. 387, 409 (2012) (recognizing that decision on removability requires a determination whether it is appropriate to allow a foreign national to continue living in the United States. Decisions of this nature touch on foreign relations and must be made with one voice).

application.[156] The IFR also explained that such automatic extensions grant the benefit without USCIS first performing the following actions: an eligibility determination, completing vetting and screening checks, resolving potential hits of derogatory information, and a determination that the employment authorization should be granted in the exercise of discretion, if applicable.[157] Without the IFR, and this final rule, aliens could still obtain an automatic extension despite derogatory information that could flag them as a national security or public safety risk. As described above, vetting and screening might not be completed and derogatory information reviewed and resolved before the alien's EAD expires. The automatic extension, therefore, poses a security vulnerability that could allow bad actors to continue to work and generate income to potentially finance nefarious activities that pose an imminent threat to the American public. Granting benefits without proper vetting and full adjudication is contrary to the DHS mission to enhance benefit integrity and better protect public safety and national security.[158]

iv. Arbitrary and Capricious/Procedural Deficiencies That Violate the APA

Comment: A few commenters said that the rule was arbitrary and capricious under the APA since the rule neither adequately analyzed the impacts on employers and the economy nor proposed mitigation strategies. One commenter said that the IFR is arbitrary and capricious because it provides no economic analysis of the IFR's impact, disregards evidence of persistent backlogs and ongoing demand for work permits, relies on speculative or unsupported assertions, and ignores serious reliance interests. The commenter said that the IFR is arbitrary and capricious under the APA because the agency failed to ''examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made.''

Response: DHS disagrees with the commenters' assertions. The IFR acknowledged and analyzed the potential impacts of the IFR but explained that due to factors contributing to a high degree of uncertainty, DHS cannot estimate the number of renewal EAD applicants who will be affected by this rule. *See* 90 FR 48816. The analysis included a discussion of the potential impacts on U.S. employers of aliens with EADs. *See* 90 FR 48817. As explained in the IFR and in Section V.B.1. of this preamble, given the large amount of uncertainty pertaining to EAD filing rates and processing efficiencies, including those stemming from recent and future policy changes that may affect EAD eligibility, DHS was unable to produce a tenable population estimate for the future population that could be affected by the IFR and this final rule. *See* 90 FR 48817.

DHS recognizes, despite limitations on the ability to quantify future impacts of this rulemaking, that some aliens may experience a temporary lapse in their employment authorization and/or EAD validity in the absence of an automatic extension, and that this could impact the alien and their U.S. employer. As explained earlier in this preamble, DHS has determined that the program integrity, public safety, and national security benefits of eliminating automatic extensions of EADs outweigh the risks of potential temporary lapses in employment authorization.

Comment: A commenter said that DHS provides no estimate of how many unionized workers are likely to lose employment authorization because of adjudication delays, an omission that is particularly glaring given the size of the affected workforce. The commenter added that DHS also does not analyze how sudden, government-caused employment interruptions could weaken labor unions or destabilize labor management planning across sectors that depend heavily on immigrant workers. The commenter stated that the IFR's silence on these issues underscores its arbitrary and capricious nature, which is in violation of the APA.

Response: DHS disagrees with the commenters' assertions. The IFR acknowledged and analyzed the potential impacts of the IFR but explained that due to factors contributing to a high degree of uncertainty, DHS cannot estimate the number of renewal EAD applicants who will be affected by this rule. *See* 90 FR48816. As explained in the IFR, given the large amount of uncertainty pertaining to EAD filing rates and processing efficiencies, including those stemming from recent and future policy changes that may affect EAD eligibility, DHS is unable to produce a tenable population estimate for the future population that may be affected by the IFR and this final rule. *See* 90 FR 48799, 48816 (Oct. 30, 2025). The degree of uncertainty is not exclusive to non-unionized workers who might be potentially affected by the IFR and this final rule if faced with a temporary lapse in their employment authorization and/or EAD validity. Given the high degree of uncertainty, DHS cannot estimate the number of unionized renewal EAD applicants who will be affected by this rule and the impacts, if any, that might flow to labor unions.

Comment: Multiple commenters requested that DHS withdraw the IFR in its entirety because it violates the APA and/or is arbitrary and capricious. One commenter said that DHS did not establish why the current vetting is insufficient and that upending work authorization for millions without sufficient factual data in support violates the APA. Another commenter said that the rule violates the APA because USCIS is removing the guardrails it acknowledged needing, without any facts or proof that would indicate improved adjudication times.

Response: DHS disagrees with the commenters' assertions that the IFR violates the APA, or that DHS did not provide sufficient justification for the rule. DHS will not withdraw the IFR. DHS is adopting the IFR as final following careful consideration of the comments received.

The IFR and this final rule end the practice of automatically extending the validity of employment authorization documents so that DHS can take appropriate action before an immigration benefit is provided to an alien. The IFR discussed specific examples of the harm that could result from continuing to automatically extend an alien's expired employment authorization and/or EAD merely by filing a timely renewal EAD application and without first completing adjudicative review and related vetting, including resolution of derogatory information identified during the vetting process.[159] The IFR also explained that such automatic extensions grant the benefit without benefit is granted without USCIS first performing the following actions: an eligibility determination, completing vetting and screening checks, resolving potential hits of derogatory information in connection with the alien; and, a determination that the employment authorization should be granted in the

[156] *See* 90 FR at 48807–48808.

[157] *See* 90 FR at 48808.

[158] *See, e.g.,* Conference Report to accompany H.R. 4567 [Report 108–774], ''Making Appropriations for the Department of Homeland Security for the Fiscal Year Ending September 30, 2005,'' p. 74 (Oct. 9, 2004), *https://www.gpo.gov/fdsys/pkg/CRPT-108hrpt774/pdf/CRPT-108hrpt774.pdf* (recommending, among other things, the creation of an organization to conduct ''law enforcement/background checks on every applicant, beneficiary, and petitioner prior to granting immigration benefits.'') (last visited May 26, 2026).

[159] 90 FR 48799 48807–48808 (Oct. 30, 2025).

exercise of discretion, if applicable.[160] Without the IFR, and this final rule, aliens could still obtain an automatic extension despite derogatory information that could flag them as a national security or public safety risk. As described previously, vetting and screening might not be completed and derogatory information reviewed and resolved before the alien's EAD expires. The automatic extension, therefore, poses a security vulnerability that could allow bad actors to continue to work and generate income to potentially finance nefarious activities that pose an imminent threat to the American public. Granting benefits without proper vetting and full adjudication is contrary to the DHS mission to enhance benefit integrity and better protect public safety and national security.[161]

DHS has determined that the potential impact that some aliens may experience a temporary lapse in the validity of their employment authorization and/or EAD is outweighed by the need to better protect the safety and security of the American people by ensuring that employment authorization and/or an EAD is not granted until USCIS has thoroughly vetted and screened the applicant, resolved any derogatory hits, and determined that the alien continues to be eligible for the immigration benefit and merits a favorable exercise of discretion, as applicable.

v. Reliance Interests

Comment: Many commenters stated that the IFR disregarded significant reliance interests that DHS itself reaffirmed when it issued a permanent 540-day automatic extension less than one year before the IFR. Commenters said the 2025 IFR eliminates extensions entirely, imposing consequences DHS recently deemed economically harmful and operationally unworkable. Several commenters added that this reversal in policy, without new evidence or a reasoned explanation, violates the APA.

Several commenters stated that for nearly a decade, USCIS has automatically provided an extension of some length to some groups of workers with expiring EADs. The commenters said that employers and workers structured hiring, staffing, payroll planning, and employee retention around that assurance, and now, DHS cannot abruptly withdraw the permanent 540-day automatic extension without addressing these significant reliance interests. The commenters said that doing so violates core administrative law principles, because *Dep't of Homeland Sec.* v. *Regents of the Univ. of Cal.,* 591 U.S. 1, 30 (2020), concluded that agencies must meaningfully consider reliance interests when abandoning prior policy.

Several commenters stated that the IFR failed to consider the reliance interests of broader stakeholders, including state and local governments, service providers, regional economies, and federal agencies, all of whom depend on stable workforces. A commenter stated that in Maine, automatic extensions are especially critical for the thousands of immigrants who rely on regulatory stability and plan their lives around this expectation, and DHS's actions failed to properly consider these significant reliance interests and have ''pulled the rug out from under them without explanation.''

Response: DHS disagrees with the assertion that the IFR did not sufficiently consider the reliance interests of the regulated public on the prior rules that provided for automatic extension of EADs and/or employment authorization based on a timely filed renewal application. The IFR specifically discussed and acknowledged reliance interests and explained why DHS has determined that any reliance interests are outweighed by the removal of automatic extensions for aliens in certain employment authorization categories. *See* 90 FR 48809–10. In preparing this final rule, DHS further considered all comments that articulated specific reliance interests.

DHS believes that the benefits of this rule to the United States outweigh any reliance interests held by the alien, his or her family, the employer or the public at-large in the automatic extensions of EADs to avoid temporary lapses in employment authorization and/or EAD validity. The Federal Government has a duty to protect U.S. national security, public safety, and the integrity of immigration benefits, and in the context of the IFR and this final rule, to better ensure that employment authorization is provided in a manner consistent with prohibiting the unlawful employment of aliens. Any reliance interest in the prior regulatory framework and policy does not outweigh the need to protect public safety and the integrity of immigration benefits and employment authorization.

vi. Failure To Consider Alternatives

Comment: A commenter argued that DHS's rejection of two alternatives ((1) returning to a 180-day automatic work permit extension period and (2) issuing interim EAD cards) without substantive analysis and based upon unsubstantiated risks to national security does not satisfy the APA's requirement of ''meaningful consideration of alternatives.''

Response: DHS disagrees with the commenter's assertion that it did not meaningfully consider reasonable alternatives. These were reasonable alternatives for DHS to consider since they are prior DHS policies. As DHS explained in the IFR, and reiterates in this final rule, these and the other sub regulatory alternatives mentioned above suffer the same flaws as the up-to-540-day automatic extension. The automatic extension of an EAD, whether for 180 days, 540 days, or through the issuance of an interim EAD, grants the benefit of extending an alien's expired employment authorization and/or EAD merely by filing a timely renewal EAD application. That is, the benefit is granted without USCIS first performing the following actions: an eligibility determination, completing vetting and screening checks, resolving potential hits of derogatory information in connection with the aliens, and a determination that the employment authorization should be granted in the exercise of discretion, if applicable. If DHS pursued these options, aliens with derogatory information flagged during the background check process would nevertheless still obtain an automatic extension of 180 days, or an interim EAD, even if derogatory information cannot be reviewed and resolved, and their application denied, before the alien's EAD expires. These automatic extensions therefore pose a security vulnerability that could allow bad actors to continue to work and generate income to potentially finance nefarious activities that pose an imminent threat to the American public.

Comment: Multiple commenters stated that the IFR failed to consider reasonable alternatives to eliminating automatic extensions entirely, which violates the standards of ''rational decision-making'' required under the APA. A commenter said DHS did not articulate any consideration of alternative, sub-regulatory means to achieve increased security for the American public, such as providing direction to staff to prioritize the vetting of EAD renewal applications, which

[160] 90 FR 48799, 48808 (Oct. 30, 2025).

[161] *See, e.g.,* Conference Report to accompany H.R. 4567 [Report 108–774], ''Making Appropriations for the Department of Homeland Security for the Fiscal Year Ending September 30, 2005,'' p. 74 (Oct. 9, 2004), *https://www.gpo.gov/fdsys/pkg/CRPT-108hrpt774/pdf/CRPT-108hrpt774.pdf* (recommending, among other things, the creation of an organization to conduct ''law enforcement/background checks on every applicant, beneficiary, and petitioner prior to granting immigration benefits.'') (last visited May 26, 2026).

would be appropriate and a better option to meet the agency's security goals than the rule's termination of the post-2024 practice of providing automatic extensions of employment authorization and/or EADs for 540 days for eligible aliens who timely filed. A commenter stated that DHS ignores the straightforward solution of printing extension confirmations on secure paper or commonsense alternatives such as issuing multiple EADs with consecutive validity periods or improving USCIS data systems to identify and expedite renewal applications for applicants whose EAD will imminently expired, and that rejecting a simple administrative fix in favor of a rule that foreseeably creates widespread employment interruptions reflects precisely the sort of arbitrary and capricious decision-making the APA prohibits.

Another commenter said that DHS's failure to address consecutive EAD validity periods underscores the inadequacy of its ''proper planning'' rationale and confirms that the agency did not meaningfully consider reasonable, less disruptive alternatives, which is in violation of the APA.

Response: DHS considered the alternatives suggested by the commenters but declined to adopt them. This administration's priority is the robust vetting of all aliens in our country to better protect the safety of American workers and the public at large. The IFR, and this final rule, will enhance public safety by ensuring proper vetting before issuing renewal EADs, which are important benefits, and improve program integrity. DHS is enhancing its vetting and screening efforts, increasing its ability to detect aliens with potentially harmful intent, deter fraud, and place removable aliens into proceedings. DHS uses all applicable provisions under the law, to protect the United States from those who are a risk to public safety and national security. This includes more frequent vetting of aliens, including more frequent determinations that an alien granted an EAD continues to remain eligible for employment authorization, and continues to merit a favorable exercise of discretion, as applicable. DHS believes that it would be inconsistent with these policy goals for USCIS to issue, concurrently or in close proximity, multiple EADs to the same alien with consecutive validity periods. Essentially, this would allow an alien to submit multiple EAD applications at or around the same time, and consecutive EADs would be tantamount to one EAD with a longer validity period. The result of this alternative would be less frequent vetting and eligibility determinations, which would be directly contrary to DHS's stated policy goal of the IFR and this final rule.

DHS does not agree that identifying and expediting renewal applications for applicants whose EAD will imminently expire is a reasonable alternative. Such an approach, even if operationally feasible, would simply encourage and incentivize applicants to wait until the last minute before filing the EAD renewal application. Expediting the applications of those who wait to file would have the unintended consequence of delaying the adjudication of those who filed six months in advance of their EAD expiration. DHS does not believe it is reasonable to reward applicants who wait until the last minute to file their renewal EAD application by moving those applications to the front of the processing queue to the disadvantage of other applicants who filed months in advance.

Furthermore, DHS does not agree that a reasonable alternative is to issue evidence of an automatic extension of employment authorization on secure paper, as that would not further the policy goal of more frequently vetting, screening, and adjudicating continued eligibility and that the alien continues to merit a favorable exercise of discretion, as applicable. Secure paper would also not resolve the issue DHS noted in the IFR [162] pertaining to the risks associated with automatic extension of employment authorization and the potential for employer confusion as to when the automatic extension of employment authorization ends. The potential confusion stems from the fact that the alien, not their employer, is the party to the renewal application and is the one notified if the renewal application is denied. Their employer is not separately notified and is dependent on notification from the alien that their renewal application has been denied and they are no longer employment authorized. If the alien does not immediately notify their employer, the employer could unknowingly employ an alien who is no longer authorized to work in the United States. The use of secure paper to print evidence of the automatic extension would have no effect on this issue, or the need to ensure more frequent vetting and screening and that the alien continues to be eligible for employment authorization and merits a favorable exercise of discretion, as applicable.

[162] *See* 90 FR 48799, 48808–48809 (Oct. 30, 2025).

vii. Comment Period

Comment: Several commenters requested that DHS extend the comment period beyond the December 1, 2025 deadline. An individual commenter requested that DHS extend the comment period to 60 days beyond December 1, 2025. Additional commenters requested that DHS rescind the IFR's implementation and provide a full 90-day comment period. One commenter requested that DHS reopen the comment period for at least 60 days.

Response: DHS believes that the 33-day comment period from October 30, 2025, to December 1, 2025, was sufficient and reasonable, given the straightforward purpose of the IFR, as evidenced by the quality of comments that DHS carefully considered in the promulgation of this final rule.

The APA does not specify a minimum comment period. On January 20, 2025, the President issued E.O. 14159, Protecting the American People Against Invasion (Jan. 20, 2025), 90 FR 8443, 8446 (Jan. 29, 2025), which put the public on notice that it was the President's priority to take all appropriate action to alien any departmental activities with the policies set out by the President and to ensure, among others, ''that employment authorization is provided in a manner consistent with section 274A of the INA, 8 U.S.C. 1324a, and that employment authorization is not provided to any unauthorized alien in the United States.''

Additionally, on Jan. 20, 2025, the President also issued E.O. 14161, Protecting the United States from Foreign Terrorists and other National Security and Public Safety Threats, which directs the coordination among the departments to identify all resources that may be used to ensure that all aliens seeking admission to the United States, or who are already in the United States, are vetted and screened to the maximum degree possible. On October 29, 2025, the IFR was published for public inspection, which allowed individuals to familiarize themselves with the rule. On October 30, 2025, the comment period opened with the publication of the rule in the **Federal Register** and commenters had 33 days, that is to December 1, 2025, to provide comments. DHS believes that the 33-day period is sufficient given the straightforward purpose of the IFR.

Comment: Commenters stated that the post-promulgation comment period offered by DHS was insufficient to bypass the APA's notice and comment procedures. Courts have repeatedly held that such after-the-fact opportunities

cannot substitute for prior notice and comment. Once a rule takes effect, the ability to influence the agency's decision-making is, as a practical matter, diminished. The commenters added that pre-promulgation notice and comment are not optional—they are statutory prerequisites for a legislative rule to be valid, especially in this instance where the IFR will have far reaching effects. A commenter said they were not afforded the customary notice and comment period to conduct a full, data-driven economic or labor market impact analysis prior to implementation, which undermines their ability to provide DHS with the comprehensive, evidence-based assessment that this rule warrants. A different commenter similarly stated that with more time and a comment period that accounts for stakeholder input prior to implementation, they would have submitted more feedback directly relevant to the IFR. A few commenters requested that DHS conduct a full notice and comment process to consider stakeholder input.

Response: DHS disagrees with the commenters that allowing for post-promulgation comments when issuing the IFR may be insufficient for purposes of the Administrative Procedure Act (APA) and that the rule may be invalid or otherwise procedurally deficient. Unless a statutory exception to notice and comment rulemaking applies, the APA requires agencies to publish a notice of proposed rulemaking in the **Federal Register** before the rule has legal effect. *See* 5 U.S.C. 553(b). The APA requires that the notice of proposed rulemaking contain reference to the legal authority under which the rule is proposed and either the terms or substance of the proposed rule or a description of the subjects and issues involved. *See* 5 U.S.C. 553(b)(2)-(3). DHS has complied with the requirements under the APA. The IFR explained the relevant issues and the Department's rationale why it was ending the automatic extensions of employment authorizations and/or EADs under 8 CFR 274a.13. DHS also demonstrated that it had good cause to bypass standard notice and comment procedures under the APA. With the issuance of the IFR, DHS invited the public to participate in the rulemaking, thus giving stakeholders an opportunity to provide comments on every aspect of this rule, including potential modifications. DHS is now considering all comments received on the IFR and responded to them in this preamble, thereby providing the notice and comment process sought by commenters. DHS thus has met every statutory requisite for the IFR and this final rule to be a properly issued legislative rule under the APA.[163]

Comment: Several commenters expressed that the issuance of the rule as an IFR with immediate effect that same day deprived stakeholders of any meaningful opportunity to review, comment, or prepare for compliance.

Response: As stated in the IFR, DHS issued the IFR without prior notice or public procedures because DHS was invoking the ''good cause'' exception under the APA, 5 U.S.C. 553(b)(B). For the same reason, DHS found that a delayed effective date of 30-days was not required. *See* 5 U.S.C. 553(d)(3). Both provisions allow an agency to publish a measure immediately if acting expeditiously is warranted. DHS further explained in the IFR why it was necessary for the agency to move so expeditiously in promulgating and implementing this rule. With the issuance of the IFR, however, DHS invited the public to participate in the rulemaking, thus giving stakeholders an opportunity to provide comments on every aspect of this rule, including potential modifications. DHS has now considered all comments received on the IFR and responded to them in this preamble, thereby providing the notice and comment process sought by commenters. Furthermore, DHS also explained in the IFR that the regulatory amendment involves a foreign affairs function under 5 U.S.C. 553(a)(1) and that therefore, the agency may forego notice and comment rulemaking and a delayed effective date. Therefore, the IFR and this final rule complied with the process required under the APA for rules that are excepted from notice and comment.

viii. Comment Submission Requirements

Comment: A couple of commenters stated that DHS's requirement that comments be submitted in English deprived many asylum seekers and other immigrants of their right to comment on the IFR and to provide input grounded in their own lived experiences. The commenter stated that many asylum seekers come from countries where English is not the primary language and may not have the ability and resources to prepare comments in English.

Response: DHS does not agree that the requirement that comments be submitted in English, or accompanied by an English translation, deprived aliens of the opportunity to comment on the IFR.

As stated in the IFR, comments ''must be submitted in English, or an English translation must be provided.'' [164] That requirement is consistent with longstanding USCIS practice and with E.O. 14224, Designating English as the Official Language of the United States, 90 FR 11363 (Mar. 1, 2025). This requirement does not limit who may submit comments. It only specifies the language in which comments must appear in the rulemaking record so that they can be reviewed and considered on a consistent basis as part of the administrative process.

Nothing in the IFR prevented non-English-speaking individuals, including asylum seekers and other immigrants, from participating in this rulemaking. Individuals and organizations were free to submit comments translated into English, whether prepared by the commenter or with the assistance of online translation tools or counsel, community organizations, or other representatives. Many of the comments DHS received came from advocacy and legal-services organizations that described, in detail, the lived experiences and concerns of asylum seekers and other non-English-speaking communities.

The English-language requirement for comments in this rulemaking does not restrict who may have their views considered in the development of this final rule.

Comment: A commenter said that the FRN states that the comments must include the agency and docket number, but that requirement is arbitrary and capricious with respect to online submissions. Online submissions are linked to the specific FRN so there is no ambiguity as to which FRN is at issue. The commenter said that any decision to exclude comments from consideration because of these administrative barriers violates the APA and the whole purpose of soliciting comments from the public. Another commenter asked why comments must have USCIS Docket No. USCIS–2025–0271 for DHS to consider them.

One commenter stated that comments should be restricted to U.S. citizens.

Response: DHS considered all comments received in the docket. Accordingly, commenters' concerns about DHS's requirements for labeling comments are moot.

Finally, the APA requires that a rule be published in the **Federal Register**

[163] *Cf. Little Sisters of the Poor Saints Peter and Paul Home* v. *Pennsylvania,* 591 U.S. 657, 683–84 (2020) (finding that an IFR satisfied the APA's notice requirements).

[164] 90 FR 48799–800.

and, unless an exception to the notice and comment procedures applies, to give interested people an opportunity to participate in the rulemaking. *See* 5 U.S.C. 553(b). The APA does not restrict public participation in rules to U.S. citizens, and DHS would not have a legal basis to do so.

12. Regulatory Impact Analysis

i. Methodology

Comment: Many commenters stated that the IFR fails to provide any substantive economic impact analysis of eliminating automatic EAD extensions and did not reconcile its position with DHS's recent finding that automatic extensions yield substantial economic benefits.

Multiple commenters stated that the IFR failed to meet the standards required by E.O. 12866 for economically significant rules. They stated that such rules must be supported by a clear statement of need, a thorough examination of alternative approaches, and a detailed benefit-cost analysis.

Several commenters remarked that USCIS relies on ''conjectural concerns'' such as a remittance-based theory that are inconsistent with DHS's own statistics.

One commenter stated that the rule declined to quantify productivity losses or turnover costs, elements that were addressed in the 2024 rule with detailed estimates of economic impact. The commenter noted that DHS speculated that renewal filings would decrease but did not account for the number of current EAD holders who would need to renew or the implications of shortened validity periods, which might require more frequent renewals.

One commenter provided a conservative scenario analysis to demonstrate that the economic impact would exceed the $100 million threshold for economically significant rules under Executive Order 12866.

Multiple commenters expressed concern that eliminating automatic extensions would disrupt a significant portion of the U.S. labor force. They cited DHS's acknowledgment that foreign-born workers constitute roughly 20% of the U.S. civilian workforce and argued that eliminating automatic extensions would not simply affect individual households or hypothetical outflows abroad but would disrupt up to one-fifth of the U.S. labor force and the U.S. employers, tax revenues, and economic activity tied to that workforce.

One commenter specifically noted that the impact would be significantly more severe in New York City, where the foreign-born workforce comprises approximately 1.8 million people, about 44.3 percent of the city's total labor force.

Another commenter stated that California alone is home to over 10.5 million immigrants, comprising 27.3 percent of the state's population, and that in California, immigrants have contributed $168.1 billion in taxes and have $404.4 billion in spending power. The commenter stated that California relies on the contribution of working immigrants to stimulate the economy.

Response: DHS believes it conducted an analysis in full compliance with E.O. 12866, and DHS described that this rule would affect those aliens who would no longer receive an automatic EAD extension. DHS did designate the IFR as a ''significant regulatory action'' and economically significant as defined under section 3(f)(1) of E.O. 12866, because its annual effects on the economy may exceed $100 million in any year of the analysis. Although there is likely to be variation and uncertainty in populations and filing behavior, DHS estimated in this final rule the number of EADs that are expected to lapse, and the estimated duration of the lapse, for a specific 18-month window based on some specific assumptions. *See* Section V.B.1 of this preamble for more information.

In previous rules, DHS attempted to stabilize aliens' earnings and avoid labor turnover costs of employers. DHS also continues to work to improve processing times and reduce backlogs. However, the Department has shifted focus to prioritizing public safety, national security and benefit integrity. Due to this shift, DHS acknowledges that there will be impacts to EAD renewal applicants for the classes covered in the previous extension actions and their employers. DHS disagrees with the comment that this rule would destabilize up to one-fifth of the national labor force and the employers, tax revenues, and economic activity that depend on that workforce or that the discussion about remittances in the IFR is inconsistent with DHS statistics. The reference in the IFR to the total percentage of foreign-born workers in the United States was in the context of the foreign affairs exception and a broader discussion about the significance of remittances, including by aliens affected by this rule, on foreign affairs. This rule applies directly to certain categories of renewal applications that were previously provided automatic extensions and not, as the commenter suggests, to every foreign-born worker in the U.S. economy.

ii. Impact on Individuals

Comment: One commenter remarked that the IFR would severely harm Colorado's economy and businesses and that the automatic extension that come from the temporary final rules of 2022 and 2024 resulted in wage stabilization worth $10 billion to employment authorized aliens and average cost savings of $3.5 billion to U.S. employers over that period.

Another commenter stated that recent and proposed immigration policies will raise the cost of goods and services for U.S. families.

Response: In previous rules providing for the automatic extension of employment authorization and/or EADs based on the timely filing of a renewal EAD application, DHS attempted to stabilize aliens' earnings and avoid labor turnover costs of employers; however, the Department has shifted focus to prioritizing public safety, national security and benefit integrity. Due to this shift, DHS acknowledges that there will be impacts on a portion of the U.S. labor force. DHS disagrees that this specific immigration policy alone is going to be the sole reason for the costs of goods and services to increase.

iii. Impact on the U.S. Economy, Employers, and Labor Force

Comment: Multiple commenters provided input on the RIA's assessment of impacts on the economy. One submission expressed concern that USCIS recognized the negative impacts of removing the automatic extension period on aliens and employers but declined to conduct any economic analysis during the rulemaking. The commenter said that such an approach disregarded an estimated $4 billion in turnover costs and additional burdens on employers and Form I–9 vendors to update systems and policies. By omitting quantification of significant costs, the commenter reasoned that DHS cannot credibly claim it weighed the IFR's benefits against its costs, as the IFR provided no numeric estimates despite prior rules showing costs in the billions of dollars. Furthermore, the commenter said that the immediate effect of the IFR would place significant burdens on employers and vendors. The commenter concluded that DHS's justification for immediate implementation—to prevent a surge in renewal applications—would not outweigh the operational and economic strain imposed on employers and industry.

Likewise, another commenter expressed concern that the IFR offered

no new economic analysis and did not reconcile its approach with DHS's recent determination that automatic extensions provide substantial economic benefits. The commenter said that although DHS conducted detailed modeling less than a year earlier, the IFR stated the agency could not quantify the impact of eliminating extensions while bypassing notice and comment procedures. The commenter remarked that DHS previously found extensions stabilize billions in earnings, reduce turnover costs, and increase tax revenue, yet the IFR relied on speculative concerns instead of updated data. Moreover, the commenter said DHS's own figures, removing extensions could destabilize up to one-fifth of the labor force, creating systemic risks to employers, tax revenues, and economic activity that the 2024 Final Rule had acknowledged but the IFR failed to address.

Similarly, one commenter stated that DHS had not estimated or considered the economic value and workforce impact of EADs in the IFR. The commenter remarked that existing research had shown that work authorization allowed migrants with temporary protections to make significant economic contributions. For example, when the TPS population was about 354,000 in 2021, estimates indicated billions in tax contributions and spending power, and other studies suggested large contributions to GDP. Similar findings were reported for DACA recipients, including tax payments, household spending power, and wage increases after receiving EADs. Additional research has shown that EADs were associated with higher employment rates and wage gains for TPS holders and asylum seekers. The commenter said that such studies suggested that work authorization had positive effects on earnings, job quality, and economic stability. The commenter concluded that if DHS had conducted an economic analysis, it could have accounted for these impacts before finalizing the rule.

One commenter said that DHS's own figures indicated that eliminating automatic EAD extensions could disrupt a significant portion of the U.S. workforce and impose substantial economic costs. The commenter reasoned that such figures underscore the need for DHS to complete a thorough economic analysis before finalizing the IFR. Therefore, the commenter requested that DHS provide a comprehensive economic analysis.

A commenter stated that DHS's prior analysis projected 293,000–449,000 timely EAD renewal applicants would face work authorization lapses, and USCIS data showed backlogs were already increasing before the IFR, making lapses inevitable. The commenter further stated even short lapses could cause thousands of dollars in lost wages per worker and major operational disruptions. Lastly, the commenter stated that DHS acknowledged the IFR would cause lost wages, productivity, payroll tax contributions, as well as turnover costs, but failed to quantify the aggregate impact.

Response: DHS agrees that this rule reverses some of the impacts described in the prior automatic extension rules. As DHS acknowledged in the IFR, temporary lapses in employment authorization and/or EAD validity could result in cost and transfer impacts such as lost compensation to workers, transfers between workers losing their employment authorizations to replacement workers, employers' lost productivity when they are not able to quickly replace employees with lapses, and turnover costs for employers to find replacement employees.

DHS's 2024 final rule analysis projected that automatic extensions would prevent a significant number of future lapses, but anticipated that lapses would generally cease beginning in April 2026, even without the 540-day extension.[165] DHS acknowledges that the December 2025 reduction in EAD validity periods may lead to more frequent renewal applications, potentially affecting this projection.[166] However, recent declines in the affected population and changes in filing behavior make it nearly impossible to reliably estimate the number and duration of lapses.

DHS has concluded that the need to ensure proper vetting and screening, and continued eligibility, before granting renewed employment authorization and issuing secure evidence of that authorization outweighs the risk that some applicants might experience a temporary lapse in employment authorization and/or EAD validity. The prior automatic extension framework allowed aliens to continue working for up to 540 days based solely on a pending renewal application, during which time USCIS might identify, but not yet resolve, derogatory information bearing on eligibility or security concerns. DHS has determined that extending this benefit without updated adjudication and screening is inconsistent with its mission and with E.O.s directing DHS to ensure that employment authorization is not provided to unauthorized aliens and that aliens in the United States are vetted and screened to the maximum degree possible.[167] DHS disagrees with the comment that this rule would destabilize up to one-fifth of the national labor force and the employers, tax revenues, and economic activity that depend on that workforce. This rule applies directly to certain categories of renewal applications that were previously eligible for automatic extensions.

iv. Other Comments on the RIA

Comment: A commenter asked that USCIS suspend further action with the rule until it prepares and publishes a full RIA, an Initial Regulatory Flexibility Analysis, and reopen the comment period for 60 days following the publishing of those materials.

Response: DHS published an RIA in the IFR providing a qualitative assessment of benefits, transfers, and costs. In that analysis, DHS acknowledged the possibility that some renewal applicants could experience EAD lapses. However, due to factors such as population changes, reduced filings, shorter validity periods for certain EADs, DHS determined that the conditions are too uncertain to accurately estimate the number or duration of lapses. Additionally, lower filing volumes may allow DHS to address the backlog more rapidly.

While many renewal applicants covered by the two TFRs who received automatic extensions may have eventually obtained five-year EADs, projecting how many new and renewal EADs will be subject to the 18-month validity period is highly speculative. As a result, DHS cannot reliably estimate processing times, which are essential for calculating lapses and their duration.

Within the IFR, DHS referenced prior analyses from the TFRs and 2024 final rule to demonstrate that it is aware of the past situations of large lapses, but could not use prior historical data to

[165] *See* 89 FR 101251 (Dec. 13, 2024), Table 12 (Population Projections by Month, Rounded to Thousands).

[166] The 2024 final rule analysis projection starting in April 2026 was based on the 5-year validity period in place at the time of the 2024 final rule. In December 2025, USCIS shortened the validity period to maximum of 18 months for certain categories. The reduced validity period could impact the frequency of future renewal filings *See https://www.uscis.gov/save/current-user-agencies/news-alerts/reduced-validity-periods-for-newly-issued-employment-authorization-documents* (last updated Jan. 12, 2026).

[167] *See* E.O. 14159, Protecting the American People Against Invasion 90 FR 8443, 8446 (Jan. 20, 2025); E.O. 14161, Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats, 90 FR 8451, 8451 (Jan. 20, 2025).

forecast the IFR's impact. Assuming prior spikes in EAD filings would continue is inconsistent with recent data. *See* Table 1 in Section IV.C.2.i.d. of this preamble. Therefore, at the time of the IFR and the issuance of this final rule, DHS could not reliably estimate the number or duration of lapsed EADs.

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires agencies to prepare an initial regulatory flexibility analysis when issuing a notice and comment rulemaking. DHS disagrees with the claims that a proper regulatory flexibility analysis was not conducted. The RFA's regulatory flexibility analysis requirements apply only to those rules for which an agency is required to publish a general notice of proposed rulemaking pursuant to 5 U.S.C. 553 or any other law. DHS did not issue a notice of proposed rulemaking for this action. Accordingly, DHS is not required to either certify that this IFR would not have a significant economic impact on a substantial number of small entities nor conduct a regulatory flexibility analysis. DHS acknowledged that this interim final rule directly regulates individuals, and individuals are not defined as ''small entities'' by the Regulatory Flexibility Act. The rule indirectly impacts certain employers if, in the future, processing times exceed the expiration dates of EADs.

DHS used the IFR, in part, to address prior policy decisions that resulted in the filing of an overwhelming and unmanageable number of EAD applications making it more important than ever to conduct complete and thorough vetting of applicants, including those filing for renewal EADs, to mitigate potential risks to public safety and national security. DHS understands that the IFR and this final rule, and any resulting gaps in continued employment authorization, may have adverse impacts on employers and applicants. However, as DHS noted in the IFR, DHS expects that overall EAD filing rates (initials and renewals) are likely to substantially decline given actions DHS has taken in support of presidential directives, freeing up adjudicative resources to reduce renewal EAD processing times and the need for renewal EAD applicants in the longer term to rely on an automatic extension of their EAD to avoid lapses in employment authorization and/or EAD validity due to processing delays.

In addition, proper planning by an applicant, and monitoring of EAD processing times, may allow the alien to mitigate the risk for the alien, the alien's family, as well as the alien's employer that the alien will experience prolonged lapses in their employment authorization and/or EAD validity. Proper planning may ameliorate the risk of losing valid employment authorization, as well as the disruption and associated instability with business continuity or other financial harm for employers and the community. Ultimately, granting benefits without proper vetting and full adjudication is contrary to the DHS mission to enhance benefit integrity and better protect public safety and national security.[168] DHS believes that this concern justifies potential backlogs and operational challenges that may result in a temporary lapse in employment authorization and/or EAD validity.

As explained, DHS has complied with the requirements of the APA and RFA. Therefore, DHS will not adopt the commenters' suggestions to withdraw the IFR, delay the implementation of the IFR or this final rule, and provide an additional comment period.

13. Regulatory Flexibility Act

Comment: A few commenters remarked that small businesses may be unfairly burdened with additional costs associated with administering a more complex I–9 program in their workplace or may be burdened by disruptions caused by lapses in employment authorization. Another commenter said that the IFR will have a chilling effect on the hiring of otherwise eligible non-citizen workers.

Commenters called for USCIS to conduct a complete RFA assessment. A commenter said the RFA requires an Initial Regulatory Flexibility Analysis unless the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities (5 U.S.C. 603–605), and an adequate certification must be supported by a factual basis. The commenter went on to detail impacts to small entities. The commenter stated that, if DHS has certified no significant impact without disaggregated data by sector and firm size, empirical estimates of affected headcount, and a monetized impact range, the certification is unsupported and unlawful. The commenter concluded that DHS must publish an IRFA, evaluate alternatives that minimize small-entity impacts, and seek small-entity input before proceeding.

Response: DHS disagrees with the claims that a proper regulatory flexibility analysis was not conducted. The RFA's regulatory flexibility analysis requirements apply only to those rules for which an agency is required to publish a general notice of proposed rulemaking pursuant to 5 U.S.C. 553 or any other law.[169] DHS did not issue a notice of proposed rulemaking for this action. Accordingly, DHS is not required to either certify that this IFR would not have a significant economic impact on a substantial number of small entities nor conduct a regulatory flexibility analysis. DHS acknowledged that this interim final rule directly regulates individuals, and individuals are not defined as ''small entities'' by the Regulatory Flexibility Act.[170] The rule indirectly impacts certain employers if, in the future, processing times exceed the expiration dates of EADs.

USCIS does take actions to address reducing burden and complexity for employers. As DHS discussed previously, USCIS periodically updates the M–274, offers guidance on the agency website, hosts several monthly I–9 webinars, and has a Form I–9 Contact Center. Further, E-Verify is a service that allows employers to electronically confirm employment eligibility of newly hired workers.

As DHS stated in the IFR, it is the policy of the Administration ''to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people.'' [171] Pursuant to this policy, the Secretary of Homeland Security, in collaboration with the Secretary of State and the Attorney General, has been directed to ''rescind the policy decisions of the previous administration that led to the increased or continued presence of illegal aliens in the United States, and align any and all departmental activities with the policies set out by this order and the immigration laws.'' [172]

DHS has already taken a number of actions in support of the directives described earlier in this final rule.[173]

[168] *See, e.g.,* Conference Report to Accompany H.R. 4567 [Report 108–774], ''Making Appropriations for the Department of Homeland Security for the Fiscal Year Ending September 30, 2005,'' p. 74 (Oct. 9, 2004), *https://www.gpo.gov/fdsys/pkg/CRPT-108hrpt774/pdf/CRPT-108hrpt774.pdf* (recommending, among other things, the creation of an organization to conduct ''law enforcement/background checks on every applicant, beneficiary, and petitioner prior to granting immigration benefits.'') (last visited May 26, 2026).

[169] *See* 5 U.S.C. 604(a).

[170] *See* 5 U.S.C. 604(a).

[171] *See* 90 FR 8443, 8446.

[172] *Id.*

[173] *See, e.g., Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans,* 90 FR 13611 (Mar. 25, 2025); *Termination of the October 3, 2023 Designation of Venezuela for Temporary* Protected Status, 90 FR 9040 (Feb. 5,

Continued

Thus, in addition to the serious concerns relating to automatic EAD extensions discussed previously, DHS is taking steps independent of this rule, including narrowing the use of parole and to align TPS designations with statutory criteria, that are likely to result in lower EAD filing volumes and improve renewal EAD application processing times. DHS anticipates that these may reduce processing time and lapses. However, DHS cautions that various factors make it difficult to estimate the number of lapses and when they will occur. Applicants may also apply earlier to reduce the chances of lapses.

14. Paperwork Reduction Act

Comment: A commenter said that eliminating the automatic extension directly affects two OMB-approved information collections: Form I–9 Employment Eligibility Verification (OMB Control No. 1615–0047) and Form I–765 Application for Employment Authorization (OMB Control No. 1615–0040/0016). The commenter said the rule does not appear to include Paperwork Reduction Act (PRA) notices proposing revisions to these collections or revised burden estimates and DHS must either (a) publish PRA notices with revised burden and cost estimates aligned to the rule's effects, or (b) explain why no change occurs and provide data supporting that assertion. Proceeding without PRA compliance is a defect.

Response: DHS has considered the comment asserting that this rule triggers new information collection requirements under the PRA for Form I–9, Employment Eligibility Verification (OMB Control No. 1615–0047), and Form I–765, Application for Employment Authorization (OMB Control No. 1615–0040).

Under the PRA, an agency must obtain OMB approval when it seeks to ''collect information'' from 10 or more persons, or when it revises an existing collection in a way that changes the information requested, who must respond, how often they must respond, or the estimated burden of responding. This rule does none of those things.

The rule does not change the Form I–765 itself, the data elements on the form, the categories of individuals who file it, or the circumstances under which it must be filed. Aliens who seek initial or renewal employment authorization and/or EAD in the affected categories will continue to use the same form, with the same instructions, to request the same benefit. The rule changes only the regulatory consequence that previously flowed automatically from the filing of certain renewal applications, not the information collected on Form I–765 or the obligation to file the form in the first place.

This rule also does not amend the requirements that govern employers' use of Form I–9. Employers are required under section 274A of the INA and 8 CFR 274a.2 to complete Form I–9 for each new hire and to reverify employment authorization when previously presented documentation expires. Those obligations exist independent of this rule. While the elimination of automatic extensions may result in some employers conducting reverification at different times than they would have under the prior automatic-extension framework, the scope and content of the information collected on Form I–9 are unchanged. The rule does not add any new fields to Form I–9, does not create a new reverification requirement, and does not expand the universe of employers subject to the Form I–9 provisions. Accordingly, it does not revise the underlying information collection approved under OMB Control No. 1615–0047.

This rule does not require DHS or employers to collect new categories of information, does not increase the frequency with which individuals must submit information to DHS beyond what is already required to seek or renew an EAD, and does not impose new recordkeeping or reporting requirements on employers beyond existing Form I–9 obligations.

Consistent with the IFR's PRA discussion and the PRA section of this final rule, DHS concludes that this rule does not introduce a new collection of information or revise an existing collection within the meaning of the PRA and that no new or amended OMB approval is required.

15. General Comments on Statutory and Regulatory Requirements

Comment: A commenter stated that DHS must provide more evidence for why the rule's implementation is needed despite its likely negative impact on families and must include a Family Policymaking Assessment as required by Section 654 of the Treasury and General Government Appropriations Act of 1999, 5 U.S.C. 601. The commenter said DHS's rationale does not comprehensively consider how the loss of discretionary income will impact families and fails to consider that EADs are strongly tied to obtaining forms of identification. Without the ability to drive, many families may be limited or prevented from attending church, medical appointments, buying groceries, or taking children to school. They may also have more difficulty accessing utilities and their bank accounts. The commenter said the rule cannot move forward without an adequate rationale that properly considers these dynamics, which DHS failed to consider.

Another commenter stated that USCIS should prepare and publish a written statement as required by the Unfunded Mandates Reform Act of 1995 (UMRA) to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. The commenter said even conservative scenarios imply private sector costs approaching or exceeding the threshold for a required UMRA analysis based on lost wages, productivity, and turnover.

A commenter that supports the rule said DHS should add a categorical exclusion to its NEPA procedures to strengthen its position that this rule does not require a NEPA analysis. The commenter stated that, in this IFR, DHS's NEPA implementation process was lacking though the commenter agreed that this rule does not have a significant environmental impact. The commenter went on to expand on DHS's conclusion that the rule is ''strictly administrative and procedural'' and the appropriate use of categorical exclusion A3. The commenter recommended that DHS strengthen the final version of this rule by adopting NEPA procedures that draw a distinction between rules that increase immigration (and therefore do have environmental impacts) and rules that do not (and where the invocation of such categorical exclusions are appropriate).

Response: DHS recognizes that this rule has the potential to impact families, as described above and in the Interim Final Rule.[174] DHS is charged with protecting the national security and public safety of the American people, and so is finalizing this regulation to enhance benefit integrity and better protect public safety and national security by prioritizing the proper vetting and screening of aliens and ensuring continued eligibility before granting a new period of employment authorization and/or a new EAD. DHS urges eligible aliens to timely file renewal EAD applications to mitigate the risk that the applicant may experience a temporary lapse in

2025); *Special Immigrant Juvenile Classification and Deferred* Action, USCIS Policy Alert (June 6, 2025) *https://www.uscis.gov/sites/default/files/document/policymanual-updates/20250606-SIJDeferredAction.pdf* (last visited June 13, 2025).

[174] *See* 90 FR 48818–19.

employment authorization and/or EAD validity. Regarding the commenters' concern that the rule inadequately considered impacts on aliens' ability to obtain driver's licenses or other identification cards, DHS emphasizes that the IFR explicitly explained that security concerns outweigh granting automatic extensions of EADs in this context.[175] Nevertheless, this rule does not prevent the use of properly issued EADs for identification.

The Unfunded Mandates Reform Act of 1995 (UMRA) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and Tribal governments.[176] Title I of UMRA provides certain exceptions to its requirements and definitions. For example, UMRA does not apply to rules issued with no notice of proposed rulemaking, such as the IFR and this final rule.[177] Further, this rule does not impose an enforceable duty on EAD renewal applicants or their employers and is thus not a federal mandate. Accordingly, there is nothing further required for DHS to comply with UMRA.

DHS appreciates the recommendation to reconsider how it approaches NEPA and its categorical exclusions, specifically by differentiating between regulations that would increase immigration or not. However, this suggestion of adding an additional appropriate CATEX goes beyond the scope of this rule.

Please see Section V.J. below for our discussion of this rule's implementation and NEPA. As stated in the IFR, and below in this final rule, DHS finds that this action falls strictly within CATEX A3 of the DHS Instructions Manual 023–01–001–1, relating to the promulgation of rules, issuance of rulings or interpretations, and the development and publication of policies, orders, directives and notices procedures, manuals and advisory circulars and other guidance documents that are administrative or procedural in nature, and that interpret or amend and existing regulation without changing its environmental effect. *See* DHS Instructions Manual 023–01–001–1, CATEX A3.

Comment: A commenter stated that the rule was not listed on the Unified Agenda or the regulatory information dashboard until October 30, 2025. According to *RegInfo.gov*, the IFR was submitted to the OMB's Office of Information and Regulatory Affairs (OIRA) on October 29 and posted for public inspection the same day. The commenter stated that this timeline not only deprived the regulated public of both notice and an opportunity to comment, but it also marked a ''radical departure'' from the traditional process of careful OIRA review and deliberation. The commenter stated that it is impossible to envision meaningful OIRA review, a step that is not only conceptually essential but required under Executive Order 12866, in a single day.

Response: First, Executive Order 12866 establishes procedures for OIRA review of significant regulatory actions, but ''does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States'' or an agency.[178] Accordingly while commenters are correct that there was not advance notice of the rule's consideration at OIRA prior to publication of the rule, and that commenters accordingly did not have an opportunity for a listening session before OIRA prior to publication, DHS followed all legally required procedures for publication of the rule. Further, DHS emphasizes that commenters had the opportunity to comment under the APA on the IFR, as explained above in previous responses addressing notice and comment procedures.

Second, the Unified Agenda of Federal Regulatory and Deregulatory Actions, issued under E.O. 12866, is a planning tool published semiannually to inform the public about upcoming regulatory actions. *See, generally,* Section 4 of E.O. 12866 (Planning Mechanism); *see also* OIRA, OMB, ''About the Unified Agenda.'' There is not a legal requirement that agencies announce rules in the Unified Agenda prior to publication in the **Federal Register** or taking effect. Accordingly, the omission of a rule in the United Agenda does not invalidate or otherwise render procedurally defective a rule properly promulgated in accordance with applicable law and the APA. Instead, the APA requires agencies to provide notice of a rulemaking via the **Federal Register**. *See* 5 U.S.C. 553(b).[179]

Finally, the procedures for review by OIRA at the OMB are not within the purview of DHS. Accordingly, comments regarding actions taken by OIRA during their review are outside the scope of this rulemaking.

D. Additional Out of Scope Comments

Comment: Commenters asked to end other classifications, such as: L–1, H–1B, and H–4 nonimmigrant classifications. Other commenters advocated for: allowing aliens to maintain their legal status under the H–1B visa program; deporting or ending employment authorization for aliens; expanded worksite auditing, particularly for employment-based nonimmigrant visa categories; protecting newcomers; granting immigrant aliens green cards; the creation of a startup visa; and enabling employment authorization for the accompanying spouse incident to dependent status.

One commenter argued that aliens in T nonimmigrant status should be allowed automatic extension of EADs. Another commenter said that they were displeased with the current administration.

Response: This rule addresses processes for the extension of EADs and employment authorization in certain circumstances. The comments above addressed topics or EAD categories outside the scope of this rule and will not be addressed in this final rule.[180]

V. Statutory and Regulatory Requirements

A. Administrative Procedure Act: Delayed Effective Date

This final rule is exempt from the Administrative Procedure Act (APA)'s delayed effective date requirement under 5 U.S.C. 553(d) because DHS has for good cause found that it is unnecessary to delay implementation of this final rule.

Although the good cause exception for the 30-day effective date in 5 U.S.C. 553(d) mirrors the ''good cause'' language of 5 U.S.C. 553(b), the good cause exception from the 30-day effective date requirement is easier to meet because these provisions have different purposes. *See Riverbend Farms, Inc.* v. *Madigan,* 958 F.2d 1479, 1485 (9th Cir. 1992); *see also U.S. Steel Corp.* v. *EPA,* 605 F.2d 283, 289–90 (7th Cir. 1979) (good cause more easily found as to 30-day waiting period). Unlike the notice-and-comment requirement, which is designed to ensure public participation in rulemaking, the 30-day waiting period is intended to give affected parties time to

[175] 87 FR 48809. *See* 90 FR 48809, footnote 112.

[176] The term ''Federal mandate'' means a Federal intergovernmental mandate or a Federal private sector mandate. *See* 2 U.S.C. 1502(1) and 658(5) and (6).

[177] *See* 2 U.S.C. 1532(a).

[178] See E.O. 12866 at sec. 10; 58 FR 51384.

[179] Alternatively, the APA also allows for the provision of notice in other ways if the people subject to the rule ''are named and either personally served or otherwise have actual notice''. 5 U.S.C. 553(b).

[180] T nonimmigrants were not among the classes of aliens who received automatic extensions of their employment authorization, and they are therefore not impacted by either the IFR or this final rule.

adjust their behavior before the final rule takes effect. *See Riverbend Farms,* 958 F.2d at 1485.

It is unnecessary to delay this final rule's effective date because in this final rule, DHS is addressing public comments solicited as part of the IFR that has been in effect since October 30, 2025. In this final rule, DHS is not making any substantive or non-substantive changes to the IFR published in October 2025. There is no need to give affected parties additional time to adjust their behavior before this final rule takes effect. Therefore, a delayed effective date serves no purpose, and this final rule is effective immediately.

B. Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and 14192 (Unleashing Prosperity Through Deregulation)

E.O.s 12866 and 13563 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. E.O. 13563 emphasizes the importance of quantifying costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. E.O. 14192 directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that ''any new incremental costs associated with the 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 final rule has been designated a ''significant regulatory action'' and economically significant as defined under section 3(f)(1) of E.O. 12866, because its annual effects on the economy may exceed $100 million in any year of the analysis. Accordingly, this rule has been reviewed by the OMB.

This final rule is not an E.O. 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 sec. 101(a)(17), 8 U.S.C. 1101(a)(17)) or any other function performed by the U.S. Federal Government with respect to aliens. *See* OMB Memorandum M–25–20, ''Guidance Implementing Section 3 of E.O. 14192, titled 'Unleashing Prosperity Through Deregulation' '' (Mar. 26, 2025).

This final rule reaffirms and finalizes changes made by the IFR to DHS regulations to end the practice of automatically extending the validity of employment authorization documents (Forms I–766 or EADs) for aliens who have timely filed an application to renew their EAD in certain employment authorization categories. The purpose of this change is to prioritize the proper vetting and screening of aliens and ensure continued eligibility before granting a new period of employment authorization and/or a new EAD. This final rule does not affect the validity of EADs that were automatically extended prior to the IFR. In previous rules providing for the automatic extension of EADs based on the timely filing of a renewal EAD application, DHS attempted to stabilize aliens' earnings and avoid labor turnover costs of employers. However, as explained in the IFR, the Department has shifted focus to prioritizing public safety and national security, and ensuring that aliens continue to be eligible and merit a favorable exercise of discretion, as applicable, before being granted continued employment authorization. *See* 90 FR 48799, 48816 (Oct. 30, 2025).

DHS has prepared two types of quantified estimates of the impacts that could be generated by this final rule. For a single 18-month window (starting in May 2027) from about 20,000 and 33,000 EADs are estimated to lapse, based on several assumptions. This rule may result in some EAD holders incurring a loss of earnings (''reduced earnings'') because of USCIS process delays for renewal EAD applications, as under this rule there could be disruption to their earnings due to a lapsed EAD. Such earnings loss to aliens could comprise beneficial transfers to other U.S. workers if the substitution of the latter for the former is relatively frictionless. Additionally, to the extent this rule affects EAD holders' jobs going unfilled, there will be impacts to tax transfers from businesses and employees to the Federal Government.[181] This rule will also generate labor turnover costs to businesses that employ the affected-lapsed EAD holders, as under this rule there would be a disruption to the EAD holders' employment authorization and/or document validity. In conducting these estimates DHS emphasizes that variation in factors involved in the impact, including impact processing times, filing volumes, the timing of renewal filings, and underlying benefit requests, will cause variation in the impacts.

Due to variation in future populations and process times, there is likely to be substantial variation in the impact estimates. For this reason, DHS develops wide ranges capturing a high and low bound for the estimates, in terms of the means (expected value). This rule is estimated to result in $138.1 million in lost productivity costs to employers that are not able to easily replace aliens with lapsed EADs, costs of $312.1 million to U.S. employers from potential labor turnover, transfers due to earnings changes worth $138.1 million from employment-authorized aliens to replacement workers and is expected to generate tax reduction impacts of $14.5 million over an 18-month period. Approximately 1,700 and 2,800 employers are estimated to be impacted.

Consistent with OMB Circular A–4, Table 2 presents the prepared A–4 accounting statement showing the costs and transfers associated with this rule.

BILLING CODE 9111–97–P

[181] This rule could also result in a reduction in State and local tax revenue, but this impact is not quantified in this analysis due to variations in state and local tax laws and individual's tax scenarios.

Table 2. OMB A-4 Accounting Statement ($ millions, 2025). Period of analysis: 18 months. The primary estimate is the midpoint between zero and the high estimate.				
Category	**Primary Estimate**	**Minimum Estimate**	**Maximum Estimate**	**Source Citation (regulatory impact analysis (RIA), preamble, etc.)**
BENEFITS				
Monetized Benefits	Not estimated			RIA
Annualized quantified, but un-monetized, benefits	Not estimated			RIA
Unquantified Benefits	This rule reaffirms and finalizes the changes made in the IFR to prioritize the proper vetting and screening of aliens to ensure continued eligibility before granting a new period of employment authorization and/or a new EAD by ending the practice of automatically extending the validity of employment authorization for certain employment authorization categories.			RIA, Preamble
COSTS				
Monetized costs (undiscounted): Lost productivity and turnover	$450.2	$26.4	$1,932.3	RIA
Annualized monetized cost savings (discount rate in parenthesis)	Not estimated			RIA
Qualitative (unquantified) costs	Labor turnover costs to businesses employing the aliens if their work authorization lapses.			RIA
TRANSFERS				
Quantified, monetized transfers (undiscounted): compensation	$138.1	$0	$900.1	RIA
From whom to whom?	From alien workers, who will lapse in employment authorization, to American workers.			RIA
Monetized transfers (undiscounted): taxes	$14.5	$0	$94.4	RIA
From whom to whom?	Earnings changes may cause a reduction in employment taxes from employers and the alien employees to the Federal Government; however, the jobs acquired by American workers in place of the aliens could offset some or all of this reduction.			RIA
Category	*Effects*			
Effects on State, local, and/or Tribal Governments	None expected			RIA
Effects on small businesses	N/A			RFA
Effects on wages	None expected			RIA
Effects on growth	None expected			RIA

BILLING CODE 9111–97–C

Details concerning the impacts are developed in the following analysis.

1. Affected Population

Due to factors contributing to uncertainty and changing trends, it is not possible to make a precise estimate of the population who will be affected by this rule. Since previous extension actions were meant to prevent lapses, an expected impact of this final rule will be

that some EADs will lapse while the renewal EAD application is pending with USCIS. Therefore, DHS will focus on estimating this impacted population (aliens with pending renewal EAD applications in categories previously eligible for automatic extension who may experience a lapse in their employment authorization and/or documentation), which will also factor into the estimation of labor turnover costs. A complicating factor is that the impacted population is likely to change over time, due to a number of factors related to processing times, backlogs, filing behavior, and resources. DHS cannot take dynamic effects into account and therefore focuses on a static, 18-month window, chosen to capture the time in which the initial impacts will first be realized, which will be May 2027 (the time in which the initials filed after the end of 540-day extension [182] would come up for renewal).

In order to ascertain the primary-impact population, DHS utilized initial receipt volumes applicable to the C8 and C9 EADs (Table 1), extended through June 2026. These categories are the largest categories affected by the rule. DHS forecasted monthly values and summed them for the period December 2025 through May 2027 (thereby incorporating eleven forecasted months), and DHS applies a range of 25% to account for variation.[183] The forecasted monthly time series point value estimate aggregated over 18 months and ranges are shown in Table 3, along with other relevant population components. To account for the non-C8 and C9 populations affected by the rule, DHS added a 22% factor to the broad population.

[182] *See* DHS, USCIS, Policy Alert, Subject: Updating Certain Employment Authorization Document Validity Periods (December 4, 2025), *https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20251204-EmploymentAuthorizationValidity.pdf.*

[183] DHS utilized the SAS JMP PRO 17 software. The ''State Space Smoothing'' suite utilizes machine learning algorithms to offer the best model information criterion to assess fit and forecasting technique for queued time series data, given dozens of potential model specifications. Based on the *Akaike Information Criterion* (AIC) DHS forecasted the data via a *multiplicative error-multiplicative (undamped) trend, non-seasonal* component (MMN) setup. The MMN model fits five parameters, but these are not reported here since the goal is limited to forecasting and not hypothesis testing. The fit results are very good according to the diagnostics: *R-squared* = .932, AIC = 405.6, and the residuals display no discernable pattern and are purged of serial correlation (at any lag, as all *p*-values of the *Ljung-Box* statistic are far greater than .05). In principal DHS could rely on each prediction interval around a monthly forecast to develop an aggregate range. In practice, the intervals applicable to the data are not plausible, for the following reasons. The standard error is large to begin with due to some sharp movements in the underlying data; and with a downward trending time series, the standard error takes on increasing relative weigh as the forecast values decline. The result is a ''division by zero'' issue in which the lower bound is pulled towards zero. But the increased relative weight of standard error does not discriminate between the upper and lower bounds, and it therefore enacts a proportional effect to the upper level, causing it to diverge on an unstable path. For this reason, the forecast prediction interval at a 95% confidence level is not reliable.

Table 3: Population (December 2025 through May 2027, rounded).[183]			
Range	**Low**	**Midpoint**	**High**
A. Initial Receipts (c8/c9, DHS forecast)	662,000	883,000	1,104,000
• Scaling factor (other eligible categories)		122.0%	
B. Broad filing population	807,640	1,077,260	1,346,880
• Initial approval rate		93.9%	
C. Broad Population: Initial approvals	758,374	1,011,547	1,264,720
• Renewal filing rate		40.1%	
D. Renewal filing population	304,108	405,630	507,153
• Renewal approval rate		89.0%	
E. Renewal population: approved	270,656	361,011	451,366
• Renewals filed prior to end of initial validity		75.8%	
F. Baseline population	205,157	273,646	342,135
• Baseline share that filed within recommended renewal filing date		23.1%	
G. Population filing within recommended time	47,391	63,212	79,033
• Share that filed within recommended time that sustain a lapse		42.0%	
H. Impact population	19,904	26,549	33,194
USCIS Analysis (Aug. 20, 2026). SAS JMP Pro 17. DHS, USCIS, CDAO, CLAIMS3 & ELIS, queried 07/2026, PAER0022044 (Jul. 24, 2026, appended Jul. 28 and Aug. 4, 2026). CDAO, CLAIMS3 and ELIS, queried 08/2026, PAER0022078 (Aug. 5, 2026, appended Aug. 6, 2026).			

Table 3 employs a stepwise procedure for thoroughness and transparency, starting with initial receipts (c8 and c9, A) which are scaled for the other categories and the generalized approval rate for initial filings to yield a broad initial approval population (C); after which the scaling proceeds downward such that shares are applied to the immediately preceding population level (not the broad population). Population (F) is designated as the ''baseline'' since it is the largest population component that *could* sustain the impact. Population G depends on the timeframe—from when the renewal is filed to the end of the existent EAD validity period—based on a recommended renewal filing date. DHS currently benchmarks the time to 90 days, which is important because a different level will change the population. The final row (H) constitutes the population of interest—filers that are estimated to incur a lapse. As is reported in Table 3, based on imposition of 90 days as the recommended filing time, between about 20,000 and 33,000 EADs are estimated to lapse, with a midpoint estimate of about 27,000. It is noted that Pop. H is not the entire population that

[184] The approval rate for initials and renewals was obtained from filing data for Form I–765 C8 and C9 for the period FY 2012 through FY 2016. This period was chosen as it is the more recent period in which automatic extension was generally not in place. The percentages shown are averages for both forms taken together (a weighted average) and display very little variation. The renewal (filing) rate was conceptually and practically more difficult. The average renewal filing rate over the same period was high for the C8 (77.6%) but low for the C9 (13.1%). The existence of a large difference in filing rates is not problematic per se, but the composition of the two filings has changed substantially over time, meaning that relying on the past averages in inadequate. For example, in the period of analysis the C8 comprised 15.2% of the two forms in terms of approvals. But, due to a surge in C8 filings, one can glean from the data in Table 1 that that form has taken on a much larger share. Therefore, DHS proceeded by developing a weighted average based on what is possible in the near future. Specifically, workflow projections estimated by OPQ place the shares of the two forms at 41.9 percent and 58.1 percent, in order, for FY 2026 through FY 2028. Multiplying these shares by the afore reported renewal rates yields weight factors of .325 and .076, in order, which sum to the relied upon 40.1 percent. Table populations in rows E–H were derived from DHS analysis of forensic data applicable to a 3,000 randomly sampled initial renewal filings for the same period. in addition to the data reported in Figure 3, some other key findings of the analysis are as follows. Of the 3,000-record random sample, DHS was able to extract 2,638 viable records on approved renewals. The median filing time for the renewal was 64 days prior to the initial EAD expiration date. To put into perspective on the filing behavior, DHS observed 20.2 percent filed within 30 days, and 46.9 percent filed within 60 days of the initial EAD expiration.

would lapse; DHS makes impacts estimates on individuals filing their renewal within a recommended amount of time, which is 90 days.

2. Economic Impacts of the Final Rule

This section is divided into three modules. Module A is a discussion of certain aspects of the related rulemakings and factors involved in the future trends are provided. Module B provides mainly a descriptive assessment of the impacts. Module C is the self-contained quantitative section that estimates and monetizes a primary impact (also reported in the A–4 statement, Table 2).

Module A

When DHS adjudicates and approves renewal EAD applications before the applicant's current EAD expiration date, this final rule results in no quantifiable impacts to aliens and their employers. DHS anticipates that due to other DHS actions affecting populations that might otherwise have applied for EADs, the number of initial and renewal EAD applications will be lower than in recent years.[185] For more information on these actions, see Section IV. B. of the IFR. DHS assumes this reduced workload on USCIS could potentially eliminate the EAD backlog. Accordingly, under this scenario, this final rule would be less likely to result in lapses in employment authorization and/or EAD validity. If USCIS continues to have a backlog and is unable to adjudicate renewal EAD applications before an applicant's current EAD expires, then this final rule, by ending automatic extensions for certain EAD categories based on timely renewal filings, would result in temporary lapses in employment authorization and/or EAD validity.

Precisely determining the population that is expected to experience a lapse in employment authorization and/or an EAD as a result of this final rule is extremely difficult. A key factor is the backlog and whether recent external actions do not eliminate the backlog. In the following analysis DHS will provide analysis of potential lapses based on granular data. In this section DHS describes the impacted EAD renewal population that would have been subject to automatic extensions from prior, recent backlogs. As detailed earlier in the preamble,[186] DHS has previously published two temporary final rules (2022, 2024) and a final rule (2024). DHS previously estimated a population that would have lapsed in the hypothetical absence of the 2024 final rule and the two temporary final rules. In the 2024 final rule, DHS projected that between July 2023 and March 2026, 293,000 to 449,000 pending renewal EAD applicants in the categories eligible for automatic extension would have experienced a lapse in employment.[187] Additionally, in the 2024 final rule, DHS anticipated that starting around April 2026 through March 2027, fewer than 500 EADs would lapse each month, even without the up to 540-day extension.[188] This projection was based on the five-year EAD validity period in effect at that time and the pre-existing up to 180-day extension.

In December 2025, USCIS reduced the validity period to a maximum of 18 months for certain EAD categories, which could increase the frequency of renewal filings.[189] The IFR also eliminated the up to 180-day automatic extension, which was factored into the 2024 final rule Table 12 projection. Both recent changes may lead to more renewal filings; however, as stated in the IFR and in this preamble, other external factors have contributed to decreased filings.

DHS noted uncertainty in the 2024 final rule projections, cautioning that various factors make it difficult to accurately estimate the impact of the up to 540-day extension.[190] While more reliable estimates were possible for the 2022 and 2024 temporary final rules, uncertainty regarding the number and duration of EAD lapses has increased since the 2024 final rule and IFR.

DHS observes that the population affected by the IFR and this rule may have declined, as EAD filings began decreasing before the IFR was issued. *See* Table 1 in Section IV.C.2.i.d. of this preamble. At the same time, shorter EAD validity periods could increase renewal filings. These opposing trends complicate estimates of lapses and their duration but do not preclude DHS from making estimates.

DHS reviewed recently available EAD renewal data. DHS queried data on EAD automatic extension category expirations from October 30, 2025, through June 28, 2026.[191] The number of EAD renewal applicants in categories previously eligible for the automatic extension who did not receive an automatic extension was 1,541 from February, through June 2026. The number of EAD renewal applicants in categories previously eligible for the automatic extension who did receive an automatic extension based on a timely-filed renewal EAD application (before October 30, 2025), and who would have experienced a lapse in the absence of the automatic extension was 12,547 for the same timeframe. DHS emphasizes that these figures do not represent the likely population that could lapse starting in May 2027.

Additionally, it is difficult to accurately project future processing times. As stated in the 2024 final rule, processing times for EAD applications have fluctuated over the years. DHS cannot predict future fluctuations because they are dependent on variables that may change or are unanticipated, such as changes in application filing rates and processing efficiencies.[192] However, to evaluate recent data, DHS retrieved data on the median processing times for EAD categories previously eligible for automatic extensions renewals. The processing time slightly increased from November 2025 through March 2026, ranging from a median of 3.7 to 4.4 months.[193] This median data presented here differs from the 80th percentile estimates posted on the USCIS website. This data also shows a per month median rather than an 80th percentile estimate over a 6-month timeframe. Processing times also depend on available adjudicative resources, and while USCIS aims to minimize backlogs, it must ensure thorough review of applications. DHS understands that there are evolving circumstances and unknown factors that contribute to backlogs. Given recent data limitations, shifting trends, and external policy effects, the population estimated for this final rule is likely to vary in level and across time.

[185] As an example of the potential reduction in the number of EAD applications from external DHS actions, DHS estimated that approximately 532,000 Cubans, Haitians, Nicaraguans, and Venezuelans that were part of the Parole Processes are no longer eligible for employment authorization. Many of these aliens may have applied for an EAD, but will no longer be eligible, alleviating demands on USCIS EAD adjudication resources. *See* 90 FR 13611 (March 25, 2025).

[186] *See* Section III.C. Background & Purpose: Automatic Extension of Employment Authorization and Documentation.

[187] *See* Table 8 (Summary of Impacts), 89 FR 101246 (Dec. 13, 2024).

[188] *See* Table 12 (Population Projections by Month, Rounded to Thousands), 89 FR 101251 (Dec. 13, 2024).

[189] *See https://www.uscis.gov/save/current-user-agencies/news-alerts/reduced-validity-periods-for-newly-issued-employment-authorization-documents* (last updated Jan. 12, 2026).

[190] *See* Summary of Costs and Benefits, 89 FR 101208, 101210 (Dec. 13, 2024).

[191] This data was until June 28, 2026, the most recent data available at the time of the query.

[192] *See* Preamble, Section III.D. for reasons the processing times and backlogs have increased resulting in the 2024 TFR and 2024 Final rules.

[193] Department of Homeland Security, U.S. Citizenship and Immigration Services, CDAO (formerly called Office of Performance and Quality), CLAIMS3 & ELIS, queried 04/2026, PAER0021133.

Module B

The purpose of this rulemaking is to prioritize benefits integrity and the proper vetting and screening of aliens before granting a new period of employment authorization and/or a new EAD by ending the practice of automatically extending the validity of employment authorization and/or EADs for aliens who have timely filed an application to renew their EAD in certain employment authorization categories. While prior automatic extensions reduced the risk of employers employing aliens with lapsed employment authorization and/or EAD validity, this final rule will also reduce the risk that affected employers will continue to employ an alien who is no longer authorized to work. For example, within their automatic extension period, an alien's application could have been adjudicated and denied. The obligation is on the alien employee to notify his or her employer that he or she is no longer work authorized, which puts employers at risk of unknowingly employing an unauthorized alien. Absent the IFR and this final rule, employers assess the applicability of the automatic extension based in part on a non-secure document (such as Form I–797C, Notice of Action, which is printed on plain paper). With this final rule ending the practice of providing automatic extensions based on the timely filing of a renewal EAD application, DHS is reducing the potential for fraud and instances where employers unknowingly employ aliens beyond their employment authorization and/or EAD validity.

This rule reverses some of the impacts described in the prior automatic extension rules. Employment lapses could result in cost and transfer impacts such as lost compensation to workers, transfers between workers losing their employment authorizations to replacement workers, employers' lost productivity when they are not able to quickly replace employees with lapses, and turnover costs for employers to find replacement employees. In the following section, DHS discusses impacts but cannot reliably quantify these impacts due to uncertainty.

As was described earlier in the Affected Population section, DHS determined that an expected impact of this final rule is that some EADs will lapse while the alien's renewal EAD application is pending with USCIS. In this section, the estimated lapse is developed into a quantified impact, which will constitute an earnings change to aliens. The employment lapse impacts, a loss of income to aliens, could result in either transfers of compensation to other workers or costs to employers, depending on employers' ability to replace workers with lapsed employment authorization and/or EAD validity. In cases where, in the absence of an automatic extension period, businesses would have been able to easily find reasonable labor substitutes for aliens with a lapsed employment authorization and/or EAD validity, this rule results in transfers of the earnings of affected aliens to others, who might fill in for or replace the renewal EAD applicants during their earnings lapse. In cases where, absent the automatic extension period, businesses may not easily find reasonable labor substitutes, employers may incur lost productivity and turnover costs or other disruptions. This could result in losses to native-owned businesses and their native employees. DHS assumes the value of lost productivity is at least as high as the compensation the employer would have paid the affected alien.

The employer turnover cost is generally reported as a share of annual wages.[194] DHS would calculate the turnover costs by multiplying the number of impacted lapsed employees by the hourly wage rate, hours worked per year, and the share of annual wages.

Finally, if employers are unable to replace affected workers, there could be changes in transfers from taxes that would have been paid by affected aliens and their employers. It is challenging to quantify Federal and State income tax impacts of employment lapses because individual and household tax situations vary widely as do the various State income tax rates. To calculate the potential transfers impact on employment taxes, DHS would estimate the decrease in Medicare and Social Security taxes, which have a combined tax rate of 7.65 percent (6.2 percent and 1.45 percent, respectively).[195]

DHS acknowledges that the impact of this final rule is an increased risk of a temporary loss of employment authorization for aliens and employers. To the extent that aliens can file their renewals earlier and DHS is able to reduce the backlog, reductions in this uncertainty are expected.

DHS is aware of the importance of employment authorization and evidence of employment authorization for applicants' and their families' livelihoods, as well as their U.S. employers' continuity of operations and financial health. DHS also is cognizant of the potential detrimental impact that gaps in employment authorization may have on an applicant's eligibility for future immigration benefits should the applicant engage in unauthorized employment during the gap,[196] and on their U.S. employers who must examine unexpired documents that evidence their employees' employment eligibility and attest that their employees are authorized to work in the United States.[197] DHS also acknowledges that backlogs and prolonged processing times for renewal EAD applications are not the fault of applicants, but nonetheless could have significant adverse consequences for applicants, their families, and their employers. DHS will continue to work to reduce frivolous, fraudulent or otherwise non-meritorious EAD filings to free up adjudicatory and other resources to better ensure national security and program integrity.

DHS acknowledges there is potential for detrimental impacts to applicants but recognizes the important benefits in ensuring only those eligible and suitable for renewed work authorization are allowed to work.

Module C

This module prepares a thorough and transparent quantitative setup incorporating population information from Table 3, factors discussed on Module 2 above, DHS analysis of EAD renewal data, and labor market data. Since the impetus for the previous automatic extensions was to stabilize earrings, it is logical to consider the primary economic impact of this final rule as changes to earnings, which will comprise lost earnings to aliens, but potentially beneficial transfers to others authorized to work in the United States.

Due to uncertainty in future processing times and other factors, DHS

[194] In the 2024 Automatic Extension Temporary Final Rule, DHS estimated the turnover costs as a percentage of annual wages, using a mean of 23 percent (Table 11). Temporary Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Employment Authorization Document Renewal Applicants, 89 FR 24669 (April 8, 2024).

[195] The various employment taxes are discussed in more detail, *see* Internal Revenue Service, ''Understanding Employment Taxes,'' *https://www.irs.gov/businesses/small-businesses-self-employed/understanding-employment-taxes* (last updated May 7, 2025). *See* Internal Revenue Service ''Publication 15, (Circular E), Employer's Tax Guide'' (June 7, 2024), *https://www.irs.gov/publications/p15 (*for specific information on employment tax rates. *Relevant calculation:* (6.2 percent Social Security + 1.45 percent Medicare) × 2 employee and employer losses = 15.3 percent total estimated public tax impact) (last visited on May 26, 2026).

[196] With certain exceptions, if an alien continues to engage in or accepts unauthorized employment, the individual may be barred from adjusting status to that of a lawful permanent resident under INA 245. *See* INA secs. 245(c)(2) and (8), 8 U.S.C. 1255(c)(2) and (8).

[197] *See, e.g.,* INA sec. 274A(b)(1), 8 U.S.C. 1324a(b)(1); 8 CFR 274a.2(a)(3).

will utilize the population range (H, Table 3) but notes that variation in all of the variables is likely.[198] The primary impact is earnings change, which is measured in valued work hour-units. The data supporting the lapse share was described in the Population section, for which DHS also fit a distribution to the lapse durations, with a mean of 40.1 days. The mean lapse duration of 40.1 days is lower than DHS estimated in the 2022 and 2024 TFRs, at 52 and 271 days, respectively. There were various reasons and time-specific conditions that led to estimates of higher average lapse duration, primarily historic spikes in pending asylum applications (C08) initial and renewal EAD applications. In the 2024 TFR, DHS acknowledged the significant contributing factor to the severe backlog and increased processing times for renewal EAD applications was the substantial increase in the number of initial C08 EAD applications that began in March 2023. Because USCIS was required to prioritize certain initial EAD applications over other applications renewal EAD processing times increased substantially. However, DHS anticipates a substantial decrease in both initial and renewal filings for EADs, which would allow for a reduction in renewal EAD processing times and consequently lapse durations. Therefore, DHS finds an estimate of 40 days for the average lapse duration is reasonable for this analysis.[199]

The earnings impact is estimated as an equation incorporating population, wages, lapse durations, and adjustments for labor market indicators, the latter of which makes the estimates more realistic. DHS relies on the uniform distribution bounded at the 10th percentile wage across all occupations ($15.00) and upper bound of $46.07, the latter of which updates the figure from the 2024 TFR.[200]

Further, DHS accounts for worker benefits when estimating the opportunity cost of time by calculating a benefits-to-wage multiplier (BEN) using the most recent Bureau of Labor Statistics (BLS) report detailing average total employee compensation for all civilian U.S. workers.[201] Using the BEN of 1.46, the total rate of compensation for individuals at the low end of the range as $21.90 and high end as $67.26 per hour.[202]

In Table 4, DHS incorporates realistic aspects of the labor market into the DHS estimates. For example, we can assume that all individuals with EADs would be in the labor force but cannot reasonably assume that all are employed at the effective date, and thus it would be appropriate to take the unemployment rate into account. In Table 4, BEN is the benefits burden, u is the unemployment rate, and $\frac{wh_w}{d_w}$ is the average work hours per week divided by the days per week (7). The BEN is 1.46, the unemployment rate, u, is 0.042, and wh_w is 34.3. To integrate labor market effects, DHS calculates an intensity scalar component (SCL), a measure of the hours of wages earned per day, per member of the workforce, using the following equation:

$$equ.(1)\ SCL = BEN * (1 - u) * \frac{wh_w}{d_w}$$

[198] Two inputs that are especially subject to variation are the renewal rate and the lapse rate, because they are influenced directly by actions being taken outside the scope of this rule, and indirectly through process times. For example, DHS has only included the C8 and C9 in the population, which may understate the population, but this factor may be mitigated if the C9 renewals fall even farther from their historically low pace. If the process time for the underlying adjustment of status claim declines, the C9 renewal rate may approach zero in the future. In addition, the decision of when to file a C8—*i.e.,* a shift in behavior—could be driven by declines in the process time of the underlying asylum benefit claim, the EAD, or both.

[199] The mean of 40.1 days applies to the population estimated to lapse that filed before their initial EAD expiration. The impacted population (Table 3) applies to those that filed more than 90 days prior to the expiration. DHS believes it is appropriate to expand the batch for estimating the lapse duration to ensure we are capturing a broader range of lapses, due to uncertainty. In the 2022 TFR, DHS estimated a mean of 52.5 days for the average lapse duration. *See* 87 FR 26643 (May 4, 2022). In the 2024 TFR, DHS estimated a mean of 271 days. *See* Table 10 and footnote 311, 89 FR 24665, 24671 (April 8, 2024). In FY 2023, USCIS received about 3.49 million total EAD applications, a 50 percent increase from FY 2022, including about 2.37 million initial applications, a 77 percent increase, and 1.12 million renewal applications, a 13 percent increase. *See* 89 FR 24635 (April 8, 2024).

[200] *See* 89 FR 101208, Table 13 and incumbent footnotes for details on the upper bound, based on USCIS analysis of E-Verify data. In this final rule there is only one difference compared to the TFR. The BLS is not reporting an updated wage for NAICS code 518200, for the industry, *Internet Service providers, Web Search Portals, & Data Processing.* Instead, it encapsulates that industry now into subsector 518, *Computing infrastructure providers, data processing, web hosting, and related services.*

[201] Table 4 includes source information.

[202] Low end is calculated based on $15 × 1.46 = $21.90 and high end is $46.07 × 1.46 = $67.26.

This yields a SCL value of 6.85 hours of wages earned per day per member of the workforce.[203]

Next, DHS calculates the income component (INC), a measure of range in the wage impacts based on the range of lapsed population and lapse durations. The earnings metric (ERN) integrates the labor market intensity and income components through the product of their ranged values. The tax impact (TAX) is calculated as earnings multiplied by the tax rate, 15.3 percent, and then divided by the benefits factor (BEN), as DHS quantifies tax impacts on unloaded wages. Working with a single value to incorporate realistic labor factors is beneficial because it is not necessary to adjust the variables—such as the benefits burden to wages and the approval rate to the population—sequentially or even directly; all the inputs interact multiplicatively and can therefore be nested as a single dimensional system.

Table 4: Estimation System for Primary Impact.

4A. Inputs.

Input	Description	Source and setting
L_P	Lapse population	USCIS Analysis (see ref. Table 3). Triangle distribution.
L_D	Lapse Duration	USCIS Analysis, © Oracle Crystal Ball (OCB). Maximum-extreme distribution parameters: likeliest=23, scale=31, range bound [1, 551].[203]
W_H	Hourly wage	BLS: Occupational Employment and Wage Statistics (OEWS) Tables (May 2025), https://data.bls.gov/oes/#/area/0000000/2025. May 2025: utilized for 10th percentile wage across all occupations. For upper bound, USCIS analysis of E-Verify data,[204] with wages updated to Dec. 2025, accessed at the BLS, "Industries at a Glance" web portal: https://www.bls.gov/iag/.
BEN	Benefits adjustment	BLS, Employer Costs for Employee Compensation – Mar. 2026 (dated June 12, 2026), at: https://www.bls.gov/news.release/ecec.nr0.htm. Calculation: Employer costs for employee compensation for civilian workers ($49.32 per hour)/ wages and salaries average ($33.72 per hour)=1.46 (rounded).
u	Unemployment rate	BLS, The Employment Situation – June 2026 (Jul. 2, 2026) at: https://www.bls.gov/news.release/pdf/empsit.pdf. Calculation for employment rate: *1-u* (4.2%) =.958
wh_w	Weekly work hours	BLS, Economic News release, Table B-2. Average weekly hours and overtime of all employees on private nonfarm payrolls by industry sector, seasonally adjusted, April 2006, at https://www.bls.gov/news.release/empsit.t18.htm.
T_R	Tax rate	See above citation in Module B. Medicare and Social Security taxes, combined rate of 7.65 percent x 2=15.3%.

4B. Estimation setup and Form.

A. The system comprises three parts: A work "Intensity" component (as SCL), an "Income" component (INC) and a "Tax" component (TAX). The products of SCL and INC are earnings (ERN) and taxes are calculated on an unburdened basis. The entire estimation system, resulting in compact nesting equation, is encapsulated below in 5 equations.

$$equ.(1)\ SCL = BEN \times (1-u) \times \frac{wh_w}{d_w}$$

$$equ.(2)\ INC = L_P \times L_D \times W_H$$

$$equ.(3)\ ERN = SCL \times INC$$

$$equ.(4)\ TAX = ERN \times \frac{T_R}{BEN}.$$

$$equ.(5)\ Nested\ Impact = ERN \times (1 + \frac{T_R}{BEN}).$$

[203] 6.85 = 1.46 × (1–0.042) × (34.3/7).

[204] The *Maximum-Extreme* distribution is the fit recommend by OCB based on the ranking of the *Anderson-Darling* goodness of fit test for all continuous distributions. This distribution fits two parameters and is highly positively skewed, being similar to the Lognormal and Exponential distributions. While it is continuous in both tails, DHS truncated the bounds to [1, 551] to capture the actual maximum and minimum in the data.

B. Trials: Oracle Crystal Ball Modeling and simulation software, Monte Carlo, 100,000 randomized trials, +95% confidence level.
4C. Results (millions).[205] • Changes to earnings—low: $17.1, mid: $276.2, high: $900.1. • CI for the earnings mean: $274.8 – $304.5. • Taxes— low: $1.8, mid: $29.0, high: $94.4. • CI for the tax mean: $27.7 – $31.1. • Contribution to variance—lapse duration: 86.9%, hourly wage: 11.9%, population: 1.2%.
USCIS Analysis (Aug. 26, 2026).

Labor Turnover Cost Impacts

This final rule is expected to generate labor turnover costs to some employers of affected EAD holders. DHS bases the assessment of these impacts on the assumption that the estimated population of aliens with lapsed EADs because of this final rule would involuntarily separate from an employer, or otherwise cease employment, and that the separation or cessation would not be due to other factors.

Employment separations or cessation can generate labor turnover costs to employers. First are the direct or ''hard'' costs that involve separation and replacement costs. These include exit interviews, severance pay, and costs of temporarily covering the employee's duties and functions with other employees, which may require overtime or temporary staffing. The replacement costs typically include expenses of advertising positions, search and agency fees, screening applicants, interviews, background verification, employment testing, hiring bonuses, and travel and relocation costs. Once hired, employers face additional training, orientation, and assessment costs.

Second, direct costs involve loss of productivity and possibly profitability due to operational disruptions, which can include errors from employees that may temporally fill the position. A third cost segment is a type of indirect cost that encompasses loss of institutional knowledge, networking, and impacts to work-culture, morale, and interpersonal relationships. This last type of cost is almost impossible to measure quantitatively.[207]

There are studies and reports concerning labor turnover costs available from Human Resource entities that are cited across correspondent literature, and turnover cost can be measured in slightly different ways. The turnover cost is generally reported as a share of annual earnings or an actual cost per employee. Usually, these reports measure the more direct, or hard costs associated with turnover and not intangible effects such as worker morale or lost productivity. Many reports cite a 2012 Center for American Progress (CAP) report that surveyed more than 30 studies that considered both direct (*e.g.,* separation and replacement) and indirect (*e.g.,* loss of institutional knowledge) costs.

The CAP and other reports confirm three central aspects of turnover cost: (1) that they vary substantially across industries and jobs; (2) that they tend to grow (in absolute and percentage terms) according to skill level and earnings; and (3) that they are higher for salaried workers compared to hourly wage earners.[208] The report notes that specialized technical jobs and highly paid jobs in line with senior or executive levels, which involve high levels of education, credentials, and stringent hiring criteria, can generate disproportionately high replacement costs that can reach more than 100 percent of the salary—compared to jobs with low educational and technical requirements.[209]

DHS examined a 2020 report by the Washington Center for Equitable Growth, which updated the earlier CAP study results to provide information on about thirty-five studies on turnover costs.[210] We selected data points that captured both the annual earnings salary (which the study benchmarked to 2019 levels) and turnover costs. We then culled the data applicable to salary levels more than the maximum in our earnings bound. We note before making any adjustments, multiplying the maximum wage ($41.07) by 2,080 average annual full-time hours yields a maximum annual earnings figure of $95,825.6. To obtain the annual salary we multiply the (non-burdened) wage bounds ($15.00 and $46.07) by 2,080 average annual full-time hours but make the adjustment to account for average

[205] See 89 FR 101208, Table 13 and incumbent footnotes for details on the upper bound, based on USCIS analysis of E-Verify data. In this final rule there is only one difference compared to the TFR. The BLS is not reporting an updated wage for NAICS code 518200, for the industry, *Internet Service providers, Web Search Portals, & Data Processing.* Instead, it encapsulates that industry now into subsector 518, *Computing infrastructure providers, data processing, web hosting, and related services.*

[206] The earnings change range reflects a 95% certainty level, which is distribution-specific set of forecast values lying between the 2.5th and 97.5th percentile. Since the range is very wide, DHS also provides a 95% confidence interval for the mean (expected value), obtained from the BC-a (*Bias-Corrected and accelerated*) bootstrapping procedure.

[207] For additional descriptions of the components of labor turnover costs, *see* Ghase Charba, ''Employee retention: The Real Cost of Losing an Employee,'' PeopleKeep, (updated February 2, 2023), *https://www.peoplekeep.com/blog/employee-retention-the-real-cost-of-losing-an-employee.*

[208] *See* Heather Boushey and Sarah Jane Glynn, ''There Are Significant Business Costs to Replacing Employees,'' Center for American Progress, (Nov. 16, 2012), *https://www.americanprogress.org/issues/economy/reports/2012/11/16/44464/there-are-significant-business-costs-to-replacing-employees/.*

[209] *See* Shane Mcfeely and Ben Wigert, ''This Fixable Problem Costs U.S. Businesses $1 Trillion,'' Workplace, (Mar. 13, 2019), *https://www.gallup.com/workplace/247391/fixable-problem-costs-businesses-trillion.aspx.* See also Kate Heinz, ''The True Costs of Employee Turnover,'' Built In, *https://builtin.com/recruiting/cost-of-turnover* (last updated June 23, 2023).

[210] *See* Kate Bahn and Carmen Sanchez Cumming, ''Improving U.S. Labor Standards and the Quality of Jobs to Reduce the Costs of Employee Turnover to U.S. Companies,'' Washington Center for Equitable Growth, (December 2020), *https://equitablegrowth.org/wp-content/uploads/2020/12/122120-turnover-costs-ib.pdf.*

work hours per week [211] and employment by scaling by 0.858 and 0.958, in order, as was introduced above.

Table 5. Model for Estimation of Turnover Cost Impact

5A. Inputs	Structure	Settings
Lapse population (Lp)	Triangle distribution	Min:19,904 Max: 33,194 Likeliest: 26,549
Hourly wage (W)	Uniform distribution	Min: $15.00 Max: $46.07
Turnover cost % (C)	Lognormal density	Location: -.03 Mean: .23 S-dev.: .19 Min-Max: [0, .687]
Employment scalar (S)	Point value	Average work hour adjustment (H): 0.858 Full-time annual hours (A): 2,080 Employment rate (E): 1-0.042 =0.958 S =H×A×E=1,709
Correlation	W, C	0.42
5B. Estimation setup and Form	A. Turnover costs are calculated on an unburdened wage basis. Imputed correlation between costs and earnings. The entire estimation is in the following equation. Turnover Costs = {(W ×C × L_P × S)}	
5C. Estimation and Results summary	Forecast values (millions, undiscounted)	
	low: $26.4	average: $312.1	high: $1,032.2
	• Simulation, 100,000 randomized trials, Monte Carlo, +95% confidence. • 95% mean interval: $301.2-$335.9 • Impact type: Costs to employers • Contribution to forecast variance: a) Turnover cost (%)=65.2 b) Hourly wage=33.9% c) Population and lapse rate=.9%	

Source: USCIS analysis (Aug. 26, 2026).

We calibrated the lognormal distribution for the parameters produced and calibrated the estimation program according to the below input values. The lognormal distribution is infinite in the upper tail, and we truncated the cost percentage to 68.7 percent, the highest value in the underlying data. The core inputs are the lapse population, turnover cost percentage, and the wage (unburdened). All the inputs can be abridged into a single equation and nested compactly as a ''one-step'' routine in the software program. The correlation between cost and earnings is tuned to 0.421. Imputing the correlation essentially means that if a randomly chosen earnings value is high, there is a higher probability that a high turnover cost percentage will be selected as well and vice versa for lower cost percentages. *See* Table 5 for estimation of turnover cost impacts.

Table 6 presents a summary of the impacts estimated.

[211] Work hours per week were 34.3, divided by 40 hours gives a 0.858 adjustment.

Table 6. Summary of Impacts (2025 dollars, 18-month period)

6A. EAD Holder Earnings ("Earnings")

- Entities directly affected: Individual EAD holders.
- Population: about 19,900 to 33,000 individuals with renewal EADs.
- Monetized Earnings Transfers, undiscounted expected value (primary estimate): $138.1 million. Based on $276.2 earnings estimate divided into two scenarios, see Table 7.
- Monetized Lost Productivity Costs, undiscounted expected value (primary estimate): $138.1 million. Based on $276.2 earnings estimate divided into two scenarios, see Table 7.
- Type: Transfers or Costs: Reduced labor income to affected renewal EAD applicants; this labor income is a proxy for either transfers from EAD holders to others in the workforce or costs to employers for lost productivity, depending on if employers would have been able to easily find replacement labor for affected EAD holders without this rule.
- Summary: Individuals may not maintain their employment authorization and, by extension, their employment; DHS estimated these impacts based on data on lapsed EADs and labor earnings, both of which vary within a range.
- Potential employment taxes (primary): $14.5 million; actual amount will depend on how easily businesses would have been able to find replacement labor for affected EAD holders. Distribution of $29 million in tax impacts into two scenarios, see Table 7.

6B. Employer Labor Turnover Costs

- Entities directly affected: businesses that employ the EAD holders.
- Employer Population: Possibly 1,700 to 2,800.
- Monetized undiscounted expected value: $312.1 million.
- Type: Costs
- Summary: There would be costs to employers in terms of continuity of business operations due to the worker being separated; DHS estimated these costs in 2025 dollars based on information applicable to turnover costs relevant to employee annual earnings, both of which vary within a range.

6C. Other Impacts Considered

- Individuals impacted would likely experience costs associated with searching for and obtaining a new job once their renewal EAD that lapsed is eventually approved.

As is shown in Table 6B, DHS estimates that a maximum of about 2,800 employers could incur turnover costs. This estimate draws on the 2024 TFR in which analysis of E-Verify data revealed that on average, each business employed twelve EAD holders. DHS has no reason to believe that there has been a substantive change to this figure.

Some of the impacts of this rule will depend on whether businesses will be able to find replacement labor for the positions the affected renewal EAD applicants are expected to lose if they experience a lapse in employment authorization and/or employment authorization documentation due to this rule. If businesses can find replacement labor from the pool of the unemployed, the only monetized costs of this rule to society is for costs resulting from labor

turnover. If businesses cannot find replacement labor, the monetized costs of the rule would also include lost productivity due to a lack of available labor.

DHS estimates that reduced earnings to renewal EAD applicants ranges from $17.1 million to $900.8 million with a primary estimate of $276.2 million depending on the wages and other compensation the renewal EAD applicants earn, the number of renewal EAD applicants affected, and the duration of the lapse in employment authorization and/or employment authorization documentation that may occur because of this rule.[212] DHS uses estimates of the earnings as a measure of either: (1) transfers of this compensation from the affected population to others in the labor market, but are not already employed; or (2) a proxy for businesses' costs from lost productivity, depending on whether businesses would be able to find replacement labor for affected renewal EAD applicants due to this rule.

DHS does not know what the next best labor alternative would be for businesses when lapses occur due to this rule. Accordingly, DHS does not know the portion of the overall effects of this rule that are transfers or costs. To begin, DHS describes the two extreme scenarios, which provide the bounds for the range of effects.

Scenario 1: If, under the effect of this rule with potential lapsed EADs, all businesses would have been able to immediately find reasonable labor substitutes for the positions the renewal EAD applicants lost, businesses lose little or no productivity. Accordingly, this rule could result in $276.2 million (primary estimate, undiscounted) being transferred from affected renewal EAD applicants to workers currently in the labor force (whom are not presently employed full time) or induced back into the labor force and this rule would result in $0 costs to businesses for prevented productivity losses.

Scenario 2: Conversely, if all businesses would be unable to, within the period of analysis, find reasonable labor substitutes for the position the EAD holder filled, then businesses would lose productivity. Accordingly, $276.2 million is the estimated monetized costs from this rule for productivity losses and this rule will result in $0 being transferred from affected renewal EAD applicants to replacement labor. Because under this scenario businesses would not have been able to find replacement labor, the rule may also result in additional costs to employers for profit losses; and may result in a reduction in tax transfer payments from businesses and employees to the government. DHS has not estimated all potential tax effects but notes that earnings of $276.2 million would result in employment tax losses to the Federal Government (*i.e.,* Medicare and Social Security) of $29.0 million.

In both scenarios, whether without this rule employers would have been able to find replacement labor or not, DHS assumes that businesses would have incurred labor turnover costs for having to search for a replacement for affected renewal EAD applicants. Accordingly, DHS estimates the rule will also result in additional labor turnover costs to businesses of $312.1 million.

Table 7 below summarizes these two scenarios and the primary estimate of this rule. Because DHS does not know the overall proportion of businesses that would have been able to easily find replacement labor in the absence of this rule, for DHS's primary estimate we assume that replacement labor would have been immediately found for half of all renewal EAD applicants and not found for the other half (*i.e.,* an average of the two extreme scenarios described above). The June 2026 unemployment and job openings data indicate there are as many jobs available as there are people looking for jobs.[213] Accordingly, we believe the impacts of this rule will likely skew towards Scenario 1, with the rule resulting in mostly transfers of compensation from renewal EAD applicants to other workers and turnover costs for employers.

[212] Lapse-duration accounted for approximately 86.9 percent of this range, wages accounted for 11.9 percent, and the lapse rate (population) 1.2 percent.

[213] Bureau of Labor Statistics data show that, as of June 2026, there were 1.0 unemployed persons per job opening. *See* U.S. Department of Labor, U.S. Bureau of Labor Statistics, ''Number of unemployed persons per job opening, seasonally adjusted,'' *https://www.bls.gov/charts/job-openings-and-labor-turnover/unemp-per-job-opening.htm* (last visited Aug. 19, 2026).

Table 7 Primary Estimate – Monetized Impacts (undiscounted, millions).				
Category	**Description**	**Scenario 1: Immediate Replacement Labor Found for ALL Affected EAD**	**Scenario 2: NO Replacement Labor Found for Affected EAD over the period of analysis**	**Primary Estimate: Replacement Labor Found for HALF of Affected EAD Holders**
Transfers				
Earnings	Compensation transfers from renewal EAD applicants to other workers	$276.20	$0	**$138.10**
Employment Taxes	Reduction in employment taxes paid to the Federal Government	$0	$29.00	**$14.50**
Costs				
Labor Turnover	Labor turnover costs to businesses	$312.10	$312.10	**$312.10**
Productivity	Lost productivity to businesses (earnings used as a proxy)	$0	$276.20	**$138.10**
Total Costs		$312.10	$588.30	**$450.20**

C. Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires Federal agencies to consider the potential impact of regulations on small businesses, small governmental jurisdictions, and small organizations during the development of their rules. The term ''small entities'' comprises small businesses, nonprofit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The RFA's regulatory flexibility analysis requirements apply only to those rules for which an agency is required to publish a general notice of proposed rulemaking pursuant to 5 U.S.C. 553 or any other law.[214] DHS did not issue a notice of proposed rulemaking for this action. Accordingly, DHS is not required to certify either that this final rule would not have a significant economic impact on a substantial number of small entities nor conduct a regulatory flexibility analysis.

Further, this final rule directly regulates individuals, and individuals are not defined as ''small entities'' by the Regulatory Flexibility Act. The rule indirectly impacts certain employers if, in the future, processing times exceed the expiration dates of EADs.

DHS is unsure what backlogs may continue in the future; however, DHS anticipates that, due to other DHS actions described in Section IV.C. of this final rule, it is possible that the backlog may end. If the backlogs are eliminated outside of this rule, employers will no longer be indirectly impacted by this final rule.

In the alternate scenario of a backlog in renewal EAD processing, some employers could experience indirect costs or transfer effects. The transfers would be in the form of lost compensation (wages and benefits). A portion of this lost compensation might be transferred from renewal EAD applicants to others who are currently in the U.S. labor force. A portion of the effects of this rule would also be borne by companies that would have continued to employ renewal EAD applicants had they been in the labor market longer; however, they were unable to find available replacement labor. These companies may incur an indirect cost, as they will be losing the productivity and potential profits the EAD applicant would have provided. Companies may also incur opportunity costs by having to choose the next best alternative to the immediate labor the applicant would have provided and by having to pay workers to work overtime hours. DHS does not know what this next best alternative may be for those companies. If companies can find reasonable labor substitutes for the positions the alien occupied, they will bear little or no costs. Conversely, if companies are unable to find reasonable labor substitutes for the position the applicant would have maintained then there would be no transfers and companies may experience turnover costs or other disruptions.

[214] *See* 5 U.S.C. 604(a).

D. Unfunded Mandates Reform Act of 1995 (UMRA)

The Unfunded Mandates Reform Act of 1995 (UMRA) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and Tribal governments.[215] Title I of UMRA provides certain exceptions to its requirements and definitions. UMRA does not apply to rules from independent regulatory agencies or rules issued with no notice of proposed rulemaking. UMRA exempts legislative provisions and rules relating to individual constitutional rights, discrimination, emergency assistance, grant accounting and auditing procedures, national security, treaty obligations, and elements of Social Security legislation.

Title II of UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed rule, or final rule for which USCIS 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. *See* 2 U.S.C. 1532(a). This rule is exempt from the written statement requirement because DHS did not publish a notice of proposed rulemaking for this rule. This final rule does not contain a federal mandate as the term is defined under UMRA.[216] Therefore, the requirements of Title II of UMRA do not apply, thus DHS has not prepared a statement under UMRA.

E. Congressional Review Act (CRA)

The Congressional Review Act (CRA) was included as part of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) by subtitle E of SBREFA, Public Law 104–121, tit. II, 110 Stat. 847, 868, *et seq.* This final rule meets the criteria set forth in 5 U.S.C. 804(2) because it is likely to result in an annual effect on the economy of $100 million or more. *See* 5 U.S.C. 804(2)(A). DHS has complied with the CRA's reporting requirements and has sent this rule to Congress and to the Comptroller General as required by 5 U.S.C. 801(a)(1). The CRA generally provides a 60-day delayed effective date for rules that meet the 5 U.S.C. 804(2) criteria. *See* 5 U.S.C.801(a)(3). Because this rule makes permanent the October 2025 IFR that would otherwise continue to apply for months before this final rule has practical effect, DHS has for good cause found that the 60-day delay typically required under 5 U.S.C. 801(a)(3)(A) is unnecessary. Therefore, this rule is effective immediately upon publication consistent with 5 U.S.C. 808(2).

F. Executive Order 13132 (Federalism)

This final rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of E.O. 13132, Federalism, 64 FR 43255 (Aug. 4, 1999), it is determined that this final 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 final rule was drafted and reviewed in accordance with E.O. 12988, Civil Justice Reform. This final rule was written to provide clear legal standards for affected conduct and was reviewed carefully to eliminate drafting errors and ambiguities, as to minimize litigation and undue burden on the Federal court system. DHS has determined that this final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

H. Family Assessment

DHS has reviewed this rule in line with the requirements of section 654 of the Treasury and General Appropriations Act, 1999,[217] enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.[218] DHS has systematically reviewed the criteria specified in section 654(c) of the Treasury and General Appropriations Act by evaluating whether this regulatory action: (1) impacts the stability or safety of the family, particularly in terms of marital commitment; (2) impacts the authority of parents in the education, nurture, and supervision of their children; (3) helps the family perform its functions or substitutes governmental activity for the function; (4) affects disposable income or poverty of families and children; (5) only financially impacts families, if at all, to the extent such impacts are justified; (6) may be carried out by State or local government or by the family; or (7) establishes a policy concerning the relationship between the behavior and personal responsibility of youth and the norms of society. If the agency determines a regulation may negatively affect family wellbeing, then the agency must provide an adequate rationale for its implementation.

As articulated in the IFR and this final rule, DHS is discontinuing the practice of providing an automatic extension of the EAD or employment authorization upon the filing of a renewal EAD application because it grants a benefit without an eligibility determination, without completing vetting and screening checks and without resolving the potential hits and derogatory information. DHS has determined that the implementation of this regulation may potentially negatively affect family wellbeing as outlined in section 654 of the Treasury General Appropriations Act, 1999. Specifically, the IFR and this final rule has the potential to affect disposable income of families and children, and therefore, also impacts the family financially. However, DHS believes that it has an adequate rationale for its implementation. DHS believes that the consequences of the IFR and this final rule, the possibility that an alien is not authorized to work during the pendency of the alien's renewal EAD application and thus, that families have less disposable income, are justified in light of the national security and public safety risk that automatically issuing immigration benefits, such as an automatic extension of an EAD, poses to the public. Additionally, DHS is not removing the alien's ability to obtain a renewal of their employment authorization and/or EAD. DHS is also not preventing eligible aliens from obtaining an EAD for purposes such as proof of identity. The issuance of a renewal EAD depends in large part on the applicant's timely application for a renewal EAD. The proper planning by the alien, and monitoring of EAD processing times, allows the alien to timely file a renewal EAD application far enough in advance of their EAD expiration date, which may mitigate the risk that the alien could experience a lapse in their employment authorization and/or EAD validity and have to temporarily stop working. For these reasons, DHS believes that the benefit this rule provides by improving the security posture as it relates to the issuance of automatic extensions outweighs the impact, if any, on families and their children. Better

[215] The term ''Federal mandate'' means a Federal intergovernmental mandate or a Federal private sector mandate. *See* 2 U.S.C. 1502(1) and 658(5) and (6).

[216] *See* 2 U.S.C. 1502(1), 658(6).

[217] *See* 5 U.S.C. 601 note.

[218] *See* Public Law 105–277, 112 Stat. 2681 (1998).

protecting public safety and national security before providing immigration benefits, such as automatic extensions of employment authorizations based on the filing of a renewal EAD application, is paramount.

I. Executive Order 13175 (Indian Tribal Governments)

This final rule would not have Tribal implications under E.O. 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.

J. National Environmental Policy Act (NEPA)

DHS and its components analyze proposed regulatory actions to determine whether the National Environmental Policy Act (NEPA), 42 U.S.C. 4321, *et seq.,* applies and, if so, what degree of analysis is required. DHS Directive 023–01 Rev. 01 ''Implementing the National Environmental Policy Act'' (Dir. 023–01 Rev. 01) and Instruction Manual 023–01–001–01 Rev. 01 (Instruction Manual) [219] establish the policies and procedures that DHS and its components use to comply with NEPA.

NEPA allows Federal agencies to establish, in their NEPA implementing procedures, categories of actions (''categorical exclusions'') that experience has shown do not, individually or cumulatively, have a significant effect on the human environment and, therefore, do not require an environmental assessment or environmental impact statement.[220] The Instruction Manual, Appendix A lists the DHS Categorical Exclusions.[221]

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.[222]

This final rule responds to public comments provided in response to the IFR and adopts the IFR as final without change. This final rule therefore retains the changes made to the DHS regulations by the IFR, discontinuing the practice of providing an automatic extension of employment authorization and/or EAD validity upon the filing of a renewal EAD application. Through the IFR, and now this final rule, DHS is ending the practice of providing automatic extensions of EADs to prioritize the completion of vetting and eligibility screening of aliens before granting a new period of employment authorization and/or a new EAD.

This final rule is strictly administrative and procedural. DHS has reviewed this final rule and finds that no significant impact on the environment, or any change in environmental effect will result from the amendments being promulgated in this final rule.

Accordingly, DHS finds that the promulgation of this final rule's amendments to current regulations clearly fits within categorical exclusion A3 established in DHS's NEPA implementing procedures as an administrative change with no change in environmental effect, is not part of a larger Federal action, and does not present extraordinary circumstances that create the potential for a significant environmental effect. Therefore, regulatory amendments are categorically excluded from further NEPA review.

K. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, Public Law 104–13, all agencies are required to submit to OMB, for review and approval, any reporting requirements inherent in a rule. This rule does not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act.

However, this rule requires the use of USCIS Form I–765. This form has previously been approved by OMB under the Paperwork Reduction Act. The OMB control number(s) for this information collection is 1615–0040.

List of Subjects in 8 CFR Part 274a

Administrative practice and procedure, Aliens, Cultural exchange program, Employment, Penalties, Reporting and recordkeeping requirements, Students.

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

Accordingly, for the reasons set forth in the preamble, the Secretary of Homeland Security adopts the amendments to 8 CFR Part 274a as published on October 30, 2025, at 90 FR 48799 as final.

Markwayne Mullin,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2026–20955 Filed 10–13–26; 8:45 am]

BILLING CODE 9111–97–P

[219] The Instruction Manual contains DHS's procedures for implementing NEPA and was issued on November 6, 2014, *https://www.dhs.gov/ocrso/eed/epb/nepa* (last updated July 29, 2025).

[220] *See* 42 U.S.C. 4336(a)(2), 4336e(1).

[221] *See* Instruction Manual, Appendix A, Table 1.

[222] *See* Instruction Manual at V.B(2)(a) through (c).

FEDERAL REGISTER

Vol. 91 Wednesday,
No. 197 October 14, 2026

Part III

Department of Justice

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances: Temporary Placement of 7-Hydroxymitragynine and Mitragynine Pseudoindoxyl Above a Specified Threshold in Schedule I and Temporary Placement of MGM–15 and MGM–16 in Schedule I; Proposed Rules

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–1570]

Schedules of Controlled Substances: Temporary Placement of 7-Hydroxymitragynine and Mitragynine Pseudoindoxyl Above a Specified Threshold in Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Proposed amendment; notice of intent.

SUMMARY: The Administrator of the Drug Enforcement Administration (DEA) is issuing this notice of intent to publish a temporary order to schedule 7-hydroxymitragynine and mitragynine pseudoindoxyl (including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible) when either substance alone, or their combined amount if both are present, is above a specified threshold, in schedule I of the Controlled Substances Act (CSA). Based on a different threshold provided by the Department of Health and Human Services (HHS) in July of 2025, DEA published a notice of intent to temporarily schedule 7-hydroxymitragynine above that lower threshold on July 7, 2026. Additionally, DEA published a temporary order placing mitragynine pseudoindoxyl without a threshold in schedule I of the CSA on August 26, 2026. On October 8, 2026, HHS sent a letter recommending that DEA place of the CSA 7-hydroxymitragynine and mitragynine pseudoindoxyl in schedule I when either substance alone, or their combined amount if both are present, is above a new specified threshold. Based on the October 8, 2026 letter, DEA is issuing this notice of intent. While the new threshold recommended by HHS would permit certain products to remain in the marketplace without being subject to schedule I controls, neither HHS nor DEA has made a finding that these substances are safe to use at below-threshold levels. When a temporary order is issued, it will impose the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess) or propose to handle 7-hydroxymitragynine and/or mitragynine pseudoindoxyl above the specified threshold. In a separate document contained in this issue of the **Federal Register**, DEA is withdrawing the July 7, 2026 notice of intent related to 7-hydroxymitragynine. The August 26, 2026 temporary order placing mitragynine pseudoindoxyl in schedule I of the CSA without a threshold remains in effect until either it expires or the new temporary order is published and the previous order is withdrawn, whichever occurs first.

DATES: October 14, 2026.

ADDRESSES: 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362–3249.

SUPPLEMENTARY INFORMATION: The notice of intent contained in this document is issued pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). The Drug Enforcement Administration (DEA) intends to issue a temporary scheduling order [1] (in the form of a temporary amendment) to add 7-hydroxymitragynine [2] and mitragynine pseudindoxyl [3] above a specified threshold described herein, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible, to schedule I under the Controlled Substances Act (CSA).[4] The specified threshold for reflects the recommendation made by the Assistant Secretary for Health (Assistant Secretary) of the Department of Health and Human Services (HHS) in a letter to the Administrator of DEA dated October 8, 2026, which described the threshold as follows:

The substances [7-hydroxymitragynine] and [mitragynine pseudoindoxyl] be controlled in schedule I [pursuant to 21 U.S.C. 811(h)] when either substance alone, or their combined amount if both present, is:

(A) Above a specified threshold concentration, that is, greater than 1 mg per gram (for solid powders, encapsulated material, or other solid forms) or greater than 1 mg per milliliter (for liquid preparations), OR

(B) The mass of mitragynine present divided by the mass of [7-hydroxymitragynine], or [mitragynine pseudoindoxyl], or the combined amount of [7-hydroxymitragynine] and [mitragynine pseudoindoxyl] if both present, is less than 100.[5]

The temporary scheduling order will be published in the **Federal Register** on or after November 13, 2026.

Legal Authority

The CSA provides the Attorney General with the authority to temporarily place a substance in schedule I of the CSA for two years without regard to the requirements of 21 U.S.C. 811(b), if he finds that such action is necessary to avoid an imminent hazard to public safety.[6] In addition, if proceedings to control a substance are initiated under 21 U.S.C. 811(a)(1) while the substance is temporarily controlled under section 811(h), the Attorney General may extend the temporary scheduling for up to one year.[7]

Where the necessary findings are made, a substance may be temporarily scheduled if it is not listed in any other schedule under 21 U.S.C. 812, or if there is no exemption or approval in effect for the substance under section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355.[8] The Attorney General has delegated scheduling authority

[1] Though DEA has used the term ''final order'' with respect to temporary scheduling orders in the past, this notice of intent adheres to the statutory language of 21 U.S.C. 811(h), which refers to a ''temporary scheduling order.'' No substantive change is intended.

[2] Chemical name: Methyl (*E*)-2-((2*S*,3*S*,7a*S*)-3-ethyl-7*a*-hydroxy-8-methoxy-1,2,3,4,6,7,7*a*,12*b*-octahydroindolo[2,3-*a*]quinolizin-2-yl)-3-methoxyacrylate (also known as: (αE,2*S*,3*S*,7a*S*,12b*S*)-3-ethyl-l,2,3,4,6,7,7a,12b-octahydro-7a-hydroxy-8-methoxy-a-(methoxymethylene)-indolo[2,3-*a*]quinolizine-2-acetic acid, methyl ester).

[3] Chemical name: Methyl (*E*)-2-((1′*S*,6′*S*,7′S)-6′-ethyl-4-methoxy-3-oxo-3′,5′,6′,7′,8′,8a′-hexahydro-2′*H*-spiro[indoline-2,1′-indolizine]-7′-yl)-3-methoxyacrylate (commonly known as mitragynine pseudoindoxyl).

[4] On July 6, 2026, DEA published a notice of intent to place 7-hydroxymitragynine above a specified threshold in schedule I of the CSA. *See Schedules of Controlled Substance: Temporary Placement of 7-Hydroxymitragynine Above a Specified Threshold in Schedule I,* 91 FR 40917 (July 6, 2026). DEA is withdrawing that notice of intent elsewhere in this issue of the **Federal Register**. On August 26, 2026, DEA published a temporary order that placed mitragynine pseudoindoxyl, along with two other 7-hydroxymitragynine-related substances, in schedule I of the CSA. *See Schedules of Controlled Substances: Temporary Placement of Mitragynine Pseudoindoxyl, MGM–15, and MGM–16 in Schedule I,* 91 FR 54948 (Aug. 26, 2026). That temporary order is effective until August 26, 2028, or until a new temporary order placing mitragynine pseudindoxyl above a specified threshold is published and the previous order withdrawn, whichever occurs first.

[5] Letter from Assistant Secretary for Health of HHS Admiral Brian Christine, M.D., to DEA, at page 8 (Oct. 8, 2026).

[6] 21 U.S.C. 811(h)(1).

[7] 21 U.S.C. 811(h)(2).

[8] 21 U.S.C. 811(h)(1); 21 CFR part 1308.

under 21 U.S.C. 811 to the Administrator of DEA (Administrator).[9]

Background

The CSA requires the Administrator to notify the Secretary of the Department of Health and Human Services (HHS) of this intent to issue a temporary scheduling order.[10] By letter dated October 8, 2026, Assistant Secretary for Health sent a letter to DEA that, among other things, recommended controlling 7-hydroxymitragynine and mitragynine pseudoindoxyl when either substance alone, or their combined amount if both are present, is above a specified threshold in schedule I. By letter dated October 8, 2026, the Administrator transmitted the required notice to place 7-hydroxymitragynine and mitragynine pseudoindoxyl above the specified threshold recommended by HHS in schedule I on a temporary basis to the Assistant Secretary.[11] By letter dated March 6, 2026, the Assistant Secretary advised that based on a review by the Food and Drug Administration (FDA), there were currently no investigational new drug applications (IND) or approved new drug applications (NDA) for 7-hydroxymitragynine above a specified threshold. In a separate letter dated January 20, 2026, the Assistant Secretary advised that based on a review by the Food and Drug Administration (FDA), there were currently no investigational new drug applications (IND) or approved new drug applications (NDA) for mitragynine pseudoindoxyl as of that date. The Assistant Secretary provided no contrary information in its October 8, 2026, letter. Neither 7-hydroxymitragynine nor mitragynine pseudoindoxyl is currently listed in any other schedule than schedule I under the CSA.

To find that placing a substance temporarily in schedule I of the CSA is necessary to avoid an imminent hazard to public safety, the Administrator must consider three of the eight factors set forth in 21 U.S.C. 811(c): the substance's history and current pattern of abuse; the scope, duration and significance of abuse; and what, if any, risk there is to public health.[12] This consideration includes any information indicating actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution of either 7-hydroxymitragynine and mitragynine pseudoindoxyl.[13]

Substances meeting the statutory requirements for temporary scheduling may only be placed in schedule I.[14] Substances in schedule I have high potential for abuse, no currently accepted medical use in treatment in the United States,[15] and a lack of accepted safety for use under medical supervision.[16]

7-Hydroxymitragynine Above a Specified Threshold

7-Hydroxymitragynine is a psychoactive alkaloid found in *Mitragyna speciosa* (*M. speciosa*) plant, a tropical evergreen tree indigenous to Southeast Asia. While the use of the plant was once geographically limited, the use of *M. speciosa* has since extended to the United States and other global markets. Among the numerous alkaloids identified in *M. speciosa,* the indole alkaloids mitragynine (major) and 7-hydroxymitragynine (minor) are primarily responsible for the plant's psychoactive effects. In its natural botanical form, 7-hydoxymitragynine makes up less than two percent of the total alkaloid content or occurs in trace amount in *M. speciosa.* However, 7-hydroxymitragynine can be synthesized from mitragynine through a one-step chemical reaction, and it also exists as an active oxidized metabolite of mitragynine *in vivo.* Despite the different origins of 7-hydroxymitragynine, the chemical structures of synthetic and naturally occurring 7-hydroxymitragynine are identical.

Recently, the United States has seen a proliferation of 7-hydroxymitragynine products. Evidence suggests that commercially available products, including extracts and synthetic formulations, contain a significantly higher concentration of 7-hydroxymitragynine than what is found in botanical *M. speciosa.* These products are commonly sold on the internet and in retail outlets, such as gas stations and smoke shops, in various forms, including powders, tablets, gummies, and sublingual films designed for rapid absorption. To date, the safety profile of these concentrated products in humans remains unknown because no controlled clinical trials have been conducted to establish safe consumption limits or standardized dosing.

7-Hydroxymitragynine has opioidergic activity, sharing a similar pharmacological profile to schedule II opioids like morphine. Preclinical data indicates that 7-hydroxymitragynine carries a high abuse potential with safety risks, including tolerance, dependence, and respiratory depression, which are comparable to those of classic opioid analgesics. The United States has recently seen an emergence of products containing 7-hydroxymitragynine, which are often characterized by

[9] 28 CFR 0.100.

[10] 21 U.S.C. 811(h)(4).

[11] The Secretary of HHS has delegated to the Assistant Secretary for Health of HHS the authority to make domestic drug scheduling recommendations. *Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91–513, As Amended; Delegation of Authority,* 58 FR 35460 (July 1, 1993).

[12] 21 U.S.C. 811(c)(4)–(6), (h)(3).

[13] 21 U.S.C. 811(h)(3).

[14] 21 U.S.C. 811(h)(1).

[15] When finding schedule I placement on a temporary basis is necessary to avoid imminent hazard to the public, 21 U.S.C 811(h) does not require DEA to consider whether the substance has a currently accepted medical use in treatment in the United States. Nonetheless, there is no evidence suggesting that 7-hydroxymitragynine or mitragynine pseudoindoxyl has a currently accepted medical use in treatment in the United States. First, DEA looks to whether the drug or substance has FDA approval. When no FDA approval exists, DEA has traditionally applied a five-part test to determine whether a drug or substances has a currently accepted medical use: (1) the drug's chemistry must be known and reproducible; (2) there must be adequate safety studies; (3) there must be adequate and well-controlled studies proving efficacy; (4) the drug must be accepted by qualified experts; and (5) the scientific evidence must be widely available. *Marijuana Scheduling Petition; Denial of Petition; Remand,* 57 FR 10499 (Mar. 26, 1992), pet. for rev. denied, *Alliance for Cannabis Therapeutics* v. *Drug Enforcement Admin.,* 15 F.3d 1131, 1135 (D.C. Cir. 1994). DEA applied the traditional five-part test and concluded the test was not satisfied. In a recent published letter in a different context, HHS applied an additional two-part test to determine currently accepted medical use for substances that do not satisfy the five-part test: (1) whether there exists widespread, current experience with medical use of the substance by licensed health care providers operating in accordance with implemented jurisdiction-authorized programs, where medical use is recognized by entities that regulate the practice of medicine, and, if so, (2) whether there exists some credible scientific support for at least one of the medical conditions for which part (1) is satisfied. On April 11, 2024, the Department of Justice's Office of Legal Counsel (OLC) issued an opinion, which, among other things, concluded that HHS's two-part test would be sufficient to establish that a drug has a currently accepted medical use. Office of Legal Counsel, Memorandum for Merrick B. Garland Attorney General Re: Questions Related to the Potential Rescheduling of Marijuana at 3 (April 11, 2024). For purposes of this notice of intent, there is no evidence that health care providers have widespread experience with medical use of 7-hydroxymitragynine or mitragynine pseudoindoxyl is recognized by entities that regulate the practice of medicine, so the two-part test also is not satisfied. In HHS's letter dated January 20, 2026, HHS advised DEA that there were currently no approved new drug applications or investigational new drug applications for mitragynine pseudoindoxyl. By letter dated March 6, 2026, the Assistant Secretary responded to this notice and advised that based on a review by the Food and Drug Administration (FDA), there were currently no investigational new drug applications (IND) or approved new drug applications (NDA) for 7-hydroxymitragynine. The Assistant Secretary provided no contrary information in its October 8, 2026 letter.

[16] 21 U.S.C. 812(b)(1).

ambiguous dosages and misleading marketing, frequently being labeled as ''natural *M. speciosa* extracts.'' While sellers promote these products for their euphoric and opioidergic effects, evidence demonstrates they may also contain other opioid alkaloids, such as mitragynine pseudoindoxyl. These combinations, coupled with a lack of regulatory oversight, pose significant safety risk to unsuspecting consumers by exposing them to high doses of opioids. The absence of clinical evidence to support vendor health claims is deeply concerning. Consequently, 7-hydroxymitragynine products sold as unregulated dietary supplements pose significant health risks, as essential information regarding their purity, identity, quantity and long-term safety remain unknown.

7-Hydroxymitragynine does not meet the United States Food and Drug Administration (FDA) definitions for drugs, dietary supplements, or dietary ingredients. FDA has issued warning letters to companies clarifying that 7-hydroxymitragyine is not an FDA-approved drug product and no food additive regulation has authorized the use of 7-hydroxymitragynine in food supply. Furthermore, FDA has warned consumers against using products labeled as 7-hydroxymitragynine, as they have not been proven safe or effective for any use.[17] Fatal overdoses involving 7-hydroxymitragynine have been reported, making its wide availability and unknown safety profile a significant threat to public health, which is particularly concerning in the midst of an opioid crisis. The availability of 7 hydroxymitragynine-containing substances in the United States' *M. speciosa* consumer market poses an imminent hazard to the public safety.

Mitragynine Pseudoindoxyl

The prevalence and misuse of *Mitragyna speciosa* (commonly known as kratom) and its psychoactive alkaloids, including mitragynine and 7-hydroxymitragynine, have led to the proliferation of commercial products containing opioids chemically synthesized from mitragynine or 7-hydroxymitragynine. In recent years, mitragynine pseudoindoxyl, which is a chemical rearrangement product of 7-hydroxymitragynine has recently emerged on the *Mitragyna speciosa* consumer markets. The chemical scaffolds of mitragynine or 7-hydroxymitragynine were used in scientific research to develop mitragynine pseudoindoxyl via chemical modifications of purified isolates. Evidence from the *Mitragyna speciosa* retail markets demonstrates that mitragynine pseudoindoxyl transitioned from experimental substances studied in research to widely available commercial products. These products are commonly sold in different forms such as powders, tablets, and liquid shots. This is a significant evolution from the traditional administration of *Mitragyna speciosa,* which was once restricted to either chewing raw leaves or steeping the leaves into water decoctions and teas.

These products are sold under numerous brand names like Kama, Hydroxie, Fruity Perks, and Happie Tabs,[18] and they are easily purchased on the internet, as well as in gas stations, corner shops, and vape shops. These products are available in consumer-friendly forms to include flavored chewable tablets, which increases their appeal to a broader demographic. Also, the aggressive marketing of mitragynine pseudoindoxyl, which is a semi-synthetic opioid, as ''precision-formulated products,'' ''botanical extracts,'' or as ''mood boosters'' for the treatment of health conditions is deeply concerning. The branding creates a false sense of safety for unknowing consumers who may equate the term ''botanical'' with lower risk. Furthermore, there is paucity of data on quality control or standardized dosage available for these products, making their use especially dangerous.

Mitragynine pseudoindoxyl is a potent opioid that shares a similar pharmacological profile with 7-hydroxymitragynine. Available pharmacology data demonstrate that mitragynine pseudoindoxyl exhibit strong affinity for the mu-opioid receptor (MOR) and function as MOR agonists.[19] [20] Data from preclinical studies show that this substance produce analgesic effect that is more potent than morphine.[21] Because mitragynine pseudoindoxyl is a potent MOR agonist, it poses similar health risks as other mu-opioid agonists (*i.e.,* morphine and fentanyl), including physical and psychological dependence, and respiratory depression.

A scan of retail data on the internet shows that vendors explicitly market mitragynine pseudoindoxyl products for their ''clean and powerful'' opioid-receptor activation, utilizing deceptive terminology to target individuals seeking alternatives to pharmaceutical opioids. These combinations and marketing strategies pose significant safety risks to unsuspecting consumers who use these products by exposing them to high doses of opioids. Recently, reports have confirmed the positive identification of mitragynine pseudoindoxyl in toxicology cases in the United States, and evidence demonstrates that these substances are being misused. The lack of clinical data regarding its safety and efficacy, coupled with the risk of life-threatening respiratory depression and addiction, underscores the danger of marketing this unapproved, highly potent opioid under the guise of therapeutic or wellness products.

Available data and information for 7-hydroxymitragynine and mitragynine pseudoindoxyl summarized below, indicate that these substances have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. DEA's three-factor analysis and HHS's October 8, 2026 letter are available in their entirety under ''Supporting and Related Material'' of the public docket for this action at *www.regulations.gov* under Docket Number DEA–1570.

Factor 4. History and Current Pattern of Abuse

7-Hydroxymitragynine

7-Hydroxymitragynine is most commonly used in isolated form or as

[17] FDA Issues Warning Letters to Firms Marketing Products Containing 7-Hydroxymitragynine | FDA, *available at https://www.fda.gov/news-events/press-announcements/fda-issues-warning-letters-firms-marketing-products-containing-7hydroxy mitragynine#:~:text=FDA%20 Issues%20Warning%20Letters%20to%20Firms%20 Marketing%20Products%20Containing%207%2D Hydroxymitragynine,-Alkaloid%20known%20 as&text=The%20U.S.%20Food%20and%20Drug ,also%20known%20as%207%2DOH,* Accessed July 31, 2025.

[18] The list of brand names is illustrative, non-exhaustive, and provided solely as market context.

[19] Matsumoto, K., Narita, M., Muramatsu, N., Nakayama, T., Misawa, K., Kitajima, M., Tashima, K., Devi, L. A., Suzuki, T., Takayama, H., & Horie, S. (2014). Orally active opioid μ/δ dual agonist MGM–16, a derivative of the indole alkaloid mitragynine, exhibits potent antiallodynic effect on neuropathic pain in mice. *The Journal of Pharmacology and Experimental Therapeutics,* 348(3):383–392.

[20] Yamamoto, L. T., Horie, S., Takayama, H., Aimi, N., Sakai, S., Yano, S., Shan, J., Pang, P. K., Ponglux, D., & Watanabe, K. (1999). Opioid receptor agonistic characteristics of mitragynine pseudoindoxyl in comparison with mitragynine derived from Thai medicinal plant Mitragyna speciosa. *General Pharmacology,* 33(1):73–81.

[21] Váradi, A., Marrone, G. F., Palmer, T. C., Narayan, A., Szabó, M. R., Le Rouzic, V., Grinnell, S. G., Subrath, J. J., Warner, E., Kalra, S., Hunkele, A., Pagirsky, J., Eans, S. O., Medina, J. M., Xu, J., Pan, Y. X., Borics, A., Pasternak, G. W., McLaughlin, J. P., & Majumdar, S. (2016). Mitragynine/Corynantheidine Pseudoindoxyls As Opioid Analgesics with Mu Agonism and Delta Antagonism, Which Do Not Recruit β-Arrestin-2. *Journal of Medicinal Chemistry,* 59(18):8381–8397.

component of *M. speciosa.* Historically, *M. speciosa* has been used for a variety of purposes, including as an opium substitute and a treatment of various opioid withdrawal symptoms, such as pain, cough, anxiety, diarrhea, and intestinal difficulty.[22] While its use was once geographically limited, the marketing in the United States of 7-hydroxymitragynine products has been aggressive and often indistinguishable from the sale of *M. speciosa*.[23] In recent years, 7-hydroxymitragynine has been falsely marketed as a dietary supplement [24] or natural extract despite failing to meet FDA's definitions for drugs, dietary supplements, or dietary ingredients. Anecdotal information from users who post on social media indicates that many users are self-treating chronic pain with unregulated 7-hydroxymitragynine products.[25]

Product Formulation and Marketing Claims of 7-Hydroxymitragynine

7-Hydroxymitragynine products are readily obtained from smoke shops, gas stations, and online vendors in various forms, including tablets, shots, capsules, powder, syrup, vapes, sublingual pouch/strips, nasal spray, chewable, and liquid extracts. These products are commonly sold with names such as ''7 Ohmz,'' ''7-hydroxy,'', and ''7-OH,'' and they are presented in colorful packages. One investigation identified 250 products sold between September 2024 through February 2025, noting that chewable/sublingual tablets were the most common formulation.[26] These products were sold for general wellbeing and claims of increased focus. The investigation further highlighted the concerns regarding standardized dosing and cost. The concentration of 7-hydroxymitragynine products varied significantly, ranging from 1 mg to 700 mg in a single dose or serving. The average cost per dose across most products containing 7-hydroxymitragynine was about $3.97.

Anecdotal information synthesized from user-contributed reports and subsequently analyzed by clinical educators [27] between 2024 and early 2025 provide additional information on abuse patterns. Users consistently report transition from traditional kratom leaf to 7-hydroxymitragynine tablets (*e.g.,* 7OHMZ, Press'd, Hydroxie). 7-Hydroxymitragynine was described as ''the cleanest and most euphoric high'' that lacks ''ceiling effect of nausea'' of the plain leaf. A dominant theme is the short-lived nature of the 7-hydroxymitragynine high. Users report the urge to redose frequently.

The National Drug Early Warning System (NDEWS) conducted web monitoring on reddit mentions of kratom and its derivates. In the report, information provided by reddit discussants surrounding kratom and 7-hydroxymitragynine shows that users often compare 7-hydroxymitragynine effects to prescription opioids, like oxycodone and hydrocodone, with users expressing worry on how such potent products are legally available at smoke shops. Commenters mentioned the ease and convenience of buying products at gas stations and noted how this can be a concern for impulse use due to ease of accessibility. Further, discussions on prices ranged from $15–40 for a single dose product.[28]

In summary, 7-hydroxymitragynine products are available in different forms and can be purchased easily via several avenues, predominantly via the internet. This is a shift from traditional botanical use to aggressive marketing of highly concentrated opioid products in the United States.

Mitragynine Pseudoindoxyl

Mitragynine pseudoindoxyl is a synthetic derivatives of the indole alkaloids, mitragynine or 7-hydroxymitragynine, of the *Mitragyna speciosa* plant. Unlike the indole alkaloids mitragynine and 7-hydroxymitragynine, which are naturally occurring in the plant, mitragynine pseudoindoxyl is produced through synthetic modifications of purified mitragynine isolates or 7-hydroxymitragynine.[29] The chemical scaffolds of mitragynine or 7-hydroxymitragynine were used in scientific research to develop novel mitragynine pseudoindoxyl. The first mention of mitragynine pseudoindoxyl in scientific literature dates to 1974 when mitragynine pseudoindoxyl was isolated as a metabolite from bio transformed mitragynine.

Market Emergence and Designer-Drug Patterns of Mitragynine Pseudoindoxyl

The first confirmed appearance of mitragynine pseudoindoxyl in consumer products was reported in 2024.[30] The introduction of mitragynine pseudoindoxyl into the *Mitragyna speciosa* consumer market follows a classic pattern of new designer drugs, where packaging appears like those of designer novel psychoactive substances and are often advertised as ''sold strictly for laboratory, botanical, and research purposes only'' and ''not intended for human consumption.'' [31] A study on products sold online containing mitragynine pseudoindoxyl showed that of the 51 total products sold online, 35 had an appealing flavor (*e.g.,* various berry, mint, watermelon, pink lemonade, candy apple, grape, citrus, mango, pistachio, and vanilla bean), and 32 of the products had packaging that was formulated using bright colors. Seventy-six percent (39 of 51) of these products were chewable tablets, 18 percent were liquids (9 of 51), and the remaining three were either dried ice cream cones with ice cream (two

[22] Grundmann, O., Green, M., Berthold, E., Yoon, S.L., & Ray, D. (2025). Prevalence and Use Patterns of Kratom (*Mitragyna speciosa* Korth.) in a US Nationally Representative Sample. *Journal of psychoactive drugs,* 1–9.

[23] Smith, K.E., Boyer, E.W., Grundmann, O., McCurdy, C.R., & Sharma, A. (2025). The rise of novel, semi-synthetic 7-hydroxymitragnine products. *Addiction (Abingdon, England), 120*(2), 387–388.

[24] FDA issued warning letters to firms marketing products containing 7-hydroxymitragynine stating it is not a lawful dietary supplement, food additive, or ingredient in any approved drug''. FDA Issues Warning Letters to Firms Marketing Products Containing 7-Hydroxymitragynine | FDA, *available at https://www.fda.gov/news-events/press-announcements/fda-issues-warning-letters-firms-marketing-products-containing-7-hydroxy mitragynine#:~:text=FDA%20 Issues%20Warning%20Letters%20to%20Firms %20Marketing%20Products %20Containing%207%2DHydroxymitragynine,-Alkaloid%20known%20as&text= The%20U.S.%20Food %20and%20Drug,also%20known %20as%207%2DOH,* accessed on July 15, 2025.

[25] National Drug Early Warning System (NDEWS). (2025). Alert from the NDEWS Web Monitoring Team: Online mentions of Kratom and Derivatives (May 30, 2025). Retrieved from *ndews.org.*

[26] Hill, K., Boyer, E.W., Grundmann, O., & Smith, K.E. (2025). De facto opioids: Characterization of novel 7-hydroxymitragynine and mitragynine pseudoindoxyl product marketing. *Drug and Alcohol Dependence,* 272, 112701.

[27] University of Connecticut School of Pharmacy and Pharmaceutical Sciences. (2025), Kratom and Knock Offs, Should You Leaf Them Alone: You Asked for It!. *available at https://pharmacy.uconn.edu/course/kratom/.*

[28] Alert from the NDEWS Web Monitoring Team: Online mentions of Kratom and Derivatives (May 30, 2025). Retrieved from *ndews.org.*

[29] *Id,* 13;14; Takayama, H., Ishikawa, H., Kurihara, M., Kitajima, M., Aimi, N., Ponglux, D., Koyama, F., Matsumoto, K., Moriyama, T., Yamamoto, L.T., Watanabe, K., Murayama, T., & Horie, S. (2002). Studies on the synthesis and opioid agonistic activities of mitragynine-related indole alkaloids: discovery of opioid agonists structurally different from other opioid ligands. *Journal of Medicinal Chemistry,* 45(9):1949–1956.

[30] Hill, K., Boyer, E.W., Grundmann, O., & Smith, K.E. (2025). De facto opioids: Characterization of novel 7-hydroxymitragynine and mitragynine pseudoindoxyl product marketing. *Drug and Alcohol Dependence,* 272: 112701; Krotulski, A.J.; Denn, M.T., Brower, J.O., Papsun, D.M., & Logan, B.K. (2025). Evaluation of Commercially Available Smoke Shop Products Marketed as ''7-Hydroxy Mitragynine'' & Related Alkaloids, Center for Forensic Science Research and Education, United States; Vadiei, N., Evoy, K.E., & Grundmann, O. (2025). The Impact of Diverse Kratom Products on Use Patterns, Dependence, and Toxicity. *Current Psychiatry Reports,* 27(10):584–592.

[31] *Id,* 24.

products) or a chocolate bar (one product).[32] Many of the products typically feature serving sizes that require consumers to split tablets or doses.

Current Patterns of Use Mitragynine Pseudoindoxyl

Users seek mitragynine pseudoindoxyl for its psychoactive effects and products are often advertised as mood enhancers or alternative to prescription opioid analgesics (*see* Factor 5). These products are commonly sold in different product forms, such as powders, tablets, or liquid shots, which is a sharp contrast from the traditional mode of administration of *Mitragyna speciosa,* which was confined to either water decoctions or brewed into tea or chewing of fresh leaves. A review of vendor websites [33] show that these products are explicitly marketed as ''potent'' and ''fast-acting'' substances and sold at low prices. For example, mitragynine pseudoindoxyl tablets are sold in varying fruit flavors and in bright colors, and prices vary from about $2–4 per tablet or $34.99 per pack (single pack and 10-pack bulk). Of great concern to DEA is that the price of these products may facilitate high-frequency and rapid escalation of use (*see* Table 1).

TABLE 1—RETAIL DISTRIBUTION OF MITRAGYNINE PSEUDOINDOXYL PRODUCTS

Brand	Product form	Stated concentration	Marketing narrative
Kama Pseudoindoxyl.	Extract tablet	500 mg Kama 7-Hydroxy + Pseudo extracts.	''Stop settling for weak kratom products.... Enjoy great flavor and precise dosing without the guesswork.''
Kream	Liquid Shot	90 mg 7-Hydroxy + Pseudo.	''Tired of slow supplements that give you a crash? delivering fast-acting effects and calm mental clarity in a discreet little bottle. This clean, lab-tested liquid shot features 7-hydroxy and pseudo in a citrus formula for consistent potency, making it easy to find focus and wellness without waiting long.''

The shift from natural leaf decoctions of *Mitragyna speciosa* to flavored, standardized, and high-potency semi-synthetic substances suggests an intentional market strategy to maximize consumer appeal and sale of products with rapid onset of effects. The use of ''research chemical'' labeling, a common tactic to bypass regulatory oversight, for flavored chewable products further demonstrates a pattern to reach a broader consumer demographics.

Factor 5. Scope, Duration, and Significance of Abuse

7-Hydroxymitragynine

The abuse of 7-hydroxymitragynine is increasing and widespread. Given its pharmacological profile as an opioid agonist and high abuse potential,[34] the marketing of 7-hydroxymitragynine products to consumers as botanical supplements constitute a significant public health risk. 7-Hydroxymitragynine, a potent opioid, presents overdose risk and toxicity to users because its chemical manufacturing process is inconsistent and does not adhere to good manufacturing practices. This lack of oversight may lead to variation in doses and composition in final products. Further, 7-hydroxymitragynine is sold as sublingual pouch/tablet, a formulation known to deliver drugs rapidly into the systemic circulation. This rapid delivery, coupled with 7-hydroxymitragynine's known pharmacokinetic profile, presents a significance of abuse.[35]

7-Hydroxymitragynine sellers make claims of its opioidergic effects. Evidence demonstrates that 7-hydroxymitragynine products have been identified to contain other opioid alkaloids, such as mitragynine pseudoindoxyl.[36] These combinations and practice pose significant safety risks to unsuspecting consumers by exposing them to high doses of opioids. The lack of evidence to support health claims made by vendors selling 7-hydroxymitragynine products is worrisome. Hence, 7-hydroxymitragynine products sold as unregulated dietary supplements pose significant health risks to users because information on their purity, identity, quantity and safety is unknown.

Law Enforcement Encounters

The number of seizures for 7-hydroxymitragynine as reported in law enforcement systems is currently limited, primarily because forensic chemists often prioritize the identification of mitragynine, the major alkaloid in *M. speciosa,* rather than extending analysis to the identification minor alkaloids, such as 7-hydroxymitragynine. Furthermore, because 7-hydroxymitragynine is not federally controlled under the CSA, specific forensic identification may be limited. Consequently, some forensic laboratories may not place emphasis on analyzing or tracking the encounters of non-controlled substances, making it unlikely to be fully reported to forensic laboratories databases. Nonetheless, available data from the National Forensic Laboratory Information System (NFLIS) database [37] shows that, in 2025, there were 42 reports of 7-hydroxymitagynine from 12 states. This law enforcement data illustrates the widespread and increasing availability of products containing 7-

[32] White, C.M., Belcourt, J., & Sedensky, A. (2025). A Descriptive Assessment of Products Containing the Opioid Receptor Stimulator Mitragynine Pseudoindoxyl. *Substance Use & Misuse,* 60(12):1950–1954.

[33] Market Audit of Online Retailers, Jan. 2026.

[34] Hemby, S.E., McIntosh, S., Leon, F., Cutler, S.J., & McCurdy, C.R. (2019). Abuse liability and therapeutic potential of the Mitragyna speciosa (kratom) alkaloids mitragynine and 7-hydroxymitragynine. *Addiction Biology,* 24(5), 874–885.

[35] Hill, K., Boyer, E.W., Grundmann, O., & Smith, K.E. (2025). De facto opioids: Characterization of novel 7-hydroxymitragynine and mitragynine pseudoindoxyl product marketing. *Drug and Alcohol Dependence,* 272, 112701; Sharma, A., Smith, K.E., Kuntz, M.A., Berthold, E.C., Elashkar, O.I., Guadagnoli, N., Kanumuri, S.R.R., Mukhopadhyay, S., Panlilio, L.V., Epstein, D.H., & McCurdy, C.R. (2025). Chemical Analysis and Alkaloid Intake for Kratom Products Available in the United States. *Drug Testing and Analysis,* 17(10), 1974–1984.

[36] 7-Hydroxy Mitragynine NPS Discovery, *available at https://www.cfsre.org/images/content/reports/public_alerts/7-Hydroxy_Mitragynine_NPS_Discovery_033125.pdf,* accessed March 10, 2026.

[37] NFLIS represents an important resource in monitoring illicit drug trafficking, including the diversion of legally manufactured pharmaceuticals into illegal markets. NFLIS is a comprehensive information system that includes data from forensic laboratories that handle more than 96 percent of an estimated 1.0 million distinct annual State and local drug analysis cases. NFLIS includes drug chemistry results from completed analyses only. While NFLIS data is not direct evidence of abuse, it can lead to an inference that a drug has been diverted and abused. *See Schedules of Controlled Substances: Placement of Carisoprodol Into Schedule IV,* 76 FR 77330, 77332 (Dec. 12, 2011). NFLIS data were queried on February 26, 2026.

hydroxymitragynine within the domestic kratom drug market.

FDA Warning Letters

Between June and July 2025, FDA issued seven warning letters [38] to marketers and distributors in response to the unauthorized claim of 7-hydroxymitragynine as a drug, dietary supplement, or dietary ingredient. The warning letters explicitly stated that 7-hydroxymitragyine is not an FDA-approved drug product and that no food additive regulation has authorized the use of 7-hydroxymitragynine in food. FDA further classified 7-hydroxymitragynine as a ''new dietary ingredient'' under section 413(d) of the FD&C Act, 21 U.S.C. 350b(d), because there is no evidence demonstrating it was marketed as a dietary ingredient in the United States before October 15, 1994. Additionally, some letters noted that, as a dietary supplement, 7-hydroxymitraghynine is considered adulterated under section 402(f)(l)(B) of the FD&C Act, 21 U.S.C. 342(f)(l)(B). This is because there is inadequate information providing reasonable assurance that the ingredient does not present a significant or unreasonable risk of illness or injury. Of note was FDA's warning letter issued on June 25, 2025, to a company selling ''7OHMZ 7-Hydroxymitragynine Gummies,'' [39] in which FDA cautioned that such products may be appealing to children due to their packaging. Other warning letters targeted the illegal sale of unapproved 7-hydroxymitragynine products marketed for the treatment of pain, relaxation, mood enhancement, and other medical conditions.[40] Vendors utilized websites and social media pages to make unproven medical claims for 7-hydroxymitragynine, such as describing tablets as ''expertly formulated to provide a potent dose'' or promising ''intense relaxation and a feeling of pure bliss.''

State Regulations and Controls

Due to concerns over its abuse, several states have regulated or banned the consumption of 7-hydroxymitragynine or *M. speciosa*.[41] Currently, ten states (Alabama, Arkansas, Connecticut Indiana, Kansas, Louisiana, Massachusetts, Tennessee, Vermont, and Wisconsin) have prohibited 7-hydroxymitragynine consumption. Additionally, some states, such as Arizona, Colorado, South Carolina, and Texas, have set restrictions on the limits of 7-hydroxymitragynine (not to exceed a specified percent of total alkaloid content).

Furthermore, 19 states have enacted model legislation known as the ''kratom consumer protection Act (KCPA),'' which requires that *M. speciosa,* mitragynine, or 7-hydroxymitragynine be manufactured safely, labeled accurately, and distributed appropriately to protect consumer under a certain age. These states are Arizona, Colorado, Florida, Georgia, Kentucky, Oklahoma, Maryland, Mississippi, Nebraska, Nevada, New York, Oregon, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, and West Virginia. Other states, like Illinois, New Hampshire, North Carolina, and Tennessee, have bans in some localities.[42] Of note, the state of Mississippi has set the limit per weight basis to one percent of total alkaloid content of 7-hydroxymitragynine or 0.5 mg per container. DEA's intent to temporarily control 7-hydroxymitragynine above the specified threshold does not preempt more restrictive state law regarding the consumption of 7-hydorxymitragynine and 7-hydroxymitragynine related products.

Poison Control Center Data (National Poison Data System)

The significance of 7-hydroxymitragynine abuse is demonstrated by an increasing volume of calls to poison control centers. Reporting for 7-hydroxymitragynine was historically limited within the national poison data system (NPDS); however, specific data codes for this substance were recently implemented between February and May 2025. During the initial tracking period from February 2025 to April 2025, NPDS recorded a total of 53 case reports involving 7-hydroxymitragynine. Of these exposure calls, 37 cases involved single-substance exposure of 7-hydroxymitragynine alone, and 24 cases were classified as abuse involving other substances in combination with 7-hydroxymitragynine. Among the single-substance exposure calls, 16 cases were categorized as intentional abuse, while 13 calls involved moderate medical outcomes where the patients exhibited pronounced and prolonged systemic symptoms.

Expanded data from U.S. poison centers indicates a rapid escalation in reported incidents.[43] From January 1 through July 31, 2025, there were 165 exposure cases involving 7-hydroxymitragynine. Of those reporting exposures to 7-hydroxymitragynine alone, 35 percent of these cases resulted in serious health problems, and 67 percent of individuals were treated at a healthcare facility. Patients exposed to 7-hydroxymitragynine frequently exhibit a range of severe physiological and neurological symptoms, including: gastrointestinal (nausea and vomiting), neurological (agitation, confusion, loss of consciousness, and seizure), cardiovascular (sweating, tachycardia, and hypertension), and respiratory (difficulty breathing). According to HHS' review, users report several reasons regarding the use of 7-hydroxymitragynine, including the following:

- *Desired Effects:* Euphoria and an opioid-like ''buzz''/high as motivation for using 7-hydroxymitragynine.
- *Product Appeal:* The availability of ''candy-like'' formulations of some 7-

[38] FDA Issues Warning Letters to Firms Marketing Products Containing 7-Hydroxymitragynine | FDA, *available at https://www.fda.gov/news-events/press-announcements/fda-issues-warning-letters-firms-marketing-products-containing-7-hydroxymitragynine;* 7Tabz Retail, LLC—709546—06/25/2025 | FDA, *available at https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/7tabz-retail-llc-709546-06252025; https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/hydroxie-llc-709661-06252025; https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/shaman-botanicals-llc-709622-06252025; https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/royal-diamond-imports-inc-709540-06252025; https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/thang-botanicals-inc-dba-7ohmz-7-ohmz-or-7ohmz-710190-06252025; https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/relax-relief-rejuvenate-trading-llc-dba-rrr-trading-or-edp-kratom-709475-06252025; https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/relax-relief-rejuvenate-trading-llc-dba-rrr-trading-or-edp-kratom-709475-06252025.*

[39] Thang Botanicals, Inc. d/b/a 7ΩHMZ, 7–OHMZ, or 7OHMZ—710190—06/25/2025 | FDA, *available at https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/thang-botanicals-inc-dba-7ohmz-7-ohmz-or-7ohmz-710190-06252025.*

[40] FDA Warning Letter, Royal Diamond Imports, Inc. (June 25, 2025), *available at https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/royal-diamond-imports-inc-709540-06252025;* FDA Warning Letter, Hydroxie, LLC (June 25, 2025), *available at https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/hydroxie-llc-709661-06252025.*

[41] Legislative Analysis and Public Policy Association, Kratom: Summary of State Laws (April 2025), *available at https://legislativeanalysis.org/wp-content/uploads/2025/07/Kratom-Summary-of-State-Laws.pdf.* Accessed August 8, 2025.

[42] American Kratom Association, Kratom State Legality and Legislation, *available at https://www.americankratom.org/aka-in-your-state.* Accessed on February 26, 2026.

[43] America's Poison Centers, Health Advisory: Serious Illnesses Associated with 7–OH Use, *available at https://poisoncenters.org/news-alerts/13531044.* Accessed on August 26, 2025.

hydroxymitragynine tablets, which some users acknowledge as carrying health risk due to possibility of overconsumption.

- *Self-Treatment:* Claim of 7-hydroxymitragynine therapeutic value in self-treating pain and anxiety.
- *Risk Awareness:* There is an acknowledgement among users of products containing 7-hydroxymitragynine that these products can lead to addiction, withdrawal symptoms, overdose, and other serious health outcomes, including death.

In summary, the abuse of 7-hydroxymitragynine in the United States is fueled by its pharmacological similarities to opioid analgesics, a lack of regulatory controls, and the relative ease of obtaining 7-hydroxymitragynine products via smoke shops and the internet.[44] Furthermore, the consumption of 7-hydroxymitragynine alongside other mind-altering substances may exacerbate the potential acute and long-term hazards and risks to the user, especially drug dependence. FDA responded to the increase in sales of 7-hydroxymitragynine products and unsubstantiated medical claims by issuing warning letters to companies to protect public safety. Available information from published literatures and poison control centers suggests that 7-hydroxymitragynine is used by a diverse population for the self-treatment of various health conditions. The ingestion of 7-hydroxymitragynine, a potent opioid, alone or co-ingestion with other substances, commonly a CNS depressant, is of serious concern. The poison control center data and popularity of 7-hydroxymitragynine-products collectively underscores the severity and significance of abuse of 7-hydroxymitragynine in the United States.

Mitragynine Pseudoindoxyl

The abuse of mitragynine pseudoindoxyl is concerning due to its high opioid potency and commercial availability. Mitragynine pseudoindoxyl products are sold in formulations that facilitate ease of use, bypass the traditional, lower-alkaloid preparation (chewing leaves or drinking tea) and provide a highly potent effect that mimics classical opioids such as morphine.

Deceptive Branding and Market Infiltration of Mitragynine Pseudoindoxyl

Analysis of marketed mitragynine pseudoindoxyl products revealed misleading marketing strategies with claims that the products are ''kratom.'' Available information on vendor website indicates that the concentrated alkaloid products often contain more than one alkaloid with opioid activity (*e.g.,* 7-hydroxymitragynine and mitragynine pseudoindoxyl). These substances combinations and marketing practices pose significant safety risk to unsuspecting consumers by exposing them to high doses of opioids (*see* Table 1). It is known that repeated use of opioids can lead to psychological and physical dependence. In fact, data show that chronic use of 7-hydroxymitragynine has sent users to opioid detox clinic and the need for opioid use disorder medication.[45] Furthermore, these products are labeled for ''strong mood enhancement'' and ''analgesic properties.'' Finally, the presence of these products containing mitragynine pseudoindoxyl is deeply concerning because the identity, purity, and quality of these products' formulation are uncertain, thus presenting additional safety concerns for unsuspecting users.

A study of products sold as mitragynine pseudoindoxyl over the internet found that the 51 unique products sold online as mitragynine pseudoindoxyl were marketed in child-appealing forms and contained other opioid alkaloids, with limited consumer safety information. The serving size varied and alkaloid concentrations for these marketed products were often higher than those in naturally occurring *Mitragyna speciosa* leaves. The analysis revealed that among the products sampled, 71 percent featured a combination of mitragynine pseudoindoxyl and 7-hydroxymitragynine, while 24 percent contained mitragynine pseudoindoxyl only. The remaining 6 percent contained combination of mitragynine pseudoindoxyl and other hydroxymitragynine forms (8-hydroxymitragynine or 11-hydroxymitragynine).[46]

National E-Commerce of Mitragynine Psuedoindoxyl

Data from online sources show that the availability of mitragynine pseudoindoxyl products are not isolated to a single region but have rapidly spread across the United States. Products containing mitragynine pseudoindoxyl are sold on the internet and are delivered to most states where there is currently no kratom use restrictions, suggesting national distribution network facilitated by online sales and mass-market retail channels. The significance of the abuse of mitragynine pseudoindoxyl is underscored by the potent opioid pharmacological profile of these substances and the specific health warnings acknowledged even by those who are marketing the substances. Vendor descriptions listed below provide insight into the duration and pattern of use that characterizes the abuse of these compounds:

Sustained Effect: The duration of effects is reported to last ''several hours.''[47] This prolonged duration increases the likelihood of cumulative effects and potential for toxicity if doses are repeated.

Deceptive Marketing for Medical Conditions: Despite having no FDA-approved medical use, these products are explicitly marketed for ''easing stress and tension,'' ''internal calm and reduced restlessness,'' and as a ''mental clarity.''[48] This marketing encourages individuals with legitimate medical needs to utilize potent, unlawful opioids as self-treatment.

Deceptive ''Natural'' Branding: Vendors frequently frame these substances as ''clean and powerful'' alternatives to traditional kratom. This branding is used to minimize the perceived risk of what are highly potent semi-synthetic opioid agonists.

Deceptive Safety Profiles: While products are marketed as a ''midday stress relief'' or ''mental reset,'' the inclusion of warnings for lethal respiratory depression on retail sites confirms that the products possess a toxicity profile identical to scheduled opioids.

Low Barrier to Entry: The use of ''fruity'' flavors and ''chewable'' formats (*e.g.,* Fruity Perks) suggests an effort to

[44] Internet sellers advertise, market, and provide false medical claims.

[45] Wightman, R. S., & Hu, D. (2025). A Case of 7-OH Mitragynine Use Requiring Inpatient Medically Managed Withdrawal. *Journal of Addiction Medicine,* 10.1097/ADM.0000000000001558. Advance online publication.

[46] Wilson, L. L., Chakraborty, S., Eans, S. O., Cirino, T. J., Stacy, H. M., Simons, C. A., Uprety, R., Majumdar, S., & McLaughlin, J. P. (2021). Kratom Alkaloids, Natural and Semi-Synthetic, Show Less Physical Dependence and Ameliorate Opioid Withdrawal. *Cell Mol Neurobiol.,* 41(5):1131–1143. doi: 10.1007/s10571–020–01034–7.

[47] *See* Pseudoindoxyl Chewable Tablets—Red Vein—Advanced Alkaloids Descriptions, *https://cbdamericanshaman.com/pseudoindoxyl-chewable-tablets-red-vein-advanced-alkaloids.* Accessed January 2026.

[48] *See* Dozo Perks Extremely Potent Pseudoindoxyl Chewable Tablet Grape 100mg Per Tablet, *https://pureleafkratom.com/products/dozo-perks-100mg-pseudoindoxyl-grape-chewable-tablets-4ct.html.* Accessed January 2026.

appeal to a broader, potentially younger demographic, significantly increasing the scope of potential abuse.

Forensic Surveillance and Identification of Mitgragynine Pseudoindoxyl

According to the National Forensic Laboratory Information System (NFLIS) [49] database, which collects drug identification results from drug cases submitted to and analyzed by Federal State and local forensic laboratories, there has been one report of mitragynine pseudoindoxyl in New York (queried February 26, 2026). Further, monographs [50] by Center for Forensic Science Research and Education (CFSRE), report that mitragynine pseudoindoxyl (n > 10) have been detected in at least 10 drug materials.

The paucity or lack of seizure data for this substance as reported in forensic laboratories casework may be due to lack of readily available analytical reference standards and other analytic challenges. Specifically, mitragynine pseudoindoxyl is an oxidative metabolite of 7-hydroxymitragynine, and such closely related compounds require specific method and instrumentation for accurate identification. Also, since mitragynine pseudoindoxyl is not federally controlled under the CSA, some forensic laboratories may not analyze and track encounters of non-controlled substances and thus reporting could be limited.

The population likely to abuse mitragynine pseudoindoxyl appears to be the same as those abusing *Mitragyna speciosa* and prescription opioid analgesics. According to data from the National Survey on Drug Use and Health (NSDUH),[51] as of 2021, an estimated 1.7 million people aged 12 years or older used kratom in the past year. The highest users were among adults aged 26 or older (1.4 million people). The analysis of 2019 NSDUH survey data showed that kratom users base predominately non-Hispanic White and male. The survey finding also revealed a link between kratom use and substance use disorder, particularly nonmedical prescription opioid use disorder, indicative of a strong trend of use for self-managing opioid dependence.[52]

Factor 6. What, If Any, Risk There Is to Public Health

7-Hyrdoxymitragynine

7-Hydroxymitragynine has opioidergic and addictive properties. Available preclinical data demonstrates that 7-hydroxymitragynine has an abuse potential similar to that of schedule I and II opioids, such as heroin, morphine, and fentanyl.[53] The abuse of 7-hydroxymitragynine presents a severe of risks to public health, including tolerance, dependence and addiction, respiratory depression, and death. Public health assessment is further complicated because 7-hydroxymitragynine is a known metabolite of mitragynine, making it difficult to distinguish between the ingestion of *M. speciosa* and other isolated 7-hydroxymitragynine products.

FDA-Adverse Event Reporting System (FAERS) for 7-Hydroxymitragynine

On August 11, 2025, DEA queried the FAERS public dashboard for 7-hydroxymitrragynine and noted that there were 1 case count in 2023, 2 cases in 2024, and 11 cases as of June 30, 2025. Most of the cases involved drug dependence (n = 6) and withdrawal syndrome (n = 4). A recent query of the database on February 27, 2026, revealed an increase in cases involving 7-hydroxymitragynine. The total count for 2025 increased to 66 with 17 new cases already reported for 2026. Of the total 86 cases currently within the database, 79 cases were reported as serious, including death. To date, 9 cases within the FAERS database have resulted in death.

DEA Toxicology Testing Program (DEA TOX) Results for 7-Hydroxymitragynine

DEA TOX program, which investigates the presence of new psychoactive substances in biological samples from drug overdoses, has identified 7-hydroxymitragynine in 85 cases since 2019.[54] Of these, 55 were fatal and 30 were non-fatal cases. These cases involved both males and females with a median age of 36. The average concentration of 7-hydroxymitragynine detected in biological samples was 463.23 ng/mL. Samples often contained other related alkaloids (mitragynine and mitragynine pseudoindoxyl) or other drug classes, such as opioids (*e.g.*, fentanyl), benzodiazepines (*e.g.*, bromazolam), and ketamine. Between 2020 and 2025, there has been a significant increase in the positive identification of 7-hydroxymitragynine in fatal overdose cases.

Case Reports Involving 7-Hydroxymitragynine

In 2025, California,[55] Pennsylvania,[56] and Texas health authorities linked 7-hydroxymitragynine and concentrated extracts to several illness and overdose cases.[57] Other notable cases are summarized in the table below:

[49] NFLIS represents an important resource in monitoring illicit drug trafficking, including the diversion of legally manufactured pharmaceuticals into illegal markets. NFLIS-Drug is a comprehensive information system that includes data from forensic laboratories that handle the nation's drug analysis cases. NFLIS-Drug participation rate, defined as the percentage of the national drug caseload represented by laboratories that have joined NFLIS, is currently 98.5 percent. NFLIS includes drug chemistry results from completed analyses only. While NFLIS data is not direct evidence of abuse, it can lead to an inference that a drug has been diverted and abused. *See Schedules of Controlled Substances: Placement of Carisoprodol Into Schedule IV,* 76 FR 77330, 77332 (Dec. 12, 2011). NFLIS data was queried on December 5, 2025.

[50] *https://www.cfsre.org/nps-discovery/monographs/mitragynine-pseudoindoxyl.* Report Date-November 7, 2025. Accessed January 9, 2026; *https://www.cfsre.org/nps-discovery/monographs/dihydro-7-hydroxy-mitragynine.* Report Date-November 11, 2025. Accessed January 9, 2026.

[51] The NSDUH, formerly known as the National Household Survey on Drug Abuse (NHSDA), is conducted annually by the Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA). It is the primary source of estimates of the prevalence and incidence of nonmedical use of pharmaceutical drugs, illicit drugs, alcohol, and tobacco use in the United States. The survey is based on a nationally representative sample of the civilian, non-institutionalized population 12 years of age and older. The survey excludes homeless people who do not use shelters, active military personnel, and residents of institutional group quarters such as jails and hospitals. The NSDUH provides yearly national and state level estimates of drug abuse, and includes prevalence estimates by lifetime (*i.e.,* ever used), past year, and past month abuse or dependence.

[52] Palamar, J. J. (2021). Past-Year Kratom Use in the U.S.: Estimates From a Nationally Representative Sample. *Am J Prev Med.,* 61(2):240–245: Rogers, J. M., Smith, K. E., Strickland, J. C., & Epstein, D. H. (2021). Kratom Use in the US: Both a Regional Phenomenon and a White Middle-Class Phenomenon? Evidence From NSDUH 2019 and an Online Convenience Sample. *Frontiers in Pharmacology,* 12:789075.

[53] Alsbrook, S., Pro, G., & Koturbash, I. (2025). From kratom to 7-hydroxymitragynine: evolution of a natural remedy into a public-health threat. *Pharmaceutical Biology,* 63(1), 896–911.

[54] DEA TOX is a surveillance program that aims to detect novel psychoactive substances in fatal and nonfatal overdose cases within the United States. From these cases, biological samples, as well as drug paraphernalia (on limited occasions), are submitted for analysis by hospitals, medical examiners, poison centers, and law enforcement nationwide. Queried on March 05, 2026.

[55] LISTING OF DEPARTMENT OF PUBLIC HEALTH PRESS RELEASES, *available at http://publichealth.lacounty.gov/phcommon/public/media/mediapubhpdetail.cfm?prid=5156.* October 10, 2025.

[56] Increased Volume of Calls Related to Kratom/Mitragynine and 7-hydroxymitragynine (7-OH) to Pennsylvania's Poison Centers, *available at https://www.pa.gov/content/dam/copapwp-pagov/en/health/documents/topics/documents/2025%20HAN/2025-802-%208-4-%20Kratom.pdf.* August 4, 2025.

[57] Serious Illnesses Associated with 7-OH Use | Texas DSHS, *available at https://www.dshs.texas.gov/news-alerts/serious-illnesses-associated-7-oh-use.* September 2, 2025.

7-HYDROXYMITRAGYNINE CASE REPORTS

[2014–2026]

Case report author	Patient profile (y/o male)	Primary complication	Clinical finding
Broul et al. (2025)[58]	31	Acute Psychosis	*Severe Self-Harm:* Documented 7-hydroxymitragynine induced psychosis leading to self-amputation (ears/genitalia).
Karinen et al. (2014)[59] ..	24	Fatal Overdose	*Fatality:* Identified a 7-hydroxymitragynine blood concentration of 0.15 mg/L.
Pullman et al. (2026)[60]	29	Cardiopulmonary arrest	*Naloxone Reversal:* Confirmed 7-hydroxymitragynine causes opioid respiratory depression reversible with standard antagonist drug.
Wightman and Hu (2025)[61].	38	Severe Dependence	*Clinical Detoxification:* Patient required inpatient buprenorphine stabilization for high dose 7-hydroxymitragynine withdrawal.

These 7-hydroxymitragynine products are obtained through unknown sources, where the identity, purity, and concentration of active ingredients are often unknown, uncertain, and inconsistent; thus, posing significant adverse health risks to users. The abuse of 7-hydroxymitragynine poses a substantial hazard to public safety. 7-Hydroxymitragynine is being abused for its opioid-like effects and shares health risks similar to other mu-opioid receptor agonists, such as morphine (schedule II). With no approved medical use, the positive identification of 7-hydroxymitragynine in non-fatal and fatal overdose cases poses threat to public safety. 7-Hydroxymitragyninee products are obtained through unknown sources (commonly through the internet); the identity, purity, and quantity of these substances are uncertain and inconsistent, thus posing significant adverse health risks to users.

Mitragynine Pseudoindoxyl

Mitragynine pseudoindoxyl functions as potent MOR agonist. This mechanism of action is inherently associated with high potential of abuse, physical dependence, and psychological dependence, consistent with the effects of controlled schedule I and II opioid substances. As of early 2026, mitragynine pseudoindoxyl products are sold in smoke shops, gas stations, and through numerous online marketplaces, often marketed alongside traditional supplements, which mask their potent opioid nature. Data from preclinical studies demonstrate that mitragynine pseudoindoxyl is about 100 times more potent than mitragynine at the MOR.[62] Because of the potency of this compound, it can be abused in smaller, concentrated doses. It has been demonstrated that mitragynine pseudoindoxyl may cause development of signs of opioid physical dependence after chronic use in rodents. Pre-clinical studies demonstrated that chronic twice-daily administration of mitragynine pseudoindoxyl in rodents induces signs of opioid physical dependence and withdrawal symptoms in morphine addiction rodent models as evidenced by increased diarrhea, jumping, and rearing frequency occurring when naloxone was administered or when treatment with this alkaloid was tapered.[63]

These products are easily accessible in unregulated retail environments often with no age restrictions, amplifying public health concerns, particularly to vulnerable populations. Vendor descriptions provide insight into the public health threat posed by the abuse of these compounds:

Rapid Onset: Marketing materials for mitragynine pseudoindoxyl products emphasize a ''quick onset,'' typically occurring within 10 to 60 minutes, often described as a ''wave of calm clarity,'' ''dual-action formula featuring 100mg per piece for maximum potency and a fast-acting hit.'' [64]

Sustained Effect: The duration of effects is reported to last ''several hours.'' [65] This prolonged duration increases the likelihood of cumulative effects and potential for toxicity if doses are repeated.

Opioid Receptor Activation: Marketing materials explicitly state that these compounds directly activate opioid receptors and are ''full agonist at mu receptors,'' providing effects that mirror analgesic and stimulant effects (''pain relief and mood enhancement'').[66]

As with any MOR agonist, the potential health and safety risks for users of mitragynine pseudoindoxyl are high. Mitragynine pseudoindoxyl abuse carries a high risk of cardiotoxicity, hepatic and renal toxicity, respiratory depression, neurological effects, and physical dependence and withdrawal. According to data from poison control centers, from January to July 2025, there have been 1,690 exposure calls involving kratom, a significant increase from 2024 exposure calls. According to data from DEA Toxicology Testing Program (DEA TOX),[67] between February 2025–February 2026, mitragynine pseudoindoxyl has been identified in at least 31 overdose cases, of which 25 were fatal events. Recent monographs by CFSRE report that mitragynine pseudoindoxyl (n > 10) have been detected in at least 10 toxicology cases. Mitragynine pseudoindoxyl was co-identified with other kratom alkaloids. The sale of products with combination of high-potency opioids, explicit marketing for medical ailments, and the acknowledged potential for life-threatening respiratory depression and addiction highlights the danger posed by mitragynine pseudoindoxyl and 7-hydroxymitragynine.

[58] Broul, M., Rudenko, X., Bajus, A., Král, J., Kyenge, D. M., Staňková, Z., & Albrecht, J. (2025). Case Report: Cannabis and kratom-induced self-amputation of ears and penis. *Frontiers in psychiatry, 16,* 1479863.

[59] Karinen R., Posen J.T., Rogde S., & Vindenes V. (2014). An accidental poisoning with mitragynine. *Forensic Science International,* 245, 29–32.

[60] Pullman M.K., Raju Kanumuri S.R., Leon J.F., Cutler S.F., McCurdy C.R., & Sharma. A. (2026). Cardio-pulmonary arrest in a patient revived with naloxone following reported use of 7-hydroxymitragynine. *Clinical Toxicology,* 64(1), 65–66.

[61] Wightman, R. S., & Hu, D. (2025). A Case of 7-OH Mitragynine Use Requiring Inpatient Medically Managed Withdrawal. *Journal of Addiction Medicine,* 10.1097. Advance online publication.

[62] *Id.* 13–14.

[63] Wilson, L.L., Chakraborty, S., Eans, S.O, Cirino, T.J., Stacy, H.M., & Simons, C.A., Uprety, R., Majumdar, S., & McLaughlin, J.P. (2021). Kratom Alkaloids, Natural and Semi-Synthetic, Show Less Physical Dependence and Ameliorate Opioid Withdrawal. *Cell Mol Neurobiol.,* 41(5):1131–1143.

[64] *See* Kama Kratom *https://greatcbdshop.com/product-category/brands/kama-kratom/* and Pure Leaf Kratom *https://pureleafkratom.com/kama-kratom/.* Accessed March 2026.

[65] *Id.* 26.

[66] *Id.*

[67] DEA TOX is a surveillance program that aims to detect novel psychoactive substances in fatal and nonfatal overdose cases within the United States. From these cases, biological samples, as well as drug paraphernalia (on limited occasions), are submitted for analysis by hospitals, medical examiners, poison centers, and law enforcement nationwide. Query date 2/27/2026.

Finding of Necessity of Schedule I Placement To Avoid Imminent Hazard to Public Safety

In accordance with 21 U.S.C. 811(h)(3), based on the available data and information summarized above, the uncontrolled manufacture, distribution, reverse distribution, importation, exportation, conduct of research and chemical analysis, possession, and abuse of 7-hydroxymitragynine and mitragynine pseudoindoxyl poses an imminent hazard to public safety. DEA is not aware of any currently accepted medical uses for either 7-hydroxymitragynine or mitragynine pseudoindoxyl in the United States. A substance meeting the statutory requirements for temporary scheduling, found in 21 U.S.C. 811(h)(1), may only be placed in schedule I. Substances in schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. Available data and information for 7-hydroxymitragynine and mitragynine pseudoindoxyl indicate that these substances have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. However, because both 7-hydroxymitragynine and mitragynine pseudoindoxyl have supposedly been found in trace amounts in some botanical kratom products, this temporary scheduling order is only temporarily placing 7-hydroxymitragynine and mitragynine pseudoindoxyl when either substance alone, or their combined amount if both are present, is above a specified threshold in schedule I. Individuals should not infer from this notice of intent that DEA views 7-hydroxymitragynine or mitragynine pseudoindoxyl below this threshold as safe for consumption. DEA still views kratom and its two major psychoactive ingredients, mitragynine and 7-hydroxymtragynine, as drugs of concern.[68]

As required by 21 U.S.C. 811(h)(4), the Administrator notified the Assistant Secretary, via letter dated October 8, 2026 of DEA's intention to temporarily place 7-hydroxymitragynine and mitragynine pseudoindoxyl when either substance alone, or their combined amount if both are present, is above a specified threshold in schedule I.

Conclusion

Although DEA published a notice of intent to temporarily schedule 7-hydroxymitragynine above a specified threshold in the **Federal Register** on July 7, 2026, and a temporary order in the **Federal Register** that placed mitragynine pseudoindoxyl in schedule I on August 26, 2026, HHS has since sent a letter dated October 8, 2026, to DEA, in which HHS now recommends a new threshold for 7-hydroxymitragynine and mitragynine pseudoindoxyl. Based on this letter, DEA is withdrawing the notice of intent to control 7-hydroxymitragynine above a specified threshold elsewhere in this issue of the **Federal Register**, and it intends to withdraw the temporary order placing mitragynine pseudoindoxyl and replace it with a new temporary order.

This notice of intent provides the 30-day notice pursuant to 21 U.S.C. 811(h)(1) of DEA intent to issue the new temporary scheduling order placing 7-hydroxymitragynine and mitragynine pseudoindoxyl when either substance alone, or their combined amount if both are present, is above a specified threshold in schedule I. In accordance with 21 U.S.C. 811(h)(1) and (3), the Administrator considered available data and information, herein set forth the grounds for his determination that it is necessary to temporarily schedule 7-hydroxymitragynine and mitragynine pseudoindoxyl when either substance alone, or their combined amount if both are present, is above a specified threshold and finds this placement in schedule I of the CSA is necessary in order to avoid an imminent hazard to the public's safety. Again, this action should not be used to infer that DEA views 7-hydroxymitragynine or mitragynine pseudoindoxyl below this threshold as safe for consumption. DEA still views kratom and its two major psychoactive ingredients, mitragynine and 7-hydroxymtragynine, as drugs of concern.[69]

The temporary placement of 7-hydroxymitragynine and mitragynine pseudoindoxyl when either substance alone, or their combined amount if both are present, is above a specified threshold in schedule I of the CSA will take effect pursuant to a temporary scheduling order, which will not be issued before [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE **FEDERAL REGISTER**]. Additionally, to avoid an enforcement gap, the current temporary order that placed mitragynine pseudoindoxyl in schedule I remains in effect until either it expires or the new temporary order is published and the previous order is withdrawn, whichever occurs first. Because the Administrator hereby finds that this temporary scheduling order is necessary to avoid an imminent hazard to public safety, it will take effect on the date the order is published in the **Federal Register** and remain in effect for two years, with a possible extension of an additional year, pending completion of the regular (permanent) scheduling process.[70] The Administrator intends to issue a temporary scheduling order as soon as possible after the expiration of 30 days from the date of publication of this document. Upon publication of the temporary order, 7-hydroxymitragynine and mitragynine pseudoindoxyl when either substance alone, or their combined amount if both are present, is above a specified threshold will then be subject to the CSA's schedule I regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, importation, exportation, research, conduct of instructional activities and chemical analysis, and possession.

The CSA sets forth specific criteria for scheduling drugs or other substances. Regular scheduling actions in accordance with 21 U.S.C. 811(a) are subject to formal rulemaking procedures ''on the record after opportunity for a hearing'' conducted pursuant to the provisions of 5 U.S.C. 556 and 557.[71] The regular scheduling process of formal rulemaking affords interested parties appropriate process and the government any additional relevant information needed to make a determination. It is DEA's intention to pursue formal rulemaking proceedings under 21 U.S.C. 811(a) in this instance by gathering the necessary data and requesting that HHS provide a scientific and medical evaluation and scheduling recommendation for 7-hydroxymitragynine and mitragynine pseudoindoxyl pursuant to 21 U.S.C. 811(b). Final decisions that conclude the regular scheduling process of formal rulemaking are subject to judicial review.[72] Temporary scheduling orders are not subject to judicial review.[73]

Regulatory Analyses

The CSA provides for expedited temporary scheduling actions where necessary to avoid an imminent hazard to public safety. Under 21 U.S.C.

[68] *See https://www.dea.gov/factsheets/kratom. See also* Drug Fact Sheet: Kratom.

[69] *See https://www.dea.gov/factsheets/kratom. See also* Drug Fact Sheet: Kratom.

[70] 21 U.S.C. 811(h)(1) and (2).

[71] 21 U.S.C. 811.

[72] 21 U.S.C. 877.

[73] 21 U.S.C. 811(h)(6).

811(h)(1), the Administrator (as delegated by the Attorney General) may, by order, temporarily schedule substances in schedule I. Such orders may not be issued before the expiration of 30 days from: (1) the publication of a notice in the **Federal Register** of the intent to issue such order and the grounds upon which such order is to be issued, and (2) the date that notice of the proposed temporary scheduling order is transmitted to the Assistant Secretary of HHS, as delegated by the Secretary of HHS.[74]

Inasmuch as section 811(h) directs that temporary scheduling actions be issued by order and sets forth the procedures by which such orders are to be issued, including the requirement of a publication in the **Federal Register** of a notice of intent, the notice-and-comment requirements of the Administrative Procedure Act (APA), 5 U.S.C. 553, do not apply to this notice of intent. The APA expressly differentiates between an order and a rule, as it defines an ''order'' to mean a ''final disposition, whether affirmative, negative, injunctive, or declaratory in form, of an agency *in a matter other than rule making*.'' [75] This contrasts with permanent scheduling actions, which are subject to formal rulemaking procedures done ''on the record after opportunity for a hearing,'' and final decisions that conclude the scheduling process and are subject to judicial review.[76] The specific language chosen by Congress indicates its intent that DEA issue *orders* instead of proceeding by rulemaking when temporarily scheduling substances. Given that Congress specifically requires the Administrator (as delegated by the Attorney General) to follow rulemaking procedures for *other* kinds of scheduling actions,[77] it is noteworthy that, in section 811(h)(1), Congress authorized the issuance of temporary scheduling actions by order rather than by rule.

Even assuming that this notice of intent is subject to the notice-and-comment requirements of the APA, the AG finds that there is good cause to forgo those requirements pursuant to 5 U.S.C. 553(b)(B), as any further delays in the process for issuing temporary scheduling orders would be impracticable and contrary to the public interest given the manifest urgency to avoid an imminent hazard to public safety.

Although DEA believes this notice of intent to issue a temporary scheduling order is not subject to the notice-and-comment requirements of the APA, DEA notes that in accordance with 21 U.S.C. 811(h)(4), the Administrator took into consideration comments submitted by the Assistant Secretary in response to the notice that DEA transmitted to the Assistant Secretary pursuant to such subsection.

Further, DEA believes that this temporary scheduling action is not a ''rule'' as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act (RFA). The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, DEA is not required by the APA or any other law to publish a general notice of proposed rulemaking. As discussed above, DEA is issuing this notice of intent pursuant to DEA's authority to issue a temporary scheduling order.[78] Therefore, in this instance, since DEA believes this temporary scheduling action is not a ''rule,'' it is not subject to the requirements of the RFA when issuing this temporary action.

In accordance with the principles of Executive Orders (E.O.) 12866 and 13563, this action is not a significant regulatory action. E.O. 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). E.O. 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review as established in E.O. 12866. Because this is not a rulemaking action, this is not a significant regulatory action as defined in Section 3(f) of E.O. 12866. In addition, scheduling actions are not subject to either E.O. 14192, Unleashing Prosperity Through Deregulation, or E.O. 14294, Fighting Overcriminalization in Federal Regulations.

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

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, DEA proposes to amend 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. In § 1308.11:
■ a. Add paragraphs (h)(96) and (97));
■ b. Remove and reserve paragraph (h)(89).

The addition to read as follows:

§ 1308.11 Schedule I

* * * * *

(h) * * *

* * * * * * *

(96) 7-hydroxymitragynine (Methyl (E)2-((2S,3S,7aS)-3-ethyl-7a-hydroxy-8-methoxy-1,2,3,4,6,7,7a,12b-octahydroindolo[2,3-a]quinolizin-2-yl)-3-methoxyacrylate), including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible, when that substance alone, or the combined amount with mitragynine pseudoindoxyl, if both are present, is: 9676

(A) Above a specified threshold concentration, that is, greater than 1 milligram per gram (for solid powders, encapsulated material, or other solid forms) or greater than 1 milligram per milliliter (for liquid preparations), or

(B) The mass of mitragynine present divided by 7-hydroxymitragynine or the combined mass of 7-hydroxymitragynine and mitragynine pseudoindoxyl, if both are present, is less than 100.

[74] 21 U.S.C. 811(h)(1).

[75] 5 U.S.C. 551(6) (emphasis added).

[76] 21 U.S.C. 811(a) and 877.

[77] *See* 21 U.S.C. 811(a).

[78] 21 U.S.C. 811(h)(1).

(97) Mitragynine Pseudoindoxyl (Methyl (E)-2-((1′S,6′S,7′S)-6′-ethyl-4-methoxy-3-oxo-3′,5′,6′,7′,8′,8a′-hexahydro-2′H-spiro[indoline-2,1′-indolizine]-7′-yl)-3-methoxyacrylate), including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible, when that substance alone, or the combined amount with 7-hydroxymitragynine, if both are present, is: 9672

(A) Above a specified threshold concentration, that is, greater than 1 milligram per gram (for solid powders, encapsulated material, or other solid forms) or greater than 1 milligram per milliliter (for liquid preparations), or

(B) The mass of mitragynine present divided by the mass of mitragynine pseudoindoxyl, or the combined amount of mitragynine pseudoindoxyl and 7-hydroxymitragynine, if both are present, is less than 100.

* * * * * * *

* * * * *

Signing Authority

This document of the Drug Enforcement Administration was signed on October 8, 2026, by DEA Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–20943 Filed 10–9–26; 12:00 pm]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–1644]

Schedules of Controlled Substances: Temporary Placement of MGM–15 and MGM–16 in Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Proposed amendment; notice of intent.

SUMMARY: The Drug Enforcement Administration (DEA) is issuing this notice of intent to publish a temporary order to schedule two 7-hydroxymitragynine-related substances (MGM–15 and MGM–16), including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible, in schedule I of the Controlled Substances Act (CSA). On August 26, 2026, DEA published a temporary order placing mitragynine pseudoindoxyl, MGM–15, and MGM–16 in schedule I of the CSA. Today, DEA is providing notice of its intent to publish a new temporary order for MGM–15 and MGM–16 that will maintain the temporary placement of these substances in schedule I of the CSA without change. Separately in this **Federal Register**, DEA is publishing a notice of intent relating to mitragynine pseudoindoxyl, in response to a letter sent by the Department of Health and Human Services (HHS) dated October 6, 2026. HHS's letter related only to mitragynine pseudoindoxyl. Therefore, DEA is publishing this notice of intent only for the technical and procedural purpose of distinguishing MGM–15 and MGM–16 from mitragynine pseudoindoxyl. When issued, the temporary scheduling order addressing MGM–15 and MGM–16 will continue to impose the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess) or propose to handle these two 7-hydroxymitragynine-related substances. The August 26, 2026 temporary order placing these substances in schedule I of the CSA remains in effect until either it expires or the new temporary order is published and the previous order is withdrawn, whichever occurs first.

DATES: October 14, 2026.

ADDRESSES: 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Terrence L. Boos, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3249.

SUPPLEMENTARY INFORMATION: The notice of intent contained in this document is issued pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). The Drug Enforcement Administration (DEA) intends to issue a temporary scheduling order [1] (in the form of a temporary amendment) to add the following two 7-hydroxymitragynine-related substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible, to schedule I under the Controlled Substances Act (CSA):

- Methyl (*E*)-2-((2*S*,3*S*,7a*S*,12a*R*,12b*S*)-3-ethyl-7*a*-hydroxy-8-methoxy-1,2,3,4,6,7,7*a*,12,12*a*,12*b*-decahydroindolo[2,3-*a*]quinolizin-2-yl)-3-methoxyacrylate (commonly known as dihydro-7-hydroxymitragynine, or MGM–15). Since nomenclature of this substance is not internationally standardized, compounds of this structure, regardless of numerical designation of atomic positions are covered.
- Methyl (*E*)-2-((2*S*,3*S*,7a*S*,12a*R*,12b*S*)-3-ethyl-9-fluoro-7*a*-hydroxy-8-methoxy-1,2,3,4,6,7,7*a*,12,12*a*,12*b*-decahydroindolo[2,3-*a*]quinolizin-2-yl)-3-methoxyacrylate (commonly known as 9-fluoro-dihydro-7-hydroxymitragynine, or MGM–16). Since nomenclature of this substance is not internationally standardized, compounds of this structure, regardless of numerical designation of atomic positions are covered.

The temporary scheduling order will be published in the **Federal Register** on or after November 13, 2026.[2]

Legal Authority

The CSA provides the Attorney General with the authority to temporarily place a substance in schedule I of the CSA for two years

[1] Though DEA has used the term ''final order'' with respect to temporary scheduling orders in the past, this notice of intent adheres to the statutory language of 21 U.S.C. 811(h), which refers to a ''temporary scheduling order.'' No substantive change is intended.

[2] On August 26, 2026, DEA published a temporary order that placed mitragynine pseudoindoxyl, MGM–15, and MGM–16, in schedule I of the CSA. *See Schedules of Controlled Substances: Temporary Placement of Mitragynine Pseudoindoxyl, MGM–15, and MGM–16 in Schedule I,* 91 FR 54948 (Aug. 26, 2026). That temporary order is effective until August 26, 2028, or until this new temporary order placing MGM–15 and MGM–16 in schedule I is published and the previous order withdrawn, whichever occurs first.

without regard to the requirements of 21 U.S.C. 811(b), if he finds that such action is necessary to avoid an imminent hazard to public safety.[3] In addition, if proceedings to control a substance are initiated under 21 U.S.C. 811(a)(1) while the substance is temporarily controlled under section 811(h), the Attorney General may extend the temporary scheduling for up to one year.[4]

Where the necessary findings are made, a substance may be temporarily scheduled if it is not listed in any other schedule under 21 U.S.C. 812, or if there is no exemption or approval in effect for the substance under section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355.[5] The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Administrator of DEA (Administrator).[6]

Background

The CSA requires the Administrator to notify the Secretary of the Department of Health and Human Services (HHS) of this intent to issue a temporary scheduling order.[7] By letter dated October 6, 2026, Assistant Secretary for Health of HHS (Assistant Secretary) sent a letter to DEA that, among other things, recommended controlling mitragynine pseudoindoxyl above a certain threshold in schedule I. Importantly, HHS did not recommend controlling MGM–15 or MGM–16 above any threshold, and, therefore, the October 6, 2026 letter has no impact on any of DEA's prior findings and conclusions regarding MGM–15 and MGM–16. By letter dated October 8, 2026, the Administrator transmitted the required notice to place MGM–15 and MGM–16 in schedule I on a temporary basis to the Assistant Secretary.[8] By letter dated January 20, 2026, the Assistant Secretary advised that based on a review by the Food and Drug Administration (FDA), there were currently no investigational new drug applications (IND) or approved new drug applications (NDA) for MGM–15 and MGM–16. The Assistant Secretary also stated that HHS had no objection to the temporary placement of these substances in schedule I of the CSA. The Assistant Secretary provided no contrary information in its October 6, 2026 letter. MGM–15 and MGM–16 are not currently listed in any other schedule than schedule I under the CSA.

To find that placing a substance temporarily in schedule I of the CSA is necessary to avoid an imminent hazard to public safety, the Administrator must consider three of the eight factors set forth in 21 U.S.C. 811(c): the substance's history and current pattern of abuse; the scope, duration and significance of abuse; and what, if any, risk there is to public health.[9] This consideration includes any information indicating actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution of MGM–15, and MGM–16.[10]

Substances meeting the statutory requirements for temporary scheduling may only be placed in schedule I.[11] Substances in schedule I have high potential for abuse, no currently accepted medical use in treatment in the United States,[12] and a lack of accepted safety for use under medical supervision.[13]

Two 7-Hydroxymitragynine-Related Substances: MGM–15 and MGM–16

The prevalence and misuse of *Mitragyna speciosa* (commonly known as kratom) and its psychoactive alkaloids, including mitragynine and 7-hydroxymitragynine, have led to the proliferation of commercial products containing opioids chemically synthesized from mitragynine or 7-hydroxymitragynine. In recent years, MGM–15, which is a derivative of 7-hydroxymitragynine, has recently emerged on the *Mitragyna speciosa* consumer markets. MGM–16 is a highly potent opioid and shares a similar pharmacological profile with mitragynine pseudoindoxyl and MGM–15. The chemical scaffolds of mitragynine or 7-hydroxymitragynine were used in scientific research to develop MGM–15 and MGM–16 via chemical modifications of purified isolates. Evidence from the *Mitragyna speciosa* retail markets demonstrates that MGM–15 has transitioned from experimental substances studied in research to widely available commercial products. These products are commonly sold in different forms such as powders, tablets, and liquid shots. This is a significant evolution from the traditional administration of *Mitragyna speciosa,* which was once restricted to either chewing raw leaves or steeping the leaves into water decoctions and teas.

These products are sold under numerous brand names and they are easily purchased on the internet, as well as in gas stations, corner shops, and vape shops. These products are available in consumer-friendly forms to include flavored chewable tablets, which increases their appeal to a broader demographic. Also, the aggressive marketing of these semi-synthetic opioids as ''precision-formulated products,'' ''botanical extracts,'' or as ''mood boosters'' for the treatment of health conditions is deeply concerning. The branding creates a false sense of safety for unknowing

[3] 21 U.S.C. 811(h)(1).

[4] 21 U.S.C. 811(h)(2).

[5] 21 U.S.C. 811(h)(1); 21 CFR part 1308.

[6] 28 CFR 0.100.

[7] 21 U.S.C. 811(h)(4).

[8] The Secretary of HHS has delegated to the Assistant Secretary for Health of HHS the authority to make domestic drug scheduling recommendations. *Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91–513, As Amended; Delegation of Authority,* 58 FR 35460 (July 1, 1993).

[9] 21 U.S.C. 811(c)(4)–(6), (h)(3).

[10] 21 U.S.C. 811(h)(3).

[11] 21 U.S.C. 811(h)(1).

[12] When finding schedule I placement on a temporary basis is necessary to avoid imminent hazard to the public, 21 U.S.C 811(h) does not require DEA to consider whether the substance has a currently accepted medical use in treatment in the United States. Nonetheless, there is no evidence suggesting that MGM–15 and MGM–16 have a currently accepted medical use in treatment in the United States. First, DEA looks to whether the drug or substance has FDA approval. When no FDA approval exists, DEA has traditionally applied a five-part test to determine whether a drug or substances has a currently accepted medical use: (1) the drug's chemistry must be known and reproducible; (2) there must be adequate safety studies; (3) there must be adequate and well-controlled studies proving efficacy; (4) the drug must be accepted by qualified experts; and (5) the scientific evidence must be widely available. *Marijuana Scheduling Petition; Denial of Petition; Remand,* 57 FR 10499 (Mar. 26, 1992), pet. for rev. denied, *Alliance for Cannabis Therapeutics* v. *Drug Enforcement Admin.,* 15 F.3d 1131, 1135 (D.C. Cir. 1994). DEA applied the traditional five-part test and concluded the test was not satisfied. In a recent published letter in a different context, HHS applied an additional two-part test to determine currently accepted medical use for substances that do not satisfy the five-part test: (1) whether there exists widespread, current experience with medical use of the substance by licensed health care providers operating in accordance with implemented jurisdiction-authorized programs, where medical use is recognized by entities that regulate the practice of medicine, and, if so, (2) whether there exists some credible scientific support for at least one of the medical conditions for which part (1) is satisfied. On April 11, 2024, the Department of Justice's Office of Legal Counsel (OLC) issued an opinion, which, among other things, concluded that HHS's two-part test would be sufficient to establish that a drug has a currently accepted medical use. Office of Legal Counsel, Memorandum for Merrick B. Garland Attorney General Re: Questions Related to the Potential Rescheduling of Marijuana at 3 (April 11, 2024). For purposes of this notice of intent, there is no evidence that health care providers have widespread experience with medical use of MGM–15 and MGM–16, or that the use of these substances is recognized by entities that regulate the practice of medicine, so the two-part test also is not satisfied. In HHS's letter dated January 20, 2026, HHS advised DEA that there were currently no approved new drug applications or investigational new drug applications for MGM–15 and MGM–16. Additionally, HHS noted it had no objections to the temporary placement of these substances in schedule I of the CSA. The Assistant Secretary provided no contrary information in its October 6, 2026 letter.

[13] 21 U.S.C. 812(b)(1).

consumers who may equate the term ''botanical'' with lower risk. Furthermore, there is paucity of data on quality control or standardized dosage available for these products, making their use especially dangerous.

MGM–15 and MGM–16 are potent opioids that share a similar pharmacological profile with 7-hydroxymitragynine. Available pharmacology data demonstrate that MGM–15 and MGM–16 exhibit strong affinity for the mu-opioid receptor (MOR) and function as MOR agonists.[14] [15] Data from preclinical studies show that these substances produce analgesic effects that is more potent than morphine.[16] Because MGM–15, and MGM–16 are potent MOR agonists, they pose similar health risks as other mu-opioid agonists (*i.e.,* morphine and fentanyl), including physical and psychological dependence, and respiratory depression.

A scan of retail data on the internet shows that vendors explicitly market MGM–15 for their ''clean and powerful'' opioid-receptor activation, utilizing deceptive terminology to target individuals seeking alternatives to pharmaceutical opioids. These combinations and marketing strategies pose significant safety risks to unsuspecting consumers who use these products by exposing them to high doses of opioids. Recently, reports have confirmed the positive identification of MGM–15 in toxicology cases in the United States and evidence demonstrates that these substances are being misused. The lack of clinical data regarding their safety and efficacy, coupled with the risk of life-threatening respiratory depression and addiction, underscores the danger of marketing these unapproved, highly potent opioids under the guise of therapeutic or wellness products.

While no evidence supports the presence of MGM–16 on the *Mitragyna speciosa* consumer market, its profile as a highly potent opioid that is structurally related to 7-hydroxymitragynine lends itself as an attractive substitute that could emerge on the illicit drug market. MGM–16 is synthetically manufactured for research purposes and is not approved for any clinical indication in the United States. DEA's investigation of publicly available information, including popular online platform, revealed that at least some individuals intend to abuse MGM–16. Recent online surveillance of a vendor site [17] lists MGM–16 for upcoming sale. The sale of products containing mitragynine pseudoindoxyl, and MGM–15, and the potential sale of MGM–16 poses an imminent hazard to public safety.

Available data and information for mitragynine pseudoindoxyl, MGM–15, and MGM–16, summarized below, indicate that these substances have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. DEA's three-factor analysis and HHS's October 6, 2026 letter are available in their entirety under ''Supporting and Related Material'' of the public docket for this action at *www.regulations.gov* under Docket Number DEA–1644.

Factor 4. History and Current Pattern of Abuse

MGM–15 and MGM–16 are synthetic derivatives of the indole alkaloids, mitragynine or 7-hydroxymitragynine, of the *Mitragyna speciosa* plant. Unlike the indole alkaloids mitragynine and 7-hydroxymitragynine, which are naturally occurring in the plant MGM–15 and MGM–16 are produced through synthetic modifications of purified mitragynine isolates or 7-hydroxymitragynine.[18] The chemical scaffolds of mitragynine or 7-hydroxymitragynine were used in scientific research to develop. In 2014, as part of a drug discovery research, MGM–15 and MGM–16 were developed as potent opioid agonists, with potential therapeutic utility for pain.[19]

Market Emergence and Designer-Drug Patterns

The emergence of MGM–15 in commercially available products was in September 2025.[20] The introduction of MGM–15 into the *Mitragyna speciosa* consumer market follows a classic pattern of new designer drugs, where packaging appears like those of designer novel psychoactive substances and are often advertised as ''sold strictly for laboratory, botanical, and research purposes only'' and ''not intended for human consumption.'' [21]

Current Patterns of Use

Users seek 7-hydroxymitragynine-related products for their psychoactive effects and products are often advertised as mood enhancers or alternative to prescription opioid analgesics (*see* Factor 5). These products are commonly sold in different product forms, such as powders, tablets, or liquid shots, which is a sharp contrast from the traditional mode of administration of *Mitragyna speciosa,* which was confined to either water decoctions or brewed into tea or chewing of fresh leaves. A review of vendor websites [22] show that these products are explicitly marketed as ''potent'' and ''fast-acting'' substances and sold at low prices. For example, MGM–15 tablets are sold in varying fruit flavors and in bright colors and prices vary from about $2–4 per tablet or $34.99 per pack (single pack and 10-pack bulk). Of great concern to DEA is that the price of these products may facilitate high-frequency and rapid escalation of use (*see* Table 1). Further, open-source signal detection demonstrates that users are seeking MGM–16 with the intent to abuse.[23]

[14] Matsumoto, K., Narita, M., Muramatsu, N., Nakayama, T., Misawa, K., Kitajima, M., Tashima, K., Devi, L.A., Suzuki, T., Takayama, H., & Horie, S. (2014). Orally active opioid μ/δ dual agonist MGM–16, a derivative of the indole alkaloid mitragynine, exhibits potent antiallodynic effect on neuropathic pain in mice. *The Journal of Pharmacology and Experimental Therapeutics,* 348(3):383–392.

[15] Yamamoto, L.T., Horie, S., Takayama, H., Aimi, N., Sakai, S., Yano, S., Shan, J., Pang, P.K., Ponglux, D., & Watanabe, K. (1999). Opioid receptor agonistic characteristics of mitragynine pseudoindoxyl in comparison with mitragynine derived from Thai medicinal plant Mitragyna speciosa. *General Pharmacology,* 33(1):73–81.

[16] Váradi, A., Marrone, G.F., Palmer, T.C., Narayan, A., Szabó, M.R., Le Rouzic, V., Grinnell, S.G., Subrath, J.J., Warner, E., Kalra, S., Hunkele, A., Pagirsky, J., Eans, S.O., Medina, J.M., Xu, J., Pan, Y.X., Borics, A., Pasternak, G.W., McLaughlin, J.P., & Majumdar, S. (2016). Mitragynine/Corynantheidine Pseudoindoxyls As Opioid Analgesics with Mu Agonism and Delta Antagonism, Which Do Not Recruit β-Arrestin-2. *Journal of Medicinal Chemistry,* 59(18):8381–8397.

[17] MGM Series Guide: Science of MGM–15 Alkaloids | Getwell Depot. *https://getwelldepot.com/mgm/.* Accessed April 9, 2026. (Web content subsequently modified or removed; hardcopy preserved in DEA administrative record)

[18] *Id,* 13;14; Takayama, H., Ishikawa, H., Kurihara, M., Kitajima, M., Aimi, N., Ponglux, D., Koyama, F., Matsumoto, K., Moriyama, T., Yamamoto, L.T., Watanabe, K., Murayama, T., & Horie, S. (2002). Studies on the synthesis and opioid agonistic activities of mitragynine-related indole alkaloids: discovery of opioid agonists structurally different from other opioid ligands. *Journal of Medicinal Chemistry,* 45(9):1949–1956.

[19] *Id,* 13.

[20] Gour, A., Mukhopadhyay, S., Henderson, A., Awad, A., Seabra, M.A., Pullman, M., Leon, F., Cutler, J.C., McCurdy, C.R., & Sharma A. (2025). From Kratom to Semi-Synthetic Opioids: The Rise and Risks of MGM–15. *Drug Testing and Analysis,* 17(12):2384–2389.

[21] *Id,* 24.

[22] Market Audit of Online Retailers, Jan. 2026.

[23] Can anyone help with the MGM 16 rumors?r/KratomKorner. *https://www.reddit.com/r/KratomKorner/comments/1kpz2u3/can_anyone_help_with_the_mgm_16_rumors/?rdt=48097.* Accessed April 9, 2026.

TABLE 1—RETAIL DISTRIBUTION OF MGM–15 PRODUCTS

Brand	Product form	Stated concentration	Marketing narrative
Overseas Organix	Extract Tablets	15 mg MGM–15	''Ultra-potent for experienced users who want strong, consistent effects with small serving sizes. available. 4–6-hour duration.''
Majestic White	Sublingual Tablet	3.5 mg MGM–15 (+50 mg MIT)	''Next generation kratom formulation. Its sublingual design allows for fast absorption and precise serving control.''
MGM–15 Tablets—Berries	Chewable Tablets (Berries)	30 mg MGM–15	''This single, pocket-ready tablet delivers consistent strength without the guesswork. Each tablet offering a fast-acting, predictable experience you can count on. To dissolve smoothly for quick onset.''

The shift from natural leaf decoctions of *Mitragyna speciosa* to flavored, standardized, and high-potency semi-synthetic substances suggests an intentional market strategy to maximize consumer appeal and sale of products with rapid onset of effects. The use of ''research chemical'' labeling, a common tactic to bypass regulatory oversight, for flavored chewable products further demonstrates a pattern to reach a broader consumer demographics.

Factor 5. Scope, Duration, and Significance of Abuse

The abuse of MGM–15 is concerning due to its high opioid potency and commercial availability. MGM–15 products are sold in formulations that facilitate ease of use, bypass the traditional, lower-alkaloid preparation (chewing leaves or drinking tea) and provide a highly potent effect that mimics classical opioids such as morphine.

Deceptive Branding and Market Infiltration

Available information on vendor website indicates that the concentrated alkaloid products often contain more than one alkaloid with opioid activity (*e.g.,* mitragynine and MGM–15). These substance combinations and marketing practices pose significant safety risk to unsuspecting consumers by exposing them to high doses of opioids (*see* Table 1). It is known that repeated use of opioids can lead to psychological and physical dependence. In fact, data show that chronic use of 7-hydroxymitragynine has sent users to opioid detox clinic and the need for opioid use disorder medication.[24] Furthermore, these products are labeled for ''strong mood enhancement'' and ''analgesic properties.'' Finally, the presence of these products containing MGM–15 is deeply concerning because the identity, purity, and quality of these products' formulation are uncertain, thus presenting additional safety concerns for unsuspecting users. The potential presence of MGM–16 in designer drug products would have similar concerns.

National E-commerce

Data from online sources show that the availability of MGM–15 products is not isolated to a single region but have rapidly spread across the United States. Products containing MGM–15 are sold on the internet and are delivered to most states where there are currently no kratom use restrictions, suggesting national distribution network facilitated by online sales and mass-market retail channels. The significance of the abuse of MGM–15 is underscored by the potent opioid pharmacological profile of these substances and the specific health warnings acknowledged even by those who are marketing the substances. Vendor descriptions listed below provide insight into the duration and pattern of use that characterizes the abuse of these compounds:

Sustained Effect: The duration of effects is reported to last ''several hours.'' [25] This prolonged duration increases the likelihood of cumulative effects and potential for toxicity if doses are repeated.

Deceptive Marketing for Medical Conditions: Despite having no FDA-approved medical use, these products are explicitly marketed for ''easing stress and tension,'' ''internal calm and reduced restlessness,'' and as a ''mental clarity.'' [26] This marketing encourages individuals with legitimate medical needs to utilize potent, unlawful opioids as self-treatment.

Deceptive ''Natural'' Branding: Vendors frequently frame these substances as ''clean and powerful'' alternatives to traditional kratom. This branding is used to minimize the perceived risk of what are highly potent semi-synthetic opioid agonists.

Deceptive Safety Profiles: While products are marketed as a ''midday stress relief'' or ''mental reset,'' the inclusion of warnings for lethal respiratory depression on retail sites confirms that the products possess a toxicity profile identical to scheduled opioids.

Low Barrier to Entry: The use of ''fruity'' flavors and ''chewable'' formats (*e.g.,* Fruity Perks) suggests an effort to appeal to a broader, potentially younger demographic, significantly increasing the scope of potential abuse.

Forensic Surveillance and Identification

Recent monographs [27] by Center for Forensic Science Research and Education (CFSRE), report that MGM–15 has been detected in at least 2 drug materials. MGM–15 was detected as a

[24] Wightman, R.S., & Hu, D. (2025). A Case of 7-OH Mitragynine Use Requiring Inpatient Medically Managed Withdrawal. *Journal of Addiction Medicine,* 10.1097/ADM.0000000000001558. Advance online publication.

[25] *See* Pseudoindoxyl Chewable Tablets—Red Vein—Advanced Alkaloids Descriptions, *https://cbdamericanshaman.com/pseudoindoxyl-chewable-tablets-red-vein-advanced-alkaloids.* Accessed January 2026.

[26] *See* Dozo Perks Extremely Potent Pseudoindoxyl Chewable Tablet Grape 100mg Per Tablet, *https://pureleafkratom.com/products/dozo-perks-100mg-pseudoindoxyl-grape-chewable-tablets-4ct.html.* Accessed January 2026.

[27] *https://www.cfsre.org/nps-discovery/monographs/mitragynine-pseudoindoxyl.* Report Date—November 7, 2025. Accessed January 9, 2026; *https://www.cfsre.org/nps-discovery/monographs/dihydro-7-hydroxy-mitragynine.* Report Date—November 11, 2025. Accessed January 9, 2026.

tan solid drug that originated from New England. The paucity or lack of seizure data for some of these 7-hydroxymitragynine-related substances as reported in forensic laboratories casework may be due to lack of readily available analytical reference standards and other analytic challenges. Because these are new substances, it often takes time for forensic laboratories to develop and validate the necessary testing methods required for substance identification. Specifically, since these 7-hydroxymitragynine-related substances are not federally controlled under the CSA, some forensic laboratories may not analyze and track encounters of non-controlled substances and thus reporting could be limited.

The population likely to abuse MGM–15 and MGM–16 appear to be the same as those abusing *Mitragyna speciosa* and prescription opioid analgesics. According to data from the National Survey on Drug Use and Health (NSDUH),[28] as of 2021, an estimated 1.7 million people aged 12 years or older used kratom in the past year. The highest users were among adults aged 26 or older (1.4 million people). The analysis of 2019 NSDUH survey data showed that kratom users base predominately non-Hispanic White and male. The survey finding also revealed a link between kratom use and substance use disorder, particularly nonmedical prescription opioid use disorder, indicative of a strong trend of use for self-managing opioid dependence.[29]

Factor 6. What, If Any, Risk There Is to Public Health

MGM–15 and MGM–16 function as potent MOR agonist. This mechanism of action is inherently associated with high potential of abuse, physical dependence, and psychological dependence, consistent with the effects of controlled schedule I and II opioid substances. As of early 2026, MGM–15 products are sold in smoke shops, gas stations, and through numerous online marketplaces, often marketed alongside traditional supplements, which mask their potent opioid nature. Data from preclinical studies demonstrate that MGM–15 and MGM–16 are about 50 and 240 times more potent than morphine in animal models, respectively.[30] Because of the potency of these compounds, they can be abused in smaller, concentrated doses. These products are easily accessible in unregulated retail environments often with no age restrictions, amplifying public health concerns, particularly to vulnerable populations. Vendor descriptions provide insight into the public health threat posed by the abuse of these compounds:

Potency Information: Marketing information of an MGM–15 product indicates this product contains a very large amount of MGM–15 ''105 mg total per bottle,'' [31] which, given its extreme opioid potency, presents a significant threat to public health.

Opioid Receptor Activation: Marketing materials explicitly state that these compounds directly activate opioid receptors and are ''full agonist at mu receptors,'' providing effects that mirror analgesic and stimulant effects (''pain relief and mood enhancement'').[32]

Acknowledgment of Severe Risks: Notably, vendors acknowledge significant public health risks, advising users to monitor for ''habit-forming behavior,'' ''high euphoria,'' ''dependence,'' ''overdose,'' and ''death''.[33] The mention of overdose and death is a significant indicator of the hazard these substances pose.

As with any MOR agonist, the potential health and safety risks for users of 7-hydroxymitragynine-related substances are high. MGM–15 and MGM–16 abuse carry a high risk of cardiotoxicity, hepatic and renal toxicity, respiratory depression, neurological effects, and physical dependence and withdrawal. According to data from poison control centers, from January to July 2025, there have been 1,690 exposure calls involving kratom, a significant increase from 2024 exposure calls. Recent monographs by CFSRE report that MGM–15 (n =1) has been detected in at least 12 toxicology cases. MGM–15 was co-identified with mitragynine, 7-hydroxymitragynine, and trace ketamine.

The sale of products with combination of high-potency opioids, explicit marketing for medical ailments, and the acknowledged potential for life-threatening respiratory depression and addiction highlights the danger posed by MGM–15. While MGM–15 has already been identified in fatal toxicological screening, the pharmacological profile of MGM–16 presents a significant health risk. As previously mentioned, MGM–16 is an opioid agonist with approximately 240-times the antinociceptive potency of morphine in animal studies. Recent online surveillance of a vendor site [34] lists MGM–16 for upcoming sale. This transition from a research grade chemical to an accessible consumer product, combined with its opioid mechanism of action, underscores its potential as a highly attractive but lethal substitute. Thus, to schedule MGM–15 without MGM–16 would create a regulatory loophole that manufacturers are already poised to exploit. Its inclusion is necessary to prevent a market shift toward an even more potent derivative that poses a significant risk of respiratory depression.

[28] The NSDUH, formerly known as the National Household Survey on Drug Abuse (NHSDA), is conducted annually by the Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA). It is the primary source of estimates of the prevalence and incidence of nonmedical use of pharmaceutical drugs, illicit drugs, alcohol, and tobacco use in the United States. The survey is based on a nationally representative sample of the civilian, non-institutionalized population 12 years of age and older. The survey excludes homeless people who do not use shelters, active military personnel, and residents of institutional group quarters such as jails and hospitals. The NSDUH provides yearly national and state level estimates of drug abuse, and includes prevalence estimates by lifetime (*i.e.,* ever used), past year, and past month abuse or dependence.

[29] Palamar, J.J. (2021). Past-Year Kratom Use in the U.S.: Estimates From a Nationally Representative Sample. *Am J Prev Med.,* 61(2):240–245: Rogers, J.M., Smith, K.E., Strickland, J.C., & Epstein, D.H. (2021). Kratom Use in the US: Both a Regional Phenomenon and a White Middle-Class Phenomenon? Evidence From NSDUH 2019 and an Online Convenience Sample. *Frontiers in Pharmacology,* 12:789075.

[30] Matsumoto, K., Narita, M., Muramatsu, N., Nakayama, T., Misawa, K., Kitajima, M., Tashima, K., Devi, L.A., Suzuki, T., Takayama, H., & Horie, S. (2014). Orally active opioid μ/δ dual agonist MGM–16, a derivative of the indole alkaloid mitragynine, exhibits potent antiallodynic effect on neuropathic pain in mice. *The Journal of Pharmacology and Experimental Therapeutics,* 348(3):383–392; Yamamoto, L.T., Horie, S., Takayama, H., Aimi, N., Sakai, S., Yano, S., Shan, J., Pang, P.K., Ponglux, D., & Watanabe, K. (1999). Opioid receptor agonistic characteristics of mitragynine pseudoindoxyl in comparison with mitragynine derived from Thai medicinal plant Mitragyna speciosa. *General Pharmacology,* 33(1):73–81; Váradi, A., Marrone, G.F., Palmer, T.C., Narayan, A., Szabó, M.R., Le Rouzic, V., Grinnell, S.G., Subrath, J.J., Warner, E., Kalra, S., Hunkele, A., Pagirsky, J., Eans, S.O., Medina, J.M., Xu, J., Pan, Y.X., Borics, A., Pasternak, G.W., McLaughlin, J.P., & Majumdar, S. (2016). Mitragynine/Corynantheidine Pseudoindoxyls As Opioid Analgesics with Mu Agonism and Delta Antagonism, Which Do Not Recruit β-Arrestin-2. *Journal of Medicinal Chemistry,* 59(18):8381–8397.

[31] MGM–15 | 7 count—15mg tablets (105mg total)—Can Vertex Bioscience Accessed March 2026. (Web content subsequently modified or removed; hardcopy preserved in DEA administrative record)

[32] *Id.*

[33] *Id;* See 7-OHFactory30mg MGM–15 Tablets—Berries. *https://www.7ohfactory.com/products/30mg-mgm-15-tablets-berries* Accessed March 2026.

[34] MGM Series Guide: Science of MGM–15 Alkaloids | Getwell Depot. *https://getwelldepot.com/mgm/.* Accessed April 9, 2026. (Web content subsequently modified or removed; hardcopy preserved in DEA administrative record)

Finding of Necessity of Schedule I Placement To Avoid Imminent Hazard to Public Safety

In accordance with 21 U.S.C. 811(h)(3), based on the available data and information summarized above, the uncontrolled manufacture, distribution, reverse distribution, importation, exportation, conduct of research and chemical analysis, possession, and abuse of MGM–15 and MGM–16 pose an imminent hazard to public safety. DEA is not aware of any currently accepted medical uses for MGM–15 and MGM–16 in the United States. A substance meeting the statutory requirements for temporary scheduling, found in 21 U.S.C. 811(h)(1), may only be placed in schedule I. Substances in schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. Available data and information for MGM–15 and MGM–16 indicate that these substances have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision.

As required by 21 U.S.C. 811(h)(4), the Administrator notified the Assistant Secretary, via letter dated October 8, 2026, of DEA's intention to temporarily place MGM–15 and MGM–16 in schedule I.

Conclusion

Although DEA has already published a temporary order in the **Federal Register** that placed MGM–15 and MGM–16 in schedule I of the CSA on August 26, 2026, HHS has since sent a letter dated October 6, 2026, to DEA, in which HHS now recommends controlling mitragynine pseudoindoxyl above a specified threshold in schedule I of the CSA. However, as noted above, HHS did not recommend imposing any threshold for either MGM–15 or MGM–16. This notice of intent provides the 30-day notice pursuant to 21 U.S.C. 811(h)(1) of DEA's intent to issue a new temporary scheduling order that will continue to impose the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess) or propose to handle these two 7-hydroxymitragynine-related substances. In accordance with 21 U.S.C. 811(h)(1) and (3), the Administrator considered available data and information, herein set forth the grounds for his determination that it is necessary to temporarily schedule MGM–15 and MGM–16 in schedule I of the CSA, and finds that placement of these substances in schedule I of the CSA is necessary in order to avoid an imminent hazard to the public's safety.

The temporary placement of MGM–15 and MGM–16 in schedule I of the CSA will take effect pursuant to a temporary scheduling order, which will not be issued before November 13, 2026. Additionally, to avoid an enforcement gap, the current temporary order that placed MGM–15 and MGM–16 in schedule I remains in effect until either that order expires or the new temporary order is published and the previous order is withdrawn, whichever occurs first. Because the Administrator hereby finds that this temporary scheduling order is necessary to avoid an imminent hazard to public safety, it will take effect on the date the order is published in the **Federal Register** and remain in effect for two years, with a possible extension of an additional year, pending completion of the regular (permanent) scheduling process.[35] The Administrator intends to issue a temporary scheduling order as soon as possible after the expiration of 30 days from the date of publication of this document. Upon publication of the new temporary order, MGM–15 and MGM–16 will continue to be subject to the CSA's schedule I regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, importation, exportation, research, conduct of instructional activities and chemical analysis, and possession.

The CSA sets forth specific criteria for scheduling drugs or other substances. Regular scheduling actions in accordance with 21 U.S.C. 811(a) are subject to formal rulemaking procedures ''on the record after opportunity for a hearing'' conducted pursuant to the provisions of 5 U.S.C. 556 and 557.[36] The regular scheduling process of formal rulemaking affords interested parties appropriate process and the government any additional relevant information needed to make a determination. It is DEA's intention to pursue formal rulemaking proceedings under 21 U.S.C. 811(a) in this instance by gathering the necessary data and requesting that HHS provide a scientific and medical evaluation and scheduling recommendation for MGM–15 and MGM–16 pursuant to 21 U.S.C. 811(b). Final decisions that conclude the regular scheduling process of formal rulemaking are subject to judicial review.[37] Temporary scheduling orders are not subject to judicial review.[38]

Regulatory Analyses

The CSA provides for expedited temporary scheduling actions where necessary to avoid an imminent hazard to public safety. Under 21 U.S.C. 811(h)(1), the Administrator (as delegated by the Attorney General) may, by order, temporarily schedule substances in schedule I. Such orders may not be issued before the expiration of 30 days from: (1) the publication of a notice in the **Federal Register** of the intent to issue such order and the grounds upon which such order is to be issued, and (2) the date that notice of the proposed temporary scheduling order is transmitted to the Assistant Secretary of HHS, as delegated by the Secretary of HHS.[39]

Inasmuch as section 811(h) directs that temporary scheduling actions be issued by order and sets forth the procedures by which such orders are to be issued, including the requirement of a publication in the **Federal Register** of a notice of intent, the notice-and-comment requirements of the Administrative Procedure Act (APA), 5 U.S.C. 553, do not apply to this notice of intent. The APA expressly differentiates between an order and a rule, as it defines an ''order'' to mean a ''final disposition, whether affirmative, negative, injunctive, or declaratory in form, of an agency *in a matter other than rule making.*'' [40] This contrasts with permanent scheduling actions, which are subject to formal rulemaking procedures done ''on the record after opportunity for a hearing,'' and final decisions that conclude the scheduling process and are subject to judicial review.[41] The specific language chosen by Congress indicates its intent that DEA issue *orders* instead of proceeding by rulemaking when temporarily scheduling substances. Given that Congress specifically requires the Administrator (as delegated by the Attorney General) to follow rulemaking procedures for *other* kinds of scheduling actions,[42] it is noteworthy that, in section 811(h)(1), Congress authorized the issuance of temporary scheduling actions by order rather than by rule.

[35] 21 U.S.C. 811(h)(1) and (2).

[36] 21 U.S.C. 811.

[37] 21 U.S.C. 877.

[38] 21 U.S.C. 811(h)(6).

[39] 21 U.S.C. 811(h)(1).

[40] 5 U.S.C. 551(6) (emphasis added).

[41] 21 U.S.C. 811(a) and 877.

[42] *See* 21 U.S.C. 811(a).

Even assuming that this notice of intent is subject to the notice-and-comment requirements of the APA, the Administrator finds that there is good cause to forgo those requirements pursuant to 5 U.S.C. 553(b)(B), as any further delays in the process for issuing temporary scheduling orders would be impracticable and contrary to the public interest given the manifest urgency to avoid an imminent hazard to public safety.

Although DEA believes this notice of intent to issue a temporary scheduling order is not subject to the notice-and-comment requirements of the APA, DEA notes that in accordance with 21 U.S.C. 811(h)(4), the Administrator took into consideration comments submitted by the Assistant Secretary in response to the notice that DEA transmitted to the Assistant Secretary pursuant to such subsection.

Further, DEA believes that this temporary scheduling action is not a ''rule'' as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act (RFA). The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, DEA is not required by the APA or any other law to publish a general notice of proposed rulemaking. As discussed above, DEA is issuing this notice of intent pursuant to DEA's authority to issue a temporary scheduling order.[43] Therefore, in this instance, since DEA believes this temporary scheduling action is not a ''rule,'' it is not subject to the requirements of the RFA when issuing this temporary action.

In accordance with the principles of Executive Orders (E.O.) 12866 and 13563, this action is not a significant regulatory action. E.O. 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). E.O. 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review as established in E.O. 12866. Because this is not a rulemaking action, this is not a significant regulatory action as defined in Section 3(f) of E.O. 12866. In addition, scheduling actions are not subject to either E.O. 14192, Unleashing Prosperity Through Deregulation, or E.O. 14294, Fighting Overcriminalization in Federal Regulations.

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

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, DEA proposes to amend 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. In § 1308.11 revise paragraph (h)(90) and (91) to read as follows:

§ 1308.11 Schedule I.

* * * * *

(h) * * *

* * * * * * *	
(90) Methyl (*E*)-2-((2*S*,3*S*,7a*S*,12a*R*,12b*S*)-3-ethyl-7*a*-hydroxy-8-methoxy-1,2,3,4,6,7,7*a*,12,12*a*,12*b*-decahydroindolo[2,3-*a*]quinolizin-2-yl)-3-methoxyacrylate (commonly known as MGM–15; also known as dihydro-7-hydroxymitragynine;) including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible. Since nomenclature of this substance is not internationally standardized, compounds of this structure, regardless of numerical designation of atomic positions are covered.	9673
(91) Methyl (*E*)-2-((2*S*,3*S*,7a*S*,12a*R*,12b*S*)-3-ethyl-9-fluoro-7*a*-hydroxy-8-methoxy-1,2,3,4,6,7,7*a*,12,12*a*,12*b*-decahydroindolo[2,3-*a*]quinolizin-2-yl)-3-methoxyacrylate (commonly known as MGM–16; also known as 9-fluoro derivate of 7-hydroxymitragynine;) including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible. Since nomenclature of this substance is not internationally standardized, compounds of this structure, regardless of numerical designation of atomic positions are covered	9674
* * * * * * *	

* * * * *

Signing Authority

This document of the Drug Enforcement Administration was signed on October 8, 2026, by DEA Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–20942 Filed 10–9–26; 12:00 pm]

BILLING CODE 4410–09–P

[43] 21 U.S.C. 811(h)(1).

FEDERAL REGISTER

Vol. 91 Wednesday,

No. 197 October 14, 2026

Part IV

Department of Homeland Security

Department of Justice

Executive Office for Immigration Review

8 CFR Parts 281, 1003, and 1280

Imposition and Collection of Civil Penalties for Certain Immigration-Related Violations; Final Rule

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 281

[Docket No: ICEB–2025–0034]

RIN 1653–AA96

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

8 CFR Parts 1003 and 1280

[Dir. Order No. 11–2026]

RIN 1125–AB36

Imposition and Collection of Civil Penalties for Certain Immigration-Related Violations

AGENCY: U.S. Immigration and Customs Enforcement (''ICE''), Department of Homeland Security (''DHS''); Executive Office for Immigration Review (''EOIR''), Department of Justice (''DOJ'').

ACTION: Final rule.

SUMMARY: On June 27, 2025, the Departments issued an interim final rule (''IFR'') to streamline assessment of civil penalties under the Immigration and Nationality Act (''INA'') for aliens who fail to depart during a voluntary departure period, willfully fail or refuse to depart after a final removal order and certain other proscribed activities, or are apprehended while improperly entering or attempting to enter the United States. This final rule addresses comments and finalizes the IFR with one change: it permits acceptance of a late-filed appeal based on documented mail delivery delays that ICE finds were beyond the alien's control.

DATES: The effective date of this final rule is October 14, 2026.

FOR FURTHER INFORMATION CONTACT:

For DHS: 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; telephone (202) 732–6960.

For DOJ: Jamee E. Comans, Assistant Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041; telephone (703) 305–0289.

SUPPLEMENTARY INFORMATION:

I. Background

A. Basis and Purpose of the IFR

On January 20, 2025, President Trump issued Executive Order (''E.O.'') 14159, *Protecting the American People Against Invasion.* E.O. 14159, 90 FR 8443 (Jan. 29, 2025). In Section 2 of that E.O., President Trump directed that it is ''the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens'' and ''to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities.'' 90 FR 8443. Section 8 of E.O. 14159 directs the Secretary of Homeland Security, in coordination with the Secretary of the Treasury, to ''take all appropriate action to ensure the assessment and collection of all fines and penalties that the Secretary of Homeland Security is authorized by law to assess and collect from aliens unlawfully present in the United States, including aliens who unlawfully entered or unlawfully attempted to enter the United States.'' 90 FR 8444–45. Section 12 of E.O. 14159 directs the Secretary of Homeland Security, in coordination with the Secretary of State and the Attorney General, ''to take all appropriate action . . . to adopt policies and procedures to encourage aliens unlawfully in the United States to voluntarily depart as soon as possible, including through enhanced usage of the provisions of section 240B of the INA (8 U.S.C. 1229c), international agreements or assistance, or any other measures that encourage aliens unlawfully in the United States to depart as promptly as possible''. 90 FR 8445. In Section 2 of E.O. 14165, *Securing Our Borders,* President Trump directed the Departments to ''take all appropriate action to secure the borders of our Nation,'' including by ''[d]eterring and preventing the entry of illegal aliens into the United States'' and by ''[o]btaining complete operational control of the borders of the United States.'' E.O. 14165, 90 FR 8467 (Jan. 30, 2025). In Proclamation 10935, President Trump established Project Homecoming to ''present illegal aliens with a choice: either leave the United States voluntarily, with the support and financial assistance of the Federal-government, or face the consequences.'' *Establishing Project Homecoming,* 90 FR 20357 (May 14, 2025).

On June 27, 2025, the Departments issued an IFR, effective on the same date, to streamline how DHS assesses certain civil monetary penalties that Congress has long authorized under the INA. *See Imposition and Collection of Civil Penalties for Certain Immigration-Related Violations,* 90 FR 27439 (June 27, 2025). The IFR applies to three categories of illegal aliens: (1) aliens who willfully fail or refuse to depart the United States pursuant to a final order of removal or take certain actions to thwart their departure or removal, INA 274D(a)(1), 8 U.S.C. 1324d(a)(1); (2) aliens who voluntarily fail to depart the United States within the time period specified pursuant to a voluntary departure order, INA 240B(d)(1)(A)–(B), 8 U.S.C. 1229c(d)(1)(A)–(B); [1] and (3) aliens apprehended while entering (or attempting to enter) the United States unlawfully, INA 275(b)(1), 8 U.S.C. 1325(b)(1). *See also* 8 CFR 281.1(a) (scope of the IFR). The IFR revised the Departments' civil monetary penalty procedures for these categories of aliens so that DHS can more efficiently and effectively promote compliance with Immigration Court orders and support border security. *See* 90 FR 27442. The IFR partially implements Section 8 of E.O. 14159 and supports DHS's efforts, as directed by the President, to faithfully execute the immigration laws, to achieve total and efficient enforcement of those laws, and to secure the borders of the United States. *See* 90 FR 27446–47. The IFR also advances the purpose of Proclamation 10935, *Establishing Project Homecoming,* by reinforcing that aliens must either voluntarily depart the United States, with Federal support as applicable, or face statutorily authorized consequences for failing to comply with removal or departure orders.

As the IFR explains, the revised procedures are needed to complement DHS's efforts to address the large number of aliens who remain in the United States despite having final removal or voluntary departure orders. *See* 90 FR 27446. Prior to the issuance of the IFR, there were approximately 1.5 million aliens on ICE's non-detained docket with final orders of removal, including those who failed to depart after being granted voluntary departure pursuant to INA 240B, 8 U.S.C. 1229c. For example, as discussed in the IFR, in FY 2024 alone, EOIR issued more than 282,000 final removal orders, but DHS data indicate that only about 10 percent of those orders were executed. 90 FR 27445. In the same year, EOIR granted approximately 8,800 voluntary departure orders, yet only about 50 percent of those aliens confirmed their departure. *Id.* Moreover, as a result of the prior Administration's policies, including its border policies, the

[1] For ease of reading, this preamble in some instances uses the phrase ''failure to depart civil monetary penalties'' to refer collectively to both (1) the civil monetary penalties under section 274D(a)(1) of the INA, 8 U.S.C. 1324d(a)(1), for willful failure or refusal to depart following a removal order; and (2) civil monetary penalties under section 240B(d)(1)(A) of the INA, 8 U.S.C. 1229c(d)(1)(A), for failure to voluntarily depart within the time period specified in a voluntary departure order.

Immigration Court caseload has dramatically increased in recent years.[2] In the third quarter of FY 2026, there were over 3.4 million pending Immigration Court cases, a large percentage of which, if consistent with previous years, will result in removal or voluntary departure orders once adjudicated.[3] Thus, without the IFR's intervention, the number of aliens who remain in the United States despite final removal and voluntary departure orders would have been likely to increase in the coming years. *Id.*

An Immigration Court's order of an alien's removal, unless reversed or vacated on appeal, is binding on all parties, including aliens. *See* 8 CFR 1240.1(a)(1)(i), 1240.41, 1241.1. Aliens subject to final executable orders of removal[4] remain legally obligated to comply with Immigration Court orders to depart the United States, regardless of prior DHS policies that did not prioritize all such aliens for apprehension, detention, and removal. The large number of unexecuted removal orders and the growth of DHS's non-detained docket demonstrate, however, that many aliens do not comply with this obligation.[5] This pattern of large-scale noncompliance risks further encouraging aliens to disregard such orders under the belief that they can remain in the United States without consequence. *See* 90 FR 27446. Such noncompliance, in turn, undermines the integrity of the immigration system, weakens the authority of Immigration Courts, and raises fairness concerns for aliens who do comply with removal and departure requirements. *See id.*

Under this Administration, DHS is taking robust action, consistent with the President's direction, to ramp up efforts to locate, apprehend, detain, and remove aliens with final removal orders who were released under supervision or otherwise not subject to detention in prior years and who remain in the United States. *See* E.O. 14159, 90 FR 8443 (Jan. 29, 2025). Managing those removals requires a significant expenditure of ICE resources in addition to costs to taxpayers.[6] Although ICE is hiring Enforcement and Removal Operations (ERO) officers and expanding detention capacity pursuant to additional funding under the One Big Beautiful Bill Act, Public Law 119–21, 139 Stat. 72, 358–59 (2025), those efforts will take time to implement, and ICE must continue to devote immigration enforcement resources to all categories of illegal aliens that may or may not be subject to removal orders, including criminal aliens, national security risks, and other aliens unlawfully present in the United States.[7]

The IFR was also intended to complement DHS's efforts to maintain border security. Under the prior Administration, more than 8 million aliens were encountered along the southern border of the United States. 90 FR 8334. In FY 2024 alone, DHS estimates that approximately 1.5 million aliens entered or attempted to enter unlawfully between ports of entry. 90 FR 27445. Although encounters have since declined in connection with this Administration's policies, these prior high encounter levels demonstrate the need for DHS to use all statutorily authorized tools to maintain border security and reduce incentives for unlawful entry. *Id.*

When such large numbers of aliens enter unlawfully between POEs, as occurred under the last Administration, DHS's capacity to apprehend, process, detain, and swiftly remove all such aliens diminishes.[8] As a result, under the prior Administration, millions of aliens were released into communities nationwide, many of whom were subject to but not processed under expedited removal as envisioned by the statutory framework, imposing substantial costs on the States and encouraging additional migration by unlawful aliens who believed they would likely be released into the United States while awaiting removal proceedings that often

[2] However, although EOIR's pending caseload continues to be over 3.4 million, this number is trending downwards for the first time since its dramatic increase between 2021 and 2024. This downward trend has resulted from corrective action taken by the current Administration to address the crisis at the border, supra at Section I.A of this preamble; as well as corrective action taken by EOIR to improve the efficiency of EOIR operations, which promoted a record number of case completions in FY 2025; and a dramatic drop in the number of cases before EOIR initiated by DHS in FY 2025. EOIR Workload & Adjudication Statistics, *Pending Cases, New Cases, and Total Completions* (July 24, 2026), *https://www.justice.gov/eoir/media/1344791/dl?inline* [*https://perma.cc/B2AW-2QYD*].

[3] *See* EOIR Workload & Adjudication Statistics, *Pending Cases, New Cases, and Total Completions* (July 24, 2026), *https://www.justice.gov/eoir/media/1344791/dl?inline* [*https://perma.cc/B2AW-2QYD*].

[4] The term ''final executable removal order'' describes a situation where there is no legal impediment to the alien's removal. As discussed in Section III of this preamble, DHS does not issue failure to depart penalties to aliens for whom there is no final executable removal order because, for example, they have a stay of removal or other forms of protection, including Temporary Protected Status, withholding of removal, or protection under the regulations implementing the Convention Against Torture when no alternative country of removal is available, or have a DHS approved reason for remaining in the United States including an affirmative grant of deferred action. (For aliens who have protection under the regulations implementing the Convention Against Torture but for whom there is an alternative country of removal, the final order of removal may still be executable to that alternative country.) For ease of reading in this preamble, the Departments use the term ''removal order'' to mean a ''final executable removal order'' when discussing civil penalties for failure to depart.

[5] Section 241(a) of the INA, 8 U.S.C. 1231(a), governs the detention and removal of aliens who have already been ordered removed. It directs DHS to remove an alien within a 90-day removal period. The statute provides: during the removal period, DHS shall detain the alien and ''[u]nder no circumstance during the removal period shall the [Secretary] release an alien who has been found [removable on certain criminal and national-security grounds].'' *See* INA 241(a)(1), 1231(a)(1). The prior Administration did not prioritize the apprehension, detention, and removal of all aliens with final removal orders. *See United States* v. *Texas,* 599 U.S. 670, 715 (2023) (Alito, J. dissenting) (discussing enforcement priorities memoranda issued by DHS and ICE in 2021). Instead, many simply remained in the United States without consequence. Congress, however, has not absolved such aliens of their obligation to depart the United States if they were not removed, were never detained, or were released during the removal period. Indeed, section 241 of the INA, 8 U.S.C. 1231, expressly contemplates that even aliens who were never detained during the 90-day removal period have an independent obligation to leave the United States. *See* INA 241(a)(3), 8 U.S.C. 1231(a)(3) (providing that DHS may impose conditions of supervision on the alien ''[i]f the alien does not leave or is not removed within the removal period.'' Moreover, Congress has specifically authorized DHS to impose civil monetary penalties on aliens who willfully remain in the United States after a removal order which demonstrates that aliens have an independent obligation to leave the United States even if ICE did not take action to physically remove the alien or the alien was released after the expiration of the removal period. *See* INA 274d(a)(1), 8 U.S.C. 1324(d)(a)(1).

[6] *See* DHS, *DHS Announces Historic Travel Assistance and Stipend for Voluntary Self-Deportation* (May 5, 2025) (noting that currently the average cost to arrest, detain, and remove an illegal alien is $17,121) *https://www.dhs.gov/news/2025/05/05/dhs-announces-historic-travel-assistance-and-stipend-voluntary-self-deportation* [*https://perma.cc/8ST2-RHHP*]; *see also* Proclamation 10935, 90 FR 20357 (''Removal flights of illegal aliens are a necessary aspect of immigration enforcement and upholding the rule of law, but they require substantial resources and manpower.'').

[7] *See* DHS, Finding of Mass Influx of Aliens, 90 FR 45396–98 (Sept. 22, 2025) (explaining that in September 2025, ICE was working to fulfill a 61 percent vacancy rate for ERO officers and that the hiring of new ICE ERO officers ''takes time and includes the hiring onboarding and training of new officers''); DHS *Finding of Mass Influx of Aliens* 91 FR 59795, 59796–97 (Sept. 21, 2026); 59796 (Sept. 21, 2026) (explaining that ICE detention facilities are at 83 percent capacity as of August, 2026).

[8] *See* Proclamation 10888, *Guaranteeing the States Protection Against Invasion,* 90 FR 8333 (Jan. 29, 2025) (''The sheer number of aliens entering the United States has overwhelmed the system and rendered many of the INA's provisions ineffective.''); *see also Securing the Border,* 89 FR 48710, 48714–15 (June 7, 2024) (interim final rule) (explaining that when large numbers of aliens cross the border unlawfully, the ''Departments' ability to refer and process [aliens] through expedited removal thus continues to be overwhelmed, creating a vicious cycle in which the border security and immigration systems cannot deliver timely decisions and consequences to all the people who are encountered at the SWB and lack a lawful basis to remain in the United States'').

take years to resolve.[9] When U.S. Border Patrol (''USBP'') officers are diverted from patrol duties to process large groups of migrants and conduct detention-related activities, criminal organizations and smugglers can exploit the diversion of resources to move illegal drugs, weapons, contraband, and aliens into the United States. *See* E.O. 14165, 90 FR 8467 (Jan. 20, 2025). Elevated levels of unlawful border crossings also strain ICE's detention resources and impede ICE's ability to detain other aliens, including those with final removal orders. *See* 90 FR 45397, 45397. In combination, the prior Administration's policies and resulting incentives for unlawful entry hindered the effective operation of immigration laws designed to protect U.S. sovereignty and prevent the unlawful entry of illicit contraband, criminals, and illegal aliens.

Additionally, elevated border crossings can severely inhibit the effective functioning of the Immigration Courts. Under the prior Administration, the record numbers of aliens encountered across the southern border overwhelmed DHS's capacity to process such aliens through expedited removal as envisioned by the statutory framework of the Act. 89 FR 81158. Instead, DHS was forced to place aliens into section 240 removal proceedings at a rate that outpaced EOIR's capacity to complete such cases in a timely manner and led to extensive delays in Immigration Court proceedings. *Id.* Under this Administration, the Departments have taken significant efforts to disrupt aliens' expectations of lengthy Immigration Court delays, including more robust utilization of expedited removal where available and a renewed focus on EOIR operational efficiency. Accordingly, EOIR has seen a precipitous drop in initial receipts of charging documents to initiate proceedings between FY 2024 and FY 2025, and has been continually increasing the total number of case completions.[10] However, considering the challenges experienced under the prior administration at the southern border and the resulting consequences, the Departments have a need to use all available measures to prevent such a situation from reoccurring.

For these reasons, and consistent with this Administration's policies, DHS believes that it must employ all immigration enforcement authorities that Congress has provided in order to both maintain border security, including to discourage large numbers of aliens from crossing the southern border and overwhelming the Departments' abilities to effectively process and remove such aliens as occurred under the last administration, and to address the large number of aliens with removal and voluntary departure orders who have violated U.S. immigration law by remaining in the United States in contravention of such orders.

One such authority is civil monetary penalties. As explained in more detail in the IFR, Congress has authorized DHS to impose civil penalties on: (1) aliens who willfully fail or refuse to depart the United States after a final order of removal or take other action to thwart removal; (2) aliens who fail to comply with a voluntary departure order; and (3) aliens who are apprehended entering or attempting to enter the United States unlawfully (''unlawful entry penalties''). *See* INA 274D(a)(1), 8 U.S.C. 1324d(a)(1); INA 240B(d)(1)(A), 8 U.S.C. 1229c(d)(1)(A); INA 275(b)(1), 8 U.S.C. 1325(b)(1). Congress has also specified the authorized range of penalty amounts, which DHS has adjusted for inflation. For ''unlawful entry,'' the penalty amounts range from $100 to $500 per entry or attempted entry. *See* INA 275(b)(1), 8 U.S.C. 1325(b)(1); 8 CFR 280.53(b)(14). For failure to comply with voluntary departure conditions, the penalty is set by an Immigration Judge or the Board of Immigration Appeals (''BIA'') and may range from $1,992 to $9,970 after inflation adjustments, but the general default amount is $3,000. *See* INA 240B(d)(1)(A), 8 U.S.C. 1229c(d)(1)(A); 8 CFR 280.53(b)(3), 1240.26(*l*). For aliens ordered removed who remain in the United States, DHS may impose a penalty of up to $998 for each day the alien willfully fails to comply with the order. *See* INA 274D(a)(1), 8 U.S.C. 1324d(a)(1); 8 CFR 280.53(b)(14). As the IFR explains, DHS believes that robust application of these civil penalties will deter future unlawful entries and encourage greater compliance with removal and voluntary departure orders, in line with Congress's intent and this Administration's focus on securing the border and restoring integrity to the immigration system. *See* 90 FR 27439–40, 27442.

Prior to the IFR, however, DHS was required to use the general civil penalty procedures at 8 CFR part 280 to impose these penalties. These procedures were promulgated by the former Immigration and Naturalization Service (''INS'') decades before Congress authorized the specific failure-to-depart and unlawful entry penalties covered by the IFR. *See* 90 FR 27440–41. Those regulations were designed primarily for penalties imposed on airlines and other carriers that violate INA provisions governing the transport of aliens into the United States, rather than for penalties against individual aliens for failure-to-depart or unlawful entry. *Id.* Under those regulations, DHS had to provide a written notice of intent to fine (''NIF''), served in person or by certified mail, and then wait at least 30 days for a response. *Id.* If the alien did not respond or did not contest the fine, a DHS officer could issue a final decision imposing the penalty. *Id.* If the alien contested the fine, the alien could request an in-person interview or submit a sworn written response; a supervisory immigration officer would then issue a written decision; the alien could seek reconsideration within DHS; after exhausting DHS procedures, the alien could appeal to the BIA. *Id.* As discussed in the IFR, these procedures are lengthy, resource intensive, and not tailored to the failure-to-depart and unlawful entry penalties that Congress later authorized. *See* 90 FR 27444–46.

The IFR streamlined and simplified the process DHS uses to impose civil penalties for failure-to-depart and unlawful entry and eliminated unnecessary procedures that are not required by statute. *See* 90 FR 27449–52. The IFR changed only the way DHS issues and adjudicates civil monetary penalties and the way an alien may contest such penalties for these specific fines. 90 FR 27454. The IFR did not require the imposition of any new penalties or otherwise change the substantive criteria for issuing civil penalties. *Id.*

Under the IFR, the new 8 CFR 281 allows a DHS immigration officer to initiate the penalty process by issuing a written decision and order imposing the civil monetary penalty. 8 CFR 281.1(b), (c). The decision and order must identify the statutory basis for the penalty, state the type and amount of the penalty, and provide a brief

[9] *See* Proclamation 10888, 90 FR 8333, 8334 (Jan. 29, 2025) ([T]he ''influx of illegal aliens across the southern border of the United States has placed significant costs and constraints upon the States, which have collectively spent billions of dollars in providing medical care and related human services, and have spent considerable amounts on increased law enforcement costs associated with the presence of these illegal aliens within their boundaries''); *see also Securing the Border,* 89 FR 48710, 48714 (discussing incentives for irregular migration during periods of high encounters at the U.S. southern border including possible release into the United States and years long delays in Immigration Court proceedings).

[10] EOIR Workload & Adjudication Statistics, *Pending Cases, New Cases, and Total Completions* (July 24, 2026), *https://www.justice.gov/eoir/media/1344791/dl?inline* [*https://perma.cc/B2AW-2QYD*]; EOIR Workload & Adjudication Statistics, New Cases and Total Completion (July 24, 2026), *https://www.justice.gov/eoir/media/1395636/dl?inline* [*https://perma.cc/49J5-JTWY*].

explanation of the reasons for the decision. 8 CFR 281.1(c)(1). The decision and order must also advise the alien of the right to appeal; the process for filing an appeal; the right to be represented by counsel at no expense to the government; and the opportunity to submit written arguments and supporting documentation challenging the penalty. 8 CFR 281.1(c)(2). The alien may file a written defense and supporting evidence or may simply submit a written notice of appeal. 8 CFR 281.1(c)(2), (e)(1). DHS may serve the decision and order in person or by regular mail. 8 CFR 281.1(d).

The IFR also replaced the elaborate review process before DHS set forth in 8 CFR part 280 and appeal process before EOIR set forth at 8 CFR 1280.1 [11] for these three specific civil penalties with an appeal process that takes place solely before DHS. Under the IFR, an alien must file a notice of appeal within 15 business days of service of the initial decision and order. 8 CFR 281.1(e)(1). If the alien does not file a timely appeal with DHS, the initial decision and order become final. 8 CFR 281.1(f)(3). If the alien files a timely appeal with DHS, a supervisory immigration officer who did not issue the initial decision and order will review the appeal. 8 CFR 281.1(e)(2). The supervisory officer will review the appeal within 10 days of receipt and may, in his or her discretion, request additional written briefing or documentation, which the alien must provide within 15 days of receiving the request. *Id.* At the alien's request, the supervisory officer will generally provide copies of pertinent documents and records relevant to the penalty. 8 CFR 281.1(e)(3). The supervisory officer will decide the appeal on the written record; the IFR does not provide for in-person interviews. *Id.* The record must include the initial decision and order, evidence in DHS's administrative files, and any timely written submissions, briefs, documentary evidence, or other relevant materials submitted by the alien. *Id.* The supervisory officer will review this record de novo, including the initial decision and order and any written arguments and evidence submitted by the alien, and will issue a final decision within 45 days. 8 CFR 281.1(e)(2). That officer's decision constitutes the final agency action, subject only to discretionary review by the Secretary of Homeland Security, and the alien may not appeal the decision to the BIA. 8 CFR 281.1(e)(4), (f)(1)–(3). However, the IFR allows DHS to reopen a decision, in its sole discretion (*i.e.,* sua sponte), at any time to reconsider the decision and reduce or rescind the fine. 8 CFR 281.1(f)(1).

As explained in the IFR, the Departments reasoned that these updated procedures will allow DHS to impose these civil penalties more swiftly on more aliens who unlawfully enter the United States and on those who disregard removal and voluntary departure orders. *See* 90 FR 27442. In turn, this will help support DHS's efforts to maintain border security and enforce immigration laws by deterring unlawful entries and encouraging compliance with removal and departure orders. *See* 90 FR 27445–46. Compared to the general procedures in 8 CFR part 280, the revised process reduces unnecessary administrative burdens and allows DHS to reach final decisions more quickly while at the same time reducing unnecessary burdens on the BIA's caseload. *See* 90 FR 27444–45. The IFR explained that these changes are needed to ensure that DHS can efficiently employ these statutory penalties while continuing to prioritize, without diverting resources away from, border security and the apprehension, detention, and removal of aliens who have violated the Nation's immigration laws, consistent with this Administration's policy objectives and the President's direction. *See* 90 FR 27444–46.

To further advance the IFR's goal of encouraging compliance with removal and departure orders, DHS has announced that it will rescind most failure to depart fines if an alien uses the U.S. Customs and Border Protection (''CBP'') Home app to arrange and complete self-departure from the United States.[12] This policy, coupled with DHS's expanded use of these civil penalties, is intended to provide an additional clear incentive for aliens to comply with removal and departure orders and avoid civil monetary penalties by doing what the law requires: departing the United States as ordered.[13]

At the same time, the Departments determined that the revised procedures are consistent with due process. For the reasons discussed more fully in the IFR and in response to comments in Section III of this preamble, the Departments have concluded that a shortened appeal period, removal of in-person interviews, and the shift from BIA review to internal DHS review are appropriate and consistent with due process given that these civil penalties typically turn on routine and straightforward factual and legal determinations and aliens have limited grounds to contest them. 90 FR 27451–55. In addition, ICE will now also permit acceptance of a late-filed appeal based on documented mail delivery delays that ICE finds were beyond the alien's control.

First, INA 275(b), 8 U.S.C. 1325(b), authorizes DHS to impose a civil penalty on any alien who is apprehended while entering or attempting to enter the United States at an improper place or time. Aliens apprehended while entering unlawfully have, by definition, violated INA 275(b), 8 U.S.C. 1325(b), and the documented encounter provides the only fact necessary to impose these penalties. Additionally, when USBP agents apprehend an alien entering unlawfully, the agents prepare a Form I–213, *Record of Deportable/Inadmissible Alien,* which documents the apprehension and is sufficient to demonstrate liability for these penalties. *See* 90 FR 27442. As a matter of practice, USBP issues these penalties at the time that it apprehends the alien. In these circumstances, the Departments do not believe that a lengthy, multi-step appeal process is necessary. *See id.* The IFR's appeal structure preserves an alien's meaningful ability to contest an unlawful entry penalty if the alien believes a penalty was issued erroneously.

Second, the nature of the failure to depart penalties also supports the IFR's changes. Congress has authorized DHS to impose civil monetary penalties on aliens for failure to depart, subject to the general federal statute of limitations, 28

[11] Any cases appealed to the BIA would add to the BIA's pending caseload and be subject to the same case management framework as all other appeals. *See* 8 CFR 1003.1. To address an unprecedented caseload and an urgent need to improve the efficiency of BIA procedures, the Department has reconsidered the Board's role as an appellate tribunal and issued an IFR to streamline BIA procedures. *See generally Appellate Procedures for the Board of Immigration Appeals,* 91 FR 5267 (Feb. 6, 2026) (partially set aside on procedural grounds *Amica Ctr. for Immigrant Rts.* v. *EOIR,* No. CV 26–696 (RDM), 2026 WL 662494, at *34 (D.D.C. Mar. 8, 2026)). Divesting the BIA of responsibility over DHS imposition and enforcement of civil fines and penalties, an area where there is no statutory requirement for EOIR review and where the BIA has no unique adjudicatory expertise, is consistent with BIA efforts to create operational efficiencies.

[12] *See* DHS, *DHS Announces It Will Forgive Failure to Depart Fines for Illegal Aliens who Self-Deport Through the CBP Home App* (June 9, 2025), *https://www.dhs.gov/news/2025/06/09/dhs-announces-it-will-forgive-failure-depart-fines-illegal-aliens-who-self-deport* [*https://perma.cc/*8RBN–PACA]. As discussed below in response to comments in Section III of this preamble, DHS has recently updated its website to make clear that all non-criminal illegal aliens may register under CBP Home app to depart the United States and DHS will forgive failure-to depart civil penalties once the alien departs.

[13] *See id.; see also* Proclamation 10935, 90 FR 20357.

U.S.C. 2462, if two elements have been satisfied: (1) the alien is subject to a final order of removal or was granted voluntary departure and (2) the alien willfully fails or refuses to depart under a removal order or voluntarily fails to comply with a voluntary departure order. INA 274D(a)(1), 8 U.S.C. 1324d(a)(1); INA 240B(d)(1)(A), 8 U.S.C. 1229c(d)(1)(A). DHS maintains records of an alien's immigration history, including removal and voluntary departure orders, and has ready access to information about any pending appeals needed to verify that the alien is subject to a final removal or departure order. 90 FR 27442–43. Before issuing a penalty, ICE guidance requires the immigration officer to verify that there are no DHS records of the alien's departure from the United States and reviews the alien's immigration records for information suggesting that the alien's failure to depart was not willful or voluntary. This includes information about: automatic stays resulting from motions to reopen; certain immigration benefits under the Violence Against Women Act (''VAWA'') that stay the alien's removal; for aliens on an order of supervision, efforts the alien has made to secure travel documents at DHS's request; whether DHS has affirmatively approved the alien for deferred action; whether the Immigration Courts, DHS, or a federal court has granted a stay of removal; and whether DHS or EOIR has granted the alien protection that excuses the alien's failure to depart while the alien maintains that protection, including temporary protected status (''TPS''), protection under the Convention Against Torture (''CAT''), and withholding of removal under INA 241(b)(3), 8 U.S.C. 1231(b)(3) when no alternative country of removal is available.

Absent evidence in records accessible to DHS showing that the alien is permitted to remain in the United States, or that the alien has departed, DHS believes the statutory prerequisites to issue a penalty will have been met where an alien ordered removed or granted voluntary departure is physically present in the United States beyond the time frame specified by the Immigration Judge. As the IFR explains, civil penalties for failure to depart are generally issued after completion of section 240 removal proceedings that resulted in a final order requiring the alien's departure from the United States immediately or within a certain time frame specified by the Immigration Judge. *See* 90 FR 27440. These aliens have received due process through section 240 removal proceedings where they had an opportunity to contest the charges against them, to seek relief, and to be informed by an Immigration Judge of their obligation to depart and of the consequences of failing to do so. *Id.* Aliens granted voluntary departure prior to the conclusion of section 240 removal proceedings have already agreed to forgo challenging removal or seeking relief in exchange for being allowed to depart voluntarily. *Id.* In these circumstances, and when DHS records show the removal order is executable, the Departments reasoned that an alien's continued presence in the United States is generally sufficient to establish liability for these civil penalties, absent the alien providing evidence on appeal [14] to demonstrate otherwise. *See* 90 FR 27442–43.

In addition, Immigration Judges are required by law to inform aliens of their departure obligations and the consequences for failing to comply. Under INA 240(c)(5), 8 U.S.C. 1229(a)(5), when an Immigration Judge orders removal, the Immigration Judge must inform the alien of the consequences for failure to depart under the order of removal, including civil penalties described at sections INA 274D, 8 U.S.C. 1324(d). *See* 8 CFR 1240.13(d). Likewise, for voluntary departure, the INA requires that an Immigration Judge ''shall inform the alien of the penalties'' that will apply if the alien voluntarily fails to depart within the time allowed, including civil monetary penalties and ineligibility for certain forms of relief. INA 240B(d)(3), 8 U.S.C. 1229c(d)(3). These advisals are mandatory components of 240 removal proceedings, not discretionary steps.

These statutory and regulatory requirements are directly relevant to the willfulness and voluntariness elements in the civil penalty statutes. Before DHS considers imposing a failure to depart penalty, the alien will ordinarily have been advised, on the record, that the law requires the alien to depart the United States and that failure to do so may result in civil fines and other adverse consequences. When an alien remains in the United States after such clear, legally required notice, his or her continued presence strongly supports the conclusion that the alien has ''willfully fail[ed] or refuse[d]'' to depart under a removal order or ''voluntarily'' failed to comply with a voluntary departure order, as required by the failure to depart civil penalty statutes. In making this assessment, DHS also relies on the presumption of regularity that attaches to official acts of government officers, including Immigration Judges. *See United States Postal Serv.* v. *Gregory,* 534 U.S. 1, 10 (2001). Under this presumption, DHS may reasonably assume that Immigration Judges complied with their legal obligations under the INA and implementing regulations and provided the required advisals concerning departure obligations and the consequences of noncompliance, absent specific evidence to the contrary in the record. In all cases, ICE considers the willfulness of an alien's violation in determining whether to impose a penalty.

Taken together—(1) the procedural protections provided in section 240 removal proceedings, (2) the mandatory Immigration Judge advisals of departure obligations and penalties, (3) the presumption of regularity applicable to those advisals, and (4) DHS's careful review of U.S. Government records to confirm that the alien is subject to a final, executable order and lacks lawful permission to remain—DHS concludes that an alien's continued presence in the United States is generally sufficient to establish the willful or voluntary failure to depart required to impose these civil penalties, absent evidence provided by the alien on appeal to demonstrate that the alien is not liable. Therefore, the Departments reasoned that streamlining the issuance and adjudication of these civil penalties, and the associated appeals process, aligns more closely with the nature and intent of these straightforward civil penalties. While in most cases, DHS records sufficiently establish the facts necessary to demonstrate that the alien is subject to these civil penalties, the alien retains the right to contest them on limited grounds. *See* 90 FR 27442–46.

To the extent an alien believes that DHS issued a penalty erroneously—for example, because the alien is not subject to a removal order, is legally permitted to remain in the United States, or did not willfully or voluntarily fail to depart—the Departments determined that the IFR provides sufficient notice and an opportunity to contest the decision before DHS, and that further review before EOIR is unnecessary. *See* 90 FR 27451–55. Under the IFR, a DHS immigration officer must issue a written decision that sets forth the statutory and factual basis for the penalty and informs the alien of the requirements and deadlines for filing an appeal. *See Mullane* v. *Cent. Hanover Bank & Tr. Co.,* 339 U.S. 306, 314 (1950) (stating

[14] The Departments determined that such appeal should take place before DHS, and not the BIA, given the straightforward and readily determinable requirements for imposing and enforcing such penalties based on information within DHS's and the alien's possession. 90 FR 27444.

that notice under due process must be of a sufficient nature as to reasonably convey the required information). The revised appeal process also preserves an alien's opportunity to contest a civil penalty. Under the IFR's procedures, the alien has 15 business days to appeal using the DHS-developed Form 281, *Notice and Violation of Order,* and a supervisory immigration officer who did not issue the initial decision will review the record de novo and may request additional evidence before making a final determination. *See* 90 FR 27452–54.

As explained in the IFR and in response to comments in Section III of this preamble, the Departments believe that additional procedures, beyond those contained in the IFR, would not enhance the accuracy, fairness, or reliability of the process given the straightforward nature of these penalties and the limited grounds that an alien may have to contest them. *See id.* Thus, for the reasons discussed in the IFR and in response to comments in Section III of this preamble, the Departments believe that the revised procedure preserves an alien's ability to contest the fine while better ensuring that the BIA does not unnecessarily expend resources in areas where DHS is better positioned to review such determinations, and that DHS can reach final decisions efficiently and apply these statutory penalties swiftly and at the scale necessary to address the large number of aliens who have entered or remain unlawfully in the United States. Accordingly, after carefully considering comments received on the IFR, the Departments are finalizing this rule with one change discussed in more detail below to account for U.S. postal delays.

B. The Departments' Experience With the IFR

The IFR is working as intended. As a result of the IFR, DHS has been able to issue a significantly greater number of civil penalties compared to the pre-IFR process under 8 CFR part 280. From March 26, 2025, through June 26, 2025, ICE issued 12,135 civil penalties under the pre-IFR process.[15] From June 27, 2025, after the IFR took effect, through September 14, 2026, ICE issued approximately 110,000 failure to depart civil penalties, and CBP issued an additional 66,000 civil penalties for unlawful entry. Thus, DHS increased the number of civil penalties issued from approximately 930 per week under the pre-IFR process to nearly 2,800 per week under the IFR process.[16] Accordingly, the IFR has allowed DHS to impose more civil penalties more quickly on a greater scale, while retaining procedural safeguards designed to promote accurate penalty assessments without diverting resources away from border security, and the apprehension, detention, and removal of aliens who have violated our immigration laws.

Second, DHS's robust use of civil penalties appears to be shifting incentives for aliens with removal and departure orders who might otherwise remain unlawfully in the United States. DHS data indicates that over 82,000 aliens with removal orders and voluntary departures orders have self-departed from the United States since DHS began issuing civil penalties in March 2025 through September 14, 2026.[17] In that same period, over 7,700 aliens have self-departed after receiving a civil penalty.[18] Further, the number of aliens with removal orders or voluntary departure orders who have self-departed since the IFR took effect has increased significantly, as has the number of aliens who have departed after receiving a civil penalty. In the pre-IFR period from March 26, 2025, through June 26, 2025, approximately 8,600 aliens with removal or voluntary departure orders self-departed, and approximately 540 aliens self-departed the United States after receiving a civil penalty during this period.[19] In the post-IFR period from June 27, 2025, through September 14, 2026, over 74,000 aliens with removal orders or voluntary departure orders self-departed in total, and approximately 7,180 aliens self-departed after receiving a civil penalty during this period. This data indicates that DHS's robust use of civil penalties, as facilitated by the IFR's streamlined procedures, is encouraging illegally present aliens to depart the United States on their own, consistent with the IFR's objectives.

Finally, DHS's experience implementing the civil penalties covered by this rule since March 26, 2025, confirms that many pre-IFR procedures were unnecessary and that the IFR's procedures provide a meaningful opportunity to contest penalties believed to be erroneous without unnecessarily diverting BIA resources away from adjudicating its existing pending caseload to conduct review better addressed by DHS. As discussed above, the IFR shortens the appeal period, eliminates in-person interviews, and shifts appeals from the BIA to DHS. DHS data support these changes:

- Under the pre-IFR process, aliens filed written answers pursuant to 8 CFR 280.12 contesting failure to depart penalties for only 222 of the 12,135 notices of intent to fine that ICE issued, a less than 2 percent appeal rate. Under the post-IFR process through September 10, 2026, aliens appealed failure to depart civil penalties in 3,072 cases of the approximately 110,000 penalties that ICE issued between June 27, 2025, through September 14, 2026, a nearly 3 percent appeal rate. The appeal rate has therefore increased under the post-IFR process.[20]
- Only 4 aliens requested an in-person interview out of the 222 penalty notices that aliens contested under the pre-IFR process, indicating that in-person interviews are generally unnecessary and that aliens can adequately contest these decisions through written submissions based on information in the alien's possession.
- Under the pre-IFR process, only 44 aliens appealed DHS's penalty decision to the BIA under 8 CFR part 1003, further supporting the Departments' assessment that the legal issues associated with these penalties are relatively straightforward and appeals can be handled by DHS. As of September 10, 2026, the BIA has issued only two decisions in these appeals, including a published decision which

[15] *See* Office of Homeland Security Statistics analysis of Alien Departures by Civil Fine, DHS Enforcement, and EOIR Case Outcomes (Oct. 7, 2026).

[16] *Id.*

[17] *Id.* For the purpose of this analysis, the term self-departure includes the sum of confirmed departures without involvement of DHS enforcement or without DHS expense including ICE-assisted repatriations at the alien's own expense and OFO repatriations. It also includes observed departures of aliens who have voluntarily departed with financial support from the U.S. Government through the CBP Home program. *See* Proclamation 10935, 90 FR 20357 (establishing Project Homecoming and directing DHS to establish a seamless process for illegal aliens to depart the United States including through the CBP Home program); *see also* DHS Fact Sheet, CBP Home: Assistance to Voluntarily Self-Deport (Sept. 1, 2026), *https://www.dhs.gov/cbphome* [*https://perma.cc/PWQ2-W6ZJ*] (explaining CBP Home app and departure incentives available to aliens who use the app to voluntarily self-depart). The count of departures without DHS assistance may be under-inclusive because, as explained in the IFR, DHS does not maintain comprehensive departure records for all aliens, particularly those who depart across the southern or northern land border without informing DHS. *See* 90 FR 27443, n.17.

[18] *Id.*

[19] *Id.*

[20] Prior to the IFR, CBP did not issue any penalties for unlawful entry under INA 275(b), 8 U.S.C. 1325(b). Thus, the comparison between pre-IFR and post-IFR appeals is limited to the failure to depart penalties under INA 240B(d), 8 U.S.C. 1229c(d) and INA 274D, 8 U.S.C. 1324d. Further, as discussed throughout this preamble, the Departments believe that very few aliens have grounds to appeal unlawful entry penalties issued under INA 275(b), 8 U.S.C. 1325(b), given the even more straightforward nature of those penalties.

upheld the civil penalty.[21] This further supports the Departments' decision to eliminate BIA review in favor of an internal DHS appeal process given the lengthy BIA adjudication timeframes.

• Aliens have successfully contested penalty decisions under the post-IFR processes. Of the appeals that DHS has adjudicated under the post-IFR process, aliens prevailed in 25 percent of the cases. This clearly demonstrates that the IFR's appeal process is meaningful, and DHS can adjudicate these penalties fairly without the need for the BIA's review.

These results support the Departments' conclusion that the IFR's streamlined procedures provide appropriate protections while allowing DHS to apply statutory penalties efficiently and at scale. DHS believes there have been fewer appeals to fines issued under 8 CFR part 281, as compared to 8 CFR part 280, because of the straightforward determinations of fact associated with fines under part 281. Additionally, the appeal process under 8 CFR part 281 discourages frivolous or non-meritorious appeals, focusing resources on cases with substantive claims.

II. Statutory Authority

The Attorney General and Secretary of Homeland Security issue this joint final rule pursuant to their respective authorities. The Homeland Security Act of 2002 (''HSA''), Public Law 107–296, 116 Stat. 2135, as amended, transferred to the Secretary many functions previously exercised by the former INS in implementing and enforcing Federal immigration law. The INA, as amended, charges the Secretary ''with the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens.'' INA 103(a)(1); 8 U.S.C. 1103(a)(1). It authorizes the Secretary to take actions ''necessary for carrying out'' that responsibility. INA 103(a)(3); 8 U.S.C. 1103(a)(3). As relevant here, the INA and HSA now authorize the Secretary to impose most civil monetary penalties under the INA, including those set forth in INA 240B(d), 274D(a), and 275(b); 8 U.S.C. 1229c(d), 1324d(a), and 1325(b). *See* INA 103(a)(1); 8 U.S.C. 1103(a)(1) (reposing in the Secretary the authority to administer and enforce the immigration laws except as expressly reserved to the President, Attorney General, or Secretary of State) and HSA 402(3), 6 U.S.C. 202(3) (charging the Secretary with carrying out the immigration enforcement functions vested by statute in, or performed by, the Commissioner of the former INS).

Within DHS, the HSA allocated immigration functions and responsibilities to CBP, ICE, and U.S. Citizenship and Immigration Services (''USCIS''). *See* HSA 411, 6 U.S.C. 211 (CBP); HSA 442, 6 U.S.C. 252 (ICE); HSA 451, 6 U.S.C. 271 (USCIS). ICE is generally responsible for interior immigration enforcement, and CBP is generally responsible for immigration enforcement at ports of entry and along the United States border. Both components have authority to administer civil monetary penalties relating to certain violations of immigration law and Immigration Court orders, including penalties authorized under INA 240B(d), 274(D)(a), and 275(b). *See, e.g.,* 8 CFR part 280.

The Secretary may delegate or re-delegate any authority vested in DHS under the immigration laws to any DHS officer, official, or employee, including by successive delegations. See INA 103(a)(4), 8 U.S.C. 1103(a)(4); 8 CFR 2.1; *Authority of the Secretary of Homeland Security; Immigration Laws,* 68 FR 10922 (Mar. 6, 2003). The Secretary may delegate his authority in any manner he chooses, including by regulation, memorandum, directive, or other method. 8 CFR 2.1. In addition, HSA 102(a)(3), 6 U.S.C. 112(a)(3), vests all functions of DHS officers, employees, and organizational units in the Secretary.

The HSA retains in DOJ, under the direction of the Attorney General, the functions of EOIR. *See* HSA 1101, 6 U.S.C. 521, INA 103(g)(1), 8 U.S.C. 1103(g)(1). Immigration Judges within EOIR conduct section 240 removal proceedings and have authority to issue removal orders or grant voluntary departure. *See* INA 240, 240B, 8 U.S.C. 1229a, 1229b. The INA further provides that the Attorney General's determinations on questions of law ''shall be controlling.'' INA 103(a)(1), 8 U.S.C. 1103(a)(1). Nothing in this final rule alters EOIR's or the Attorney General's authority to conduct or review section 240 removal proceedings, including the issuance of removal orders or grants of voluntary departure.

DOJ participates in this rulemaking because, prior to the IFR, DOJ's regulations established BIA appellate jurisdiction over certain DHS-issued civil monetary penalties authorized under the INA, including those covered by this rulemaking. The IFR removed that appellate authority, which is finalized without further change in this rule. *See* 90 FR 27439, 27459. The INA does not require the BIA to review civil penalties, and nothing in the statute precludes the Attorney General from removing the BIA's appellate jurisdiction over civil monetary penalties imposed by another agency. To the contrary, INA 103(g)(1) and (g)(2), 8 U.S.C. 1103(g)(1)–(2), authorize the Attorney General to issue regulations necessary for carrying out EOIR's responsibilities and governing its adjudicatory structure. Consistent with that authority, through the IFR, DOJ amended its regulations to eliminate the BIA's appellate authority over these DHS-imposed penalties in order to focus EOIR's resources on its statutory functions.

This final rule addresses DHS procedures for imposing civil monetary penalties under INA 240B(d), 274D(a)(1), and 275(b), 8 U.S.C. 1229c(d), 1324d(a), and 1325(b). Those statutory provisions define the categories of aliens subject to civil penalties, establish penalty amounts, and authorize DHS to impose such penalties, but they do not prescribe procedures DHS must follow or require DOJ review of those penalties. Similarly, INA 280, 8 U.S.C. 1330, addresses the collection of civil monetary penalties but does not specify assessment procedures. Accordingly, the INA affords DHS discretion to adopt reasonable procedures for assessing and issuing civil monetary penalties. *See Vt. Yankee Nuclear Power Corp.* v. *Nat. Res. Def. Council,* Inc., 435 U.S. 519, 543 (1978) (''Absent constitutional constraints or extremely compelling circumstances the administrative agencies should be free to fashion their own rules of procedure and to pursue methods of inquiry capable of permitting them to discharge their multitudinous duties.'') (cleaned up).

III. Response to Public Comments on the IFR

The Departments received a total of 28 public comment submissions in response to the IFR. The Departments reviewed all the public comments received and have addressed relevant comments in this final rule, grouped by subject matter. While some commenters wrote that they supported the IFR, the vast majority of commenters opposed all or part of it.

A. General Support

Comment: Several commenters expressed overall support for the IFR. These commenters agreed with the use of civil monetary penalties to promote compliance with immigration laws. One commenter considered such civil penalties necessary to deter unlawful presence, encourage self-departure, and help offset the costs associated with

[21] *See Matter of R–P–L–,* 29 I&N Dec. 859 (BIA 2026).

enforcing immigration laws and carrying out removals. Another commenter recognized the government's interest in recovering some of the costs associated with removing aliens. A third commenter expressed general support for imposing civil monetary fines to strengthen overall immigration enforcement. Collectively, these comments broadly endorsed the IFR's underlying policy objective of streamlining the process for imposing civil monetary penalties on aliens subject to the violations addressed in this rule.

Response: The Departments agree that promoting compliance with the Nation's immigration laws and maintaining border security is critical, and this rule is a key part of DHS's efforts to use all statutorily available tools to help achieve those objectives consistent with the Administration's policies and priorities while also allowing EOIR to focus time and resources on completing cases that are more aligned with its statutory authorities. *See* 90 FR 8445–55. Specifically, the unprecedented number of aliens entering and remaining in the country illegally, in recent years necessitates this rule. *See* 90 FR 27442 (quoting 90 FR 8443). Congress has authorized DHS to impose civil monetary penalties on aliens who unlawfully enter the United States and those who remain after a final removal or voluntary departure order. *See* 90 FR 27439–41. As explained in the IFR, this rule allows DHS to preserve due process while more efficiently imposing a greater number of these civil penalties on the aliens subject to them. 90 FR 27442. The Departments believe that this effort will, in turn, encourage greater compliance with removal and voluntary departure orders and discourage future unlawful entries. *Id.*

B. General Opposition

1. Impacts on Aliens, Families, Businesses, and Communities

Comment: Many commenters opposed the IFR, asserting that it will negatively impact aliens and their families. One commenter stated that the aliens impacted by this rule could face steep civil monetary fines in excess of $1,000,000, causing significant financial distress for them and their families. Other commenters echoed this point, stating that the rule creates a substantial financial burden on aliens, and specifically viewed as particularly egregious the fine of $998-per-day for willful failure or refusal to depart after a final removal order and certain other proscribed activities. One commenter said the IFR directly harms U.S. citizens and lawful permanent residents because many aliens subject to these civil monetary fines are parents and spouses of U.S. citizens and permanent residents. They characterized these fines as ''economically catastrophic for the entire household'' resulting in ''eviction, bankruptcy, or forced separation.'' This commenter also noted that aliens who fail to pay the assessed penalties may be subject to additional consequences including garnished wages, seizure of assets including homes and vehicles, and long-term financial ruin.

Another commenter reiterated this point and additionally noted the potential confiscation of savings and vehicles and imposed additional financial planning burden and financial uncertainty. This commenter claimed that the Departments' conclusion that the IFR aligns with due process was arbitrary and capricious. The commenter said that the IFR arbitrarily characterized these penalties as ''modest,'' and claimed the Departments overlooked case law recognizing heightened due process interests when the government seizes homes, confiscates savings, and imposes fines that result in significant economic impacts on families. Given the substantial penalty amounts and the collateral consequences that can result if an alien fails to pay, the commenter argued that the IFR's procedures are constitutionally inadequate.

Response: As an initial point, Congress, not the Departments, has defined both the types of violations and the monetary range for the civil penalties covered by the IFR and this rule. These penalties and their amounts reflect Congress's judgment that the conduct involved—an alien's unlawful entry and failure to depart after a removal or voluntary departure order—is serious, and in some cases substantial civil fines are necessary to encourage aliens to comply with the immigration laws. *See* 90 FR 27439–40. This rule does not expand the scope of these penalties, nor their minimum or maximum dollar amounts. Furthermore, the immigration consequences for failing to depart or unlawful entry flow from the underlying immigration violation, not from the failure to pay the assessed civil monetary penalties. This rule merely streamlines the process that DHS applies when imposing civil penalties that Congress has already authorized DHS to impose. Therefore, to the extent that commenters are objecting to these civil monetary penalties and the amounts authorized by Congress, such concerns are outside of the scope of this rulemaking.

DHS often assesses the maximum penalty amount to fulfill the enforcement and deterrent objectives of the statute, as intended by Congress. These amounts are also consistent with the enforcement priorities of the Administration, as reflected in recent Executive Orders. *See* 90 FR 8443, 8443–45; 90 FR 8467, 8467. However, the Departments note that, in the voluntary departure context, immigration officers follow the civil penalty amounts that will continue to be set by EOIR. *See* 8 CFR 1240.26(*l*).

The Departments disagree with commenters' arguments that DHS should not streamline the process for imposing these civil penalties because of the burdens the penalties create for aliens and their families. The Departments acknowledge these concerns but note that financial, emotional, and family burdens are also an inherent consequence of removal based on an alien's violation of the Nation's immigration laws. *See e.g., Moctezuma-Reyes* v. *Garland,* 124 F.4th 416, 423 (6th Cir. 2024) (''[F]inancial and emotional strains are the typical results of removal; they aren't rare''); *see also Matter of Pilch,* 21 I&N Dec. 627, 631 (BIA 1996) (''[E]motional hardship caused by severing family and community ties is a common result of deportation''). The most substantial civil fines apply only to aliens who have been ordered removed or granted voluntary departure after the conclusion of immigration proceedings. These aliens have been warned of the consequences for failing to comply with the removal or departure order but have willfully ignored their departure obligations. In these circumstances, the Departments do not believe that it is unfair to impose substantial civil penalties that Congress has authorized for these violations even though it may cause additional burdens and hardships on aliens and their families.

To help alleviate the financial burden of civil penalties and incentivize compliance, DHS has announced it will reopen and rescind most outstanding civil penalties when an alien uses the CBP Home app to voluntarily self-depart the United States.[22] This option allows aliens to avoid the civil penalties and attendant consequences that commenters have noted. The

[22] DHS, *DHS Announces It Will Forgive Failure to Depart Fines for Illegal Aliens who Self-Deport Through the CBP Home App* (June 9, 2025), *https://www.dhs.gov/news/2025/06/09/*dhs-announces-it-will-forgive-failure-depart-fines-illegal-aliens-who-self-deport [*https://perma.cc/8RBN-PACA*]. *See* Presidential Proclamation 10935, *Establishing Project Homecoming,* 90 FR 20357 (May 9, 2025); 90 FR 27442.

Departments recognize that an alien's choice to exercise this option may still impose significant personal and family hardships, including to U.S. citizen or lawful permanent family members, but the Departments note that these hardships are an inherent consequence of a removal order and are compounded by the alien's willful failure to depart when that order became final and executable. *See Morales-Izquierdo* v. *DHS,* 600 F.3d 1076, 1091 (9th Cir. 2010) (rejecting argument that ''an illegal alien with United States citizen family members cannot be removed'' because such a proposition ''would radically alter the status quo of our immigration law''). Additionally, the Departments believe that permitting removable aliens to remain in the United States would undermine immigration enforcement, the integrity of the Nation's immigration laws, American communities, and public safety.[23]

Regarding commenters' concerns that aliens may face collateral consequences if they fail to take advantage of this off-ramp and further fail to pay these civil fines, the Departments note that the IFR and this final rule do not authorize the confiscation of savings, garnished wages, or the seizure of assets. Rather, separate statutes and regulations govern the U.S. Government's debt collection activities and remedies, which are outside the scope of this rule. However, the Departments note that only DOJ's Civil Division or another authorized litigating component of DOJ, not EOIR and DHS, have authority to obtain a judgment on a debt owed to the United States. *See* 31 CFR 904.1–904.4. DOJ's Civil Division or another authorized litigating component must bring an action in federal court to obtain a judgment and pursue any lien against assets or confiscation of savings, and the alien has an opportunity to request a federal court hearing on the enforceability of the debt. *See, e.g.,* 28 U.S.C. 3002(3)(B), 3101(d)(1), (d)(2). This provides due process before the U.S. Government seeks to obtain a judgment on an uncollected debt and before it can confiscate an alien's property or savings. Accordingly, nothing in this rule deprives an alien of the ability to challenge the imposition of particular civil penalty assessments or collection methods that the alien regards as disproportionate, excessive, or in violation of due process during a federal court hearing.

Finally, the Departments disagree that the IFR's due process analysis fails to consider the full magnitude of the departure penalties and the collateral consequences that could result, should an alien remain in the United States and fail to pay the civil monetary penalty. As an initial matter, contrary to one commenter's claim, the Departments did not characterize the penalties covered by this rule as ''modest.'' Rather, the IFR used that term to contrast the penalty amounts associated with the unlawful entry and voluntary departure order penalties and the per diem fines Congress has authorized DHS to impose on aliens who willfully remain in the United States for many years after a removal order. *See* 90 FR 27541.

The Departments do, however, acknowledge that the per diem civil penalties can result in substantial fines, including sums of over one million dollars in certain cases, and that these amounts could impose significant economic and emotional burdens on aliens and their families. The Departments also note that DHS will cancel most outstanding penalties when an alien uses the CBP Home app to depart the United States, as discussed above. Similarly, the Departments acknowledge the collateral consequences that could result if an alien fails to pay a civil penalty or depart the United States, but the Departments reiterate that this rule does not authorize DHS or EOIR to seize an alien's property, garnish wages, or confiscate savings. That authority rests with DOJ's Civil Division or another litigating component, and the alien would be able to challenge any action in court before any deprivation occurs.

The Departments, however, also have a weighty interest in ensuring that DHS can impose statutorily authorized civil monetary penalties efficiently and at scale to create greater incentives for aliens to comply with final removal orders and to impose timely consequences on those who do not. As the Departments explained in the IFR and Section II of this preamble, the need for this rule is demonstrated by the sheer number of aliens in the United States with final removal orders and the risk that, without additional action, a significant number of the millions of aliens currently in Immigration Court proceedings may be encouraged to simply ignore final decisions ordering their removal. *See* 90 FR 27445. An alien's failure to comply with a removal order risks undermining the overall integrity of the immigration laws and processes and imposes significant enforcement costs on DHS. *Id; see also* Section II of this preamble.

On balance, the Departments believe that the IFR's streamlined civil monetary penalty procedures strike an appropriate balance between: (1) increasing DHS's ability to impose statutorily authorized civil penalties quickly against aliens who have willfully failed to comply with removal orders and (2) protecting an alien's interest in ensuring that he or she has a meaningful opportunity to contest any civil penalty that DHS may have issued erroneously. Based on its experience, DHS believes that the risk of imposing these civil fines in error is low given the straightforward nature of these civil penalty determinations, and that the IFR's procedures provide sufficient due process to aliens who contest these penalties. *See* 90 FR 27451–54.

Comment: Commenters claimed that these penalties will harm businesses and communities. One commenter stated that many aliens targeted by this IFR pay taxes and work in ''essential'' sectors such as agriculture, healthcare, and construction. Another commenter claimed that the threat of high civil penalties will increase fear in communities and push people into hiding. The commenter claimed that the high penalties would reduce enrollment in schools and healthcare, and deter victims and witnesses from reporting crimes, thereby harming public safety and communities. Given these claimed impacts, commenters argued that the Departments should rescind the IFR.

Response: The Departments do not dispute the contributions of lawful immigrants to United States businesses and communities. The purpose of the IFR and this rule, however, is not to harm businesses or communities but to allow DHS to more efficiently impose these statutorily authorized civil monetary penalties on the large number of aliens who violate the Nation's immigration laws by entering or remaining in the country unlawfully. Congress has authorized DHS to impose civil penalties for these violations and did not create exceptions for aliens who pay taxes, work in ''essential sectors'', or otherwise ''contribute'' to communities. An alien's engagement in these activities does not absolve him or her from complying with the immigration laws. Moreover, the Departments note that, with limited exceptions, Congress has not authorized

[23] *See* 90 FR 47445–46 (discussing how an alien's failure to depart has serious consequences for immigration enforcement and the adjudication of immigration cases); *see also* E.O. 14159, 90 FR 8443, 8444–45 (Jan. 20, 2025). (''enforcing our Nation's immigration laws is critically important to the national security and public safety of the United States''); Presidential Proclamation 10935, 90 FR 20357 (May 9, 2025) (''The continued presence of illegal aliens in our Nation forces American taxpayers to bear a tremendous fiscal burden to support them, including through costs related to healthcare, food stamps, public housing, emergency services, education, and shelter, as well as the costs of crimes committed by illegal aliens.'').

aliens with final executable removal and voluntary departure orders to work in the United States. INA 241(a)(7), 8 U.S.C. 1231(a)(7). Therefore, the Departments decline to rescind the IFR based on commenters' speculation that its procedures for imposing penalties on aliens will indirectly ''harm'' businesses or essential sectors. Further, the Departments believe that any such indirect impact that the penalties themselves may have on businesses would be outweighed by their benefits, including benefits to border security, public safety, immigration enforcement, and the integrity of the immigration laws. *See* 90 FR 27445–46; Section II of this preamble; *see also* 90 FR 8444–45.

Regarding comments related to the IFR's potential effects on the willingness of aliens to report crimes, while DHS does not dispute that illegal aliens might be less willing to report a crime, DHS cannot reliably estimate this rule's speculative impact on local policing, especially considering that this rule merely provides procedures for issuing civil fines that are authorized by statute. For similar reasons, the Departments decline to rescind the IFR based on other speculative community-level effects described by some commenters. Commenters provided no support for their belief that the revised civil penalty procedures will discourage eligible individuals from accessing education, healthcare, or other community services, or otherwise disengaging from their communities. The Departments believe that any such indirect impacts are also outweighed by this rule's potential benefits, including benefits to border security, public safety, immigration enforcement, and the integrity of the immigration laws.

2. Impacts on Specific Populations

Comment: Commenters broadly suggested that the IFR will have a disproportionate impact on vulnerable groups such as minors, aliens with limited English proficiency, and aliens fleeing hardships and lacking sufficient funds for legal representation. Commenters asserted that such aliens may face barriers in understanding or responding to civil monetary penalties within the prescribed timeframes and that the imposition of fines could create additional hardship or deter some from challenging these penalties altogether. One commenter expressed particular concern about aliens subject to domestic violence and human trafficking. The commenter explained that these aliens may be eligible for immigration relief based on this harm, but large civil fines may impose a barrier to escaping these situations and obtaining such relief. Collectively, these commenters suggested that the IFR's streamlined penalty process, including its deadlines, should not apply to these groups.

Response: The procedures established by the IFR are designed to ensure efficiency in assessing civil penalties authorized by the INA, while maintaining the due process protections required by law. *See* 90 FR 27451–53. The rule does not alter eligibility for immigration benefits or relief available under other provisions of the INA, including protection for victims of trafficking or domestic violence, nor does it limit the Departments' existing discretion to consider individual circumstances consistent with applicable statutes and regulations. Moreover, ICE's guidance to immigration officers instructs that aliens with approved (or in some cases tentatively approved) applications for VAWA protections, T-visas, and U-visas for aliens who are victims of human trafficking or certain crimes should not be issued a civil fine. DHS also notes that nothing in this rule prevents immigration officers from exercising discretion in individual cases to not issue a civil monetary penalty if DHS is aware of such circumstances.

Moreover, the Departments reject commenters arguments that the IFR's procedures would have a singular impact on non-English speakers or aliens who are unrepresented, low-income, or unfamiliar with the law. First, the Departments note that all immigration documents issued to aliens by DHS, and all orders, decisions, and notices issued by EOIR—including written removal and voluntary departure orders—are in English.[24] Therefore, the Departments do not believe that civil penalty decisions issued in English raise any inherent fairness concerns for non-English speakers, as a reasonable recipient would be on notice that further inquiry is required. *See, e.g., Lopez* v. *Garland,* 990 F.3d 1000, 1003 (6th Cir. 2021) (recognizing that English language notice typically satisfies due process because it alerts the alien to make further inquiry and seek help with any language barrier); *see also Ojeda-Calderon* v. *Holder,* 726 F.3d 669, 675 (5th Cir. 2013) (citing *Nazarova* v. *INS,* 171 F.3d 478, 483 (7th Cir. 1999)) (explaining due process does not require notices to be in a language the alien can understand).

Second, the IFR's procedures provide all aliens with a fair opportunity to contest civil penalties. The penalty decision itself provides aliens with notice, in plain language about why the alien is subject to a civil penalty, *see* 90 FR 27449, and the Departments reiterate that Immigration Judges have already warned aliens subject to the failure to depart penalties about the consequences of failing to comply with removal and departure orders. *See* Section II of this preamble. The penalty decision also explains, in plain language, what an alien must do to contest the penalty. *See* 90 FR 27449. Indeed, the penalty decision, DHS Form 281, *Notice of Violation and Order,* contains a textbox that the alien can use to indicate that he or she is contesting the penalty decision and to provide a brief statement of reasons for the appeal. Moreover, the IFR simplifies regulatory requirements to trigger an appeal compared to the former process at 8 CFR part 280 that applies when an alien responds to a NIF. *See* 8 CFR 280.12 (requiring written answers responding to civil penalties to be filed under oath and in triplicate). Finally, under the IFR, an alien's appeal suffices to trigger mandatory de novo supervisory review. *See* 8 CFR 281.1(e)(2). In these circumstances, the Departments disagree with commenters' speculative concerns that the IFR's procedures unfairly disadvantage non-English speakers and unrepresented aliens with limited financial means. With regard to commenters' concerns about minors, DHS notes that ICE guidance to immigration officers is that such penalties should not be issued to minors without exceptions.

Comment: One commenter claimed that the IFR is particularly harmful to aliens seeking asylum or protection at the border. The commenter stated that, as a result of this IFR, these aliens will now be charged a civil fine, which the commenter characterizes as an erosion of their right to seek asylum, particularly when paired with other policies limiting asylum at the border.

Response: This rule does not alter or limit any statutory or regulatory right to apply for asylum or related protections under the INA or the regulations implementing U.S. obligations under the CAT. It does not create new grounds of inadmissibility, deportability, or ineligibility for relief or protection, and

[24] All EOIR forms are written in English with instructions for select forms available in other languages. *See EOIR, Forms & Fees* (last visited Oct. 6, 2026), *https://www.justice.gov/eoir/eoir-forms* [*https://perma.cc/G5PY-WDY*]; *USCIS, All Forms* (last visited May 29, 2026), *https://www.uscis.gov/forms/all-forms* [*https://perma.cc/J8A6-UASE*]. Regulations require that all documents filed with the EOIR Immigration Courts must also be in the English language or accompanied by a certified English translation. *See* 8 CFR 1003.33, 1003.23(b)(1)(i). DHS regulations also contain English-language requirements. *E.g.,* 8 CFR 103.2(b)(3), 204.1(f)(2).

it does not authorize the imposition of penalties based solely on the act of seeking asylum or protection. Rather, the IFR streamlines the process for assessing statutorily authorized civil penalties against aliens who violate immigration laws by entering the United States unlawfully, irrespective of their purpose for doing so. The statute does not create an exception for those who enter the United States unlawfully for the purpose of seeking asylum or related protection. Aliens who present themselves at a port of entry to seek asylum or other related protection are not subject to civil penalties under this rule.

3. Discrimination and Value-Based Considerations

Comment: Several commenters characterized the IFR as inconsistent with U.S. values and traditions, describing the IFR as ''un-American,'' ''unjust,'' and ''contrary to national values.'' One commenter characterized the IFR as designed to ''punish'' people trying to navigate the ''labyrinthian immigration system.'' One commenter suggested that the IFR was promulgated for a pretextual political purpose rather than a legitimate administrative one. The commenter argued that the IFR punishes aliens rather than deterring violations and improving compliance with removal obligations or upholding statutory requirements. Commenters generally suggested that the Administration should pursue policies that focus on humane and fair immigration policies, rather than punitive ones.

Response: The Departments categorically reject commenters' characterization of this rule as inhumane, ''un-American,'' ''unjust,'' or ''contrary to national values.'' The United States is a nation of immigrants and a nation of laws. DHS is charged with administering and enforcing those laws, but the number of illegal aliens in the United States who are subject to final removal orders has outpaced DHS's enforcement resources. *See* 90 FR 27445; *see also* Section II of this preamble. Further, EOIR statistics indicate that there are over 3.4 million pending Immigration Court proceedings as of the third quarter of FY 2026.[25] When completed, these cases may result in a substantial number of additional removal orders against aliens, and without additional action there is a risk that many of these aliens may remain in the United States unlawfully. Further, although this Administration has made great strides to secure the southern border, DHS is committed to maintaining operational control of the border to ensure that DHS has sufficient resources to address the public safety and national security threats that arise constantly at the border.[26]

The Departments believe that these circumstances warrant additional action consistent with this Administration's direction to use all available statutory immigration enforcement tools including civil penalties. *See* 90 FR 27445–46 and Section II of this preamble; *see also* 90 FR 8444–45. Congress has authorized DHS to apply these penalties against aliens who are entering or attempting to enter the United States unlawfully and against aliens who have failed to comply with removal and departure orders. *See* 90 FR 27439–41. The enforcement of these statutory penalties is a legitimate and integral component of ensuring compliance with the Nation's immigration laws and maintaining the integrity of the immigration system. *See* 90 FR 27444–46. Indeed, the IFR is achieving this objective, as DHS has issued over 176,000 civil penalties under the IFR (compared to approximately 12,000 penalties issued under 8 CFR part 280). These penalties have encouraged greater compliance with removal and voluntary departure orders as evidenced by the nearly 82,000 aliens with removal orders and voluntary departure orders who have self-departed the United States after DHS began issuing civil penalties in March 2025, and the nearly 7,200 aliens who self-departed from the United States after receiving notice of a civil penalty issued under the IFR.[27]

Similarly, the Departments reject the claim that this rule is intended to dehumanize or punish people navigating the immigration system. DHS notes that these penalties generally are not imposed until after the aliens have completed immigration proceedings and received a determination that they are not authorized to remain in the United States. The IFR did not create new categories of violative conduct or expand the scope of existing penalties. Instead, it updated the procedural framework that applies to these statutorily authorized penalties to ensure that DHS can assess them efficiently against aliens who have failed to comply with the Nation's immigration laws. This framework allows DHS to avoid unnecessarily diverting resources from ICE's and CBP's missions to apprehend, detain, and remove aliens who have illegally entered and are unlawfully present. *See* 90 FR 27447. DHS remains committed to administering these authorities in a manner consistent with principles of due process, other statutory and regulatory requirements, and the Nation's longstanding values of fairness and respect for the rule of law.

Comment: One commenter claimed that the IFR is discriminatory because its streamlined penalty process applies only to aliens, while the Departments' regulations continue to provide additional procedural protections to companies that violate the immigration laws when they are faced with a fine. The commenter characterized the IFR as saying that the Departments cannot provide aliens with the same due process protections that they can afford companies like airline carriers because of the large number of fines that ICE has issued against aliens. The commenter claimed that this is a crisis of DHS's own making rather than a rational reason for distinguishing between aliens and companies when designing civil penalty procedures. The commenter further argues that the IFR is discriminatory because other regulations require the Departments to consider mitigating circumstances when imposing penalties on employers and companies that violate immigration laws, but the IFR does not afford aliens the same treatment or allow them to seek mitigation.

Response: The Departments disagree with the commenter's assertion that the IFR is discriminatory because it establishes a streamlined penalty process for aliens but not for carriers. The IFR is not intended to favor carriers over aliens. It addresses an immediate enforcement need: deterring large numbers of aliens from entering the United States unlawfully and encouraging compliance with removal and departure orders.

As an initial matter, the Departments note that aliens and carriers are not similarly situated under the INA. Aliens are the direct subjects of removal and departure orders and are personally responsible for complying with those

[25] *See* EOIR Workload & Adjudication Statistics, *Pending Cases, New Cases, and Total Completions* (July 31, 2026), *https://www.justice.gov/eoir/media/1344791/dl?inline* [*https://perma.cc/B2AW-2QYD*]. EOIR statistics reported 3,469, 569 pending cases as of FY 2026 (Third Quarter). The term ''pending cases'' includes all uncompleted cases in removal, deportation, exclusion, asylum-only, and withholding-only proceedings.

[26] *See Finding of Mass Influx,* 90 FR 45396 (Sept. 22, 2025) (explaining the impact on DHS resources and the public safety and national security concerns that result when there is an influx of aliens arriving at the border and entering or attempting to enter illegally).

[27] *See* Office of Homeland Security Statistics analysis of Alien Departures by Civil Fine, DHS Enforcement, and EOIR Case Outcomes (Oct. 7, 2026).

orders, if not removed by ICE. They receive an opportunity for a full and fair hearing during section 240 removal proceedings, including an opportunity to contest removability and seek relief.[28] When an alien fails to comply with a removal or departure order after such proceedings, that violation directly undermines the orderly administration of the immigration system and the integrity of the immigration laws. By contrast, carriers are regulated third parties that frequently transport passengers, including aliens, into the United States, but are not directly responsible for an alien's independent decision to violate the Nation's immigration laws. Rather, their obligations are tailored to their role as carriers, arising from statutory and regulatory requirements to verify the travel documents of passengers seeking to travel to the United States, such as those in INA 273(a), 8 U.S.C. 1323(a). Noncompliance by carriers is addressed through a separate statutory provision, INA 273, 8 U.S.C. 1323, through a long-standing regime of inspections, penalties, and cooperative compliance measures with CBP tailored to entities engaged in international transportation.

The IFR focused on streamlining the process for collection of penalties against aliens because DHS identified an urgent need to increase the scale of such penalties and facilitate more timely processing, as well as to reduce incentives to unlawfully enter the United States and to ignore removal and departure orders. 90 FR 27447–48; *see also* Section II of this preamble. The streamlined process is intended to allow DHS to issue penalties more quickly and at a volume necessary to promote compliance and deterrence. DHS did not identify a comparable, immediate need to revise the penalty process for carrier violations. 90 FR 27447.

For years, CBP has assessed civil monetary penalties against carriers for violations of their obligations under the immigration laws [29] and has routinely worked with carriers to improve compliance.[30] Carriers that operate regular transportation services into the United States already have strong incentives to verify passengers' travel documents to avoid substantial and repeated fines, as well as the costs of securing and returning inadmissible passengers.[31] These incentives are further reinforced by CBP programs and arrangements with carriers designed to strengthen document screening and compliance, including CBP's voluntary document validation program and memoranda of understanding under which civil penalties may be reduced if carriers submit to CBP review of their screening processes and demonstrate successful screening procedures, as described in INA section 273, 8 U.S.C. 1323 violations.[32]

As explained in the IFR, carrier fines also raise distinct considerations, including different grounds for violations and issues related to statutorily authorized mitigation procedures, that are not present for the alien-focused civil penalties covered by this rule. *See* 90 FR 27447–48. These factors can in some cases make carrier penalty processes more complex and less suitable for the streamlined procedures adopted in the IFR. In addition, the existing regulations in 8 CFR part 280 were designed initially for carrier fines, not for the alien-focused civil penalties covered by this rule. *See* 90 FR 27440–41; *see also National Fines Office,* 54 FR 18648 (May 2, 1989) (describing 8 CFR part 280 procedures as applying to ''violations of the [INA] by transportation companies''). The Departments concluded that addressing these carrier-specific issues in the IFR could have delayed action on the more pressing need to streamline penalties for aliens.

Quite simply, the IFR leaves the existing penalty framework for carriers intact while addressing a separate enforcement challenge related to aliens who unlawfully enter or remain in the United States in violation of the immigration laws. The Departments agree that it remains important to ensure that carriers comply with their obligations under immigration laws and that CBP can administer carrier penalties efficiently and effectively. Focusing this rulemaking on alien penalties does not preclude future consideration of whether changes to carrier penalty procedures may be warranted. The decision to address alien penalties first reflects prioritization based on pressing enforcement needs, not discrimination against aliens in favor of carriers. *See Ctr. for Biological Diversity* v. *EPA,* 722 F.3d 401, 409–10 (D.C. Cir. 2013) (quoting *City of Las Vegas* v. *Lujan,* 891 F.2d 927, 935 (D.C. Cir. 1989) (agencies may address problems in stages and ''treat a problem partially'' or regulate ''in a piecemeal fashion.''). The Departments therefore reject the claim that it is irrational or discriminatory to focus this rule on civil penalties against aliens without amending the procedures that apply to carriers.

For similar reasons, the Departments disagree with the commenter's claim that the need for streamlined procedures is a ''problem of DHS's own making,'' which, according to the commenter, was created by DHS's decision to issue large numbers of penalties against aliens. The Departments acknowledge that ICE rarely issued such fines prior to this Administration. As explained in the IFR, however, the Departments have determined that DHS must now use these penalties more robustly in light of the significant number of aliens who

[28] As noted in the IFR, under the INA, certain aliens can also be ordered removed by DHS with limited or no review by EOIR. *See* 90 FR 27740, n. 3 (discussing removal process outside of section 240 removal proceedings including expedited removal under INA 235(b)(1), 8 U.S.C. 1225(b)(1), reinstatement of a prior removal order under INA 241(a)(5), 8 U.S.C. 1231(a)(5), and administrative removal orders for certain non-permanent residents aliens who are aggravated felons under INA 238(b), 8 U.S.C. 1228(b)). As the IFR explained, however, aliens ordered removed through these processes generally must be detained, which reduces the likelihood of the alien's failure to depart. *Id.* Therefore, while applicable to all administratively final removal orders, the failure to depart civil monetary penalties are most relevant to aliens ordered removed through section 240 removal proceedings. *Id.*

[29] As discussed in the IFR, between October 1, 2022, and May 5, 2025, CBP initiated 1,428 carrier fines. 90 FR 27447; *see also Advanced Passenger Information System: Electronic Validation of Travel Documents,* 88 FR 7016, 7027 (Feb. 2, 2023) (noting that ''the average number of penalties issued annually between 2015 and 2019 was 415 and explaining that the number of civil penalties for the years 2020–2022 was affected by the COVID–19 global pandemic consistent with a decrease in arrivals).

[30] For example, CBP's carrier liaison program enhances border security by providing standardized training and assistance to international air carriers related to admissibility and fraudulent document detection. *See CBP Carrier Liaison Program, https://www.help.cbp.gov/s/article/Article-1664?language=en_US* [*https://perma.cc/F3NW-MFU6*] (Nov. 4, 2025). Additionally, CBP has established a process, first created by the legacy INS, for carriers to enter into a Memorandum of Understanding with CBP that results in automatic mitigation of carrier fines if the carrier agrees to certain conditions and the carrier demonstrates successful screening procedures by achieving satisfactory performance levels measured by the number of violations under INA 273, 8 U.S.C. 1323. *See Mitigation of Carrier Fines for Transporting Aliens Without Proper Documents; Modification of Memorandum of Understanding and Recalculation of Performance Levels To Measure Carrier Performance;* CBP Dec. 09–06, 75 FR 7616 (Feb. 22, 2010).

[31] *See* INA 273(c)–(e), 8 U.S.C. 1323(c)–(e). *See also Advanced Passenger Information System: Electronic Validation of Travel Documents,* 88 FR 7016, 7027 (Feb. 2, 2023) (noting that the cost of a penalty under INA 273, 8 U.S.C. 1323, and the cost of securing and transporting the passenger out of the United States, which amounts to about $10,000 for a single passenger).

[32] *See, e.g.,* 88 FR 7018, 7026 (discussing CBP's voluntary Document Validation Program, which allows CBP to vet travel document information submitted by carriers for passengers on international flights arriving in the United States prior to departure, and noting that, as a result of carrier participating in the program, 67 percent of commercial air passengers were covered by document validation as of FY 2021); *see also* CBP Dec. 09–06, 75 FR 7616 (Feb. 22, 2010).

have violated removal and departure orders and have unlawfully entered the country in recent years. 90 FR 27446–47. The increased use of penalties is intended to deter continued violations of the immigration laws and is consistent with this Administration's enforcement policies. Simply put, the IFR addresses the widespread failure by certain aliens to comply with the immigration laws and with removal or departure orders. The streamlined procedures in the IFR reflect a legitimate and rational interest in promoting timely and efficient enforcement against aliens who violate these laws. Congress provided these penalties and related authority in the INA; this rule merely modifies DHS's administration of collecting those penalties to implement that existing statutory authority more efficiently.

Finally, the streamlined procedures preserve the essential elements of due process for aliens. Aliens subject to these penalties continue to receive notice of the proposed penalty and an opportunity to seek review. Agencies may design procedures that take account of enforcement realities and deterrent effect, provided that the procedures preserve the core protections of meaningful notice and opportunity for a hearing. This rule maintains those protections while allowing DHS to more effectively enforce existing statutory penalties.

The Departments also disagree with the commenter's claims that the IFR discriminates against aliens in favor of companies because the IFR does not allow aliens to seek mitigation of civil penalties. The commenter's assertion overlooks that Congress established distinct statutory frameworks governing civil penalties imposed on employers and carriers, on the one hand, and the civil penalties at issue in this rule, on the other.

First, the commenter's reference to certain mitigating considerations for employer-related penalties under INA 274A, 8 U.S.C. 1324a, is misplaced. Congress has explicitly directed EOIR Administrative Law Judges (''ALJs'') to consider the ''mitigating'' factors cited by the commenter when imposing a civil penalty against an employer under INA 274A, 8 U.S.C. 1324a. *See* INA 274A(e)(5), 8 U.S.C. 1324a(e)(5). By contrast, the INA civil penalty provisions underlying this rule contain no comparable statutory requirement to consider mitigating factors. *Compare* INA 274A(e)(5), 8 U.S.C. 1324a(e)(5), *with* INA 240B(d)(1)(A), 274D(a)(1), *and* 275(b)(1), 8 U.S.C. 1229c(d)(1)(A), 1324d(a)(1), 1325(b)(1). The differing procedures therefore reflect differences Congress itself intended in these statutory schemes, not disparate treatment by the Departments, and the rule properly implements the procedures authorized for these distinct violations.

Second, the Departments disagree with the commenter's statement that ''an [alien's] right to seek mitigation'' has been curtailed under the IFR. The prior penalty process at 8 CFR part 280 did not provide all aliens subject to the civil penalties covered by this rule with a right to seek mitigation. Rather, 8 CFR 280.5 clarifies that an individual subject to a civil penalty covered by 8 CFR part 280 may only seek mitigation if it ''is authorized by the [INA].'' By statute, only certain individuals and entities subject to civil penalties covered by 8 CFR 280 are eligible to seek mitigation. For example, INA 273(e), 8 U.S.C. 1323(e), directs DHS to reduce, refund, or waive certain carrier penalties upon a showing of circumstances that would justify reduction, refund, or waiver. However, for the reasons discussed more fully in Section III.D.7 of this preamble, the INA does not authorize aliens to seek mitigation of the failure to depart and unlawful entry civil penalties. Accordingly, the Departments disagree that the aliens had a right to seek mitigation under 8 CFR part 280 and that this IFR denies them that right. For this reason, the Departments also disagree with the commenter that the IFR is facially discriminatory because it does not allow aliens to seek mitigation but preserves companies and corporations' ability to do so. Rather, the IFR merely implements Congress's choice. It is Congress, not the Departments, that has authorized carriers, companies, and employers to seek mitigation of certain immigration-related civil penalties, while not extending the same opportunity to aliens.

C. Justification and Need for the Rule

1. Nature of the Civil Fines

Comment: Several commenters took issue with the IFR's claim that the straightforward and readily verifiable nature of the failure to depart penalties supports the Departments' decision to streamline the underlying penalty process. 90 FR 27441–46. Commenters claimed that DHS has erroneously issued many civil fines over the past year under the prior penalty process, including to aliens with temporary or permanent immigration status and with an approved visa petition and related waiver request. A commenter also claimed that DHS has issued fines to aliens with pending motions seeking to reopen or rescind removal orders. One commenter claimed that their client received a NIF that incorrectly stated a voluntary departure order had been issued several years prior to the date of actual issuance. Another alleged that, based on their clients' experiences, DHS frequently does not use or seek out the relevant information to determine whether aliens are willfully evading a removal order, thus frequently making incorrect assessments of such civil monetary penalties. One commenter stated that DHS appears to be issuing these fines in bulk through an automated system, often based on incomplete or inaccurate records and without considering aliens' individual circumstances. Collectively, these commenters argued that the number of alleged errors seen in these fines contradict the IFR's assertion that these penalties are straightforward and readily verifiable and raise concerns that the number of errors will be even higher under the IFR's streamlined process.

Response: Civil penalties are issued based on the facts of an alien's case; an alien who chooses to appeal to DHS may present evidence relevant to their specific circumstances. Prior to issuing a failure to depart civil penalty, immigration officers verify there are no applications or actions pending litigation—including appeals, motions, and petitions for review (''PFRs'')—that would affect the finality of a removal order or allow the alien to lawfully remain in the United States. In the jurisdictions in which the filing of a PFR results in an automatic stay of removal, ICE generally will not issue the civil fine until there are no legal impediments to removal. Additionally, when calculating a fine under INA 274D, 8 U.S.C. 1324d, immigration officers account for any periods after the removal order became administratively final during which the alien was authorized to remain in the United States due to, for example, a stay of removal issued by EOIR, DHS, or a federal circuit court of appeals.

DHS rejects the claim that it is issuing these penalties in bulk through ''an automated system'' without a human verifying that there is a final executable removal order, and there are no legal impediments to removal. DHS further notes that aliens assessed a failure to depart civil penalty may raise on appeal any issues that purportedly affect the finality of the removal order, dates of issuance, or the alien's willfulness in failing to depart.

Finally, ICE acknowledges that, in some limited number of cases, it mistakenly issued penalties under the pre-IFR procedures in 8 CFR part 280.

However, ICE does not agree that the risk of such errors will increase under the more streamlined IFR procedures that this rule finalizes. The IFR was designed to simplify and speed up the process of issuing and finalizing ICE civil penalty decisions. It does not change ICE's process for deciding in the first place whether an alien is subject to a civil penalty. Moreover, as discussed above in Section II of this preamble, aliens have appealed civil penalties under both the pre-IFR and post-IFR procedures, albeit to different agencies, and have succeeded in having penalties set aside when issued in error at similar rates under both procedures. For these reasons, DHS continues to believe that the IFR provides aliens with sufficient opportunity to challenge a penalty they believe was issued in error and to have those penalties rescinded. The commenters' examples of errors in a limited number of individual cases under the pre-IFR process do not, on their face, call into question the adequacy of the IFR's process for error-correction. *See Mathews* v. *Eldridge,* 424 U.S. 319, 344 (1976) (finding that ''procedural due process rules are shaped by the risk of error inherent in the truth-finding process as applied to the generality of cases.'').

2. Compliance With Removal Orders

Comment: One commenter disagreed with the IFR's premise that increased use of civil penalties will deter immigration violations. Another commenter disagreed that the IFR would encourage individuals to comply with removal and departure orders through self-departure. The commenter stated that the IFR fails to account for the practical realities faced by many aliens who are unable to depart the United States, including aliens who cannot obtain travel documents because of the lack of U.S. consular relations with their home government and those who face dangers returning over land. According to the commenter, fining aliens who genuinely cannot depart is unjust and inconsistent with encouraging compliance with removal orders.

Response: The Departments disagree with commenters' claims that this rule will not encourage compliance with removal and departure orders through self-departure. In fact, since March 26, 2025, when DHS began issuing civil penalties, over 82,000 aliens with removal orders or voluntary departure orders have self-departed. DHS's ability to impose statutorily authorized civil penalties swiftly and in proportion to the large number of aliens with removal and departure orders is a critical part of DHS's efforts to encourage such aliens to depart the United States. Indeed, the IFR is achieving this objective, as DHS has issued approximately 176,000 fines under the IFR (compared to approximately 12,100 fines issued under 8 CFR part 280). These fines have encouraged greater compliance with removal and voluntary departure orders as evidenced by the over 7,700 illegal aliens who self-departed from the United States after receiving notice of a civil fine issued under the IFR. Moreover, DHS believes that these civil penalties are likely having a broader effect on encouraging compliance with removal orders as indicated by the total number of aliens with removal or voluntary departure orders who have self-departed the United States since DHS began issuing these penalties.

DHS disagrees that it failed to consider that certain aliens may face impediments to departing the United States, including aliens who cannot obtain travel documents through U.S. consular relations with their country of citizenship or nationality. When an alien remains in DHS custody, immigration officers help them obtain and complete the necessary paperwork, including assisting where possible with consulate interaction.[33] When an alien has been released on supervision, the alien must sign ICE Form 220B, attesting that he or she will assist DHS in obtaining necessary travel documents in the event that a final order of removal is issued.

DHS notes that aliens subject to a final order of removal who fail to timely depart the United States will be subject to civil penalties. Evidence that an alien has made a good faith attempt to obtain travel documents needed to timely depart is held by only aliens and DHS is not privy to this evidence until an alien presents it to DHS. During the appellate process, the alien or counsel may present evidence of the alien's inability to obtain travel documents due to no fault of his or her own. DHS officers retain the discretion to rescind civil penalties depending on the circumstances, such as a good-faith attempt to obtain travel documents. In addition, an alien need not depart to their country of citizenship or nationality; they need only depart the United States.

Moreover, as directed by the President, DHS has removed many impediments to an alien's ability to self-depart the United States. *See* 90 FR 8443. For example, DHS in partnership with the State Department is offering aliens free flights and providing travel document assistance to any non-criminal alien who uses the CBP Home app to indicate their intent to depart whether to their home country or a third country other than the United States. *See* DHS Press Release, *DHS Announces Historic Travel Assistance and Stipend for Voluntary Self-Deportation* (May 5, 2025), *https://dhs.gov/news/2025/05/05/dhs-announces-historic-travel-assistance-and-stipend-voluntary-self-deportation* [*https://perma.cc/8ST2-RHHP*]. Indeed, DHS data indicates that over 104,000 aliens have voluntarily departed the United States through this program since the IFR took effect on June 27, 2025 through September 14, 2026.[34]

Comment: Another commenter explained that pressuring aliens to depart the United States to avoid civil fines undermines their existing rights and forecloses eligibility for immigration relief. One commenter said that leaving during removal proceedings can result in the loss of the statutory right to a fair hearing before an Immigration Judge. These commenters argued that departing interrupts the continuous presence requirement for cancellation of removal, thereby depriving qualifying aliens of this form of relief. Similarly, a commenter stated that departing terminates an alien's pending application for adjustment of status, impacting eligibility for lawful permanent resident status. Commenters also noted that departure can trigger statutory re-entry bars, creating barriers to lawful return and future immigration benefits. In this regard, one commenter characterized the IFR's goal of incentivizing aliens to self-depart as a ''legal trap'' that deprives aliens of due process and access to immigration benefits while barring their reentry.

Response: The Departments acknowledge that an illegal alien's departure from the United States can trigger various immigration consequences. However, the Departments disagree with the claim that this rule, which uses civil penalties and the CBP Home application to encourage aliens to leave the United States, unfairly denies them access to Immigration Court proceedings or immigration relief. Rather, the penalties covered by this rule primarily apply to

[33] ICE notes that aliens in this situation could be subject to a range of options, including further detention, orders of supervision, removal to a third country, or in some cases, parole. These options do not grant the alien status in the United States and aliens remain subject to their final order of removal. 8 CFR 241.13.

[34] *See* Office of Homeland Security Statistics analysis of Alien Departures by Civil Fine, DHS Enforcement, and EOIR Case Outcomes (Oct. 7, 2026).

aliens who have already gone through Immigration Court proceedings, which have resulted in an order of removal or grant of voluntary departure, and have failed to depart as required after the conclusion of such proceedings. Thus, commenter concerns about the implications of an alien's departure on the outcome of removal proceedings are unfounded. Relatedly, concerns about impacts to continuous physical presence are equally unfounded. The alien would stop accruing continuous physical presence, at the latest, on the date that they were served with the Notice to Appear to implement the removal proceedings that resulted in a final order of removal or grant of voluntary departure, not the date that they departed after being notified that they are subject to civil fines and penalties. INA 240A, 8 U.S.C. 1229b(d)(1). Departures for reasons other than the imposition of civil fines and penalties that may take place prior to the commencement of, or during, an alien's removal proceedings are beyond the scope of this rulemaking.

Moreover, aliens who are subject to removal orders or have failed to comply with voluntary departure orders are generally not eligible for, or face significant barriers to obtaining, the forms of relief mentioned by commenters. Under INA 240B(d)(1)(B), 8 U.S.C. 1229(d)(1)(B), aliens who fail to comply with voluntary departure orders are generally ineligible, for a period of 10 years to seek cancellation of removal, adjustment of status, and other forms of relief. Furthermore, aliens under removal orders generally must reopen their removal proceedings to seek such immigration relief. However, the BIA has held that reopening is generally not justified for relief based on eligibility that arose after the removal order. *See Matter of H–Y–Z–*, 28 I&N Dec. 156, 161 (BIA 2020) (''[E]quities that were acquired while [an alien] remained illegally in the United States after being ordered removed . . . generally do not . . . warrant discretionary reopening''); *see also Matter of Yauri,* 25 I&N Dec. 103, 105 (BIA 2009) (''[U]ntimely motions to reopen to pursue . . . adjustment of status . . . will ordinarily be denied''). More broadly, aliens subject to final executable removal orders do not have a right to remain in the United States to apply for motions to reopen or potential immigration benefits and, in many instances, they do not even have a right to remain to pursue pending applications for immigration benefits or motions to reopen.[35] There may be limited circumstances where penalizable aliens can obtain the relief that the commenters mention. The number of cases in which an alien could obtain such relief in these circumstances is small, and civil penalties do not actually prevent aliens from applying for such relief. At most, it has an incidental deterrent impact on the alien, which is justified by the policies that the rule promotes. Therefore, the Departments disagree with commenters' claims that the IFR's goal of encouraging self-departure impermissibly deprives an alien of potential eligibility for immigration benefits or relief.

For similar reasons, the Departments also disagree with the claim that the IFR's goal of encouraging self-departure creates a ''legal trap'' for aliens who may become subject to reentry bars if they leave the United States. The Departments acknowledge that aliens who are subject to final removal orders or have accrued unlawful presence may be barred from re-admission to the United States for a certain number of years after departing. INA 212(a)(9), 8 U.S.C. 1182(a)(9). However, Congress did not intend for such consequences to excuse an illegal alien's continued presence in the United States. Enactment of these reentry bars plainly demonstrates that Congress intended immigration violations to carry significant consequences and did not view the possibility of future inadmissibility as a reason to excuse compliance with departure obligations. Accordingly, it is important for the Departments to faithfully carry out Congress's intent in a streamlined manner within the bounds of the law.

Moreover, the Departments note that relief may be available to certain aliens who are barred under these inadmissibility grounds if they later have a valid basis to re-enter the United States. *See* INA 212(a)(9)(A)(iii), 8 U.S.C. 1182(a)(9)(A)(iii) (exception to re-entry bar for certain aliens ordered removed who seek permission to re-enter); *see also* INA 212(a)(9)(B)(v), 8 U.S.C. 1182(a)(9)(B)(v) (waiver to unlawful presence bars for certain aliens).

Finally, to the extent that commenters are concerned about the impact of the unlawful entry civil monetary penalties, the Departments believe that concerns about aliens leaving the United States and abandoning removal hearings or benefits applications to avoid these specific penalties are speculative. The Departments do not believe that it is reasonable to assume that such aliens would abandon viable claims for relief or ongoing Immigration Court hearings given the more modest amount of these penalties.[36] *See* DHS, Press Release *DHS Announces It Will Forgive Failure to Depart Fines for Illegal Aliens who Self-Deport Through the CBP Home App* (June 9, 2025). Furthermore, Congress has made clear that aliens who enter unlawfully are subject to such penalties notwithstanding the initiation or pendency of removal proceedings. *See* INA 275(b)(1), 8 U.S.C. 1325(b)(1).

Comment: One commenter questioned DHS's reliance on the CBP Home application as an available mechanism for compliance incentives. The commenter asserted that the application is not broadly accessible to all aliens subject to civil monetary penalties under the IFR but is limited to aliens who entered at or between a port of entry, those who arrived under a parole program, and those whose Temporary Protected Status had been terminated. The commenter stated that the application therefore excludes many aliens who could be fined under this rule and does not provide meaningful relief from fines or available incentive programs.

Response: All non-criminal aliens who schedule their self-departure through the CBP Home App and depart will receive forgiveness of any civil penalties issued by DHS for failing to depart the United States. DHS has updated its website to reflect the full scope of the DHS policy.[37] Thus, the departure incentives announced by DHS are not limited to the category of aliens identified by commenters, and DHS encourages all aliens subject to removal

[35] *See, e.g. Dada* v. *Mukasey,* 554 U.S. 1, 21 (2008) (explaining that an alien subject to a removal order ''may be removed by the DHS . . . even if the motion to reopen has yet to be adjudicated''); *Dada Achacoso-Sanchez* v. *INS,* 779 F.2d 1260, 1264 (7th Cir. 1985) (''Congress has not given deportable aliens a right to the reopening of deportation proceedings.''); *see also Riasati* v. *I.N.S.,* 738 F.2d 1115, 1118 (10th Cir. 1984) (''[a] pending visa application does not entitle an alien to a stay of deportation'') (citations and quotations omitted). The Departments acknowledge that certain aliens may be entitled to a stay of removal after filing for certain immigration benefits or certain motions to reopen. *See, e.g.,* 8 CFR 214.205(g) (T-visas with a positive bona fide determination); INA 240(c)(7)(C)(iv), 8 U.S.C. 1229a(c)(7)(C)(iv) (VAWA self-petitioners); INA 240(b)(5)(C), 8 U.S.C. 1229a(b)(5)(C) (motions to reopen an in-absentia order based on lack of notice). As explained in Section III.E.2 of this preamble, DHS does not issue civil fines in these circumstances.

[36] Indeed, the Departments note that the fees for filing many immigration benefits applications, including cancellation of removal and adjustment of status, are higher than the civil penalty for unlawful entry.

[37] *See,* DHS Press Release, CBP HOME: Assistance to Voluntarily Self-Deport, *https://www.dhs.gov/cbphome* [*https://perma.cc/PWQ2-W6ZJ*] (Sept. 1, 2026).

or departure orders to take advantage of this opportunity and receive forgiveness for any civil penalty.

Comment: Several commenters questioned the IFR's empirical basis for the assertion that civil monetary penalties will deter immigration violations and promote compliance with removal and departure orders. One stated that the IFR lacks evidence-based support for this justification and pointed to ICE's prior use of fines and subsequent recission of that policy as demonstrating that these fines are ineffective at achieving these purposes. One commenter stated that previous rules understood this and resultingly did not enforce these penalties, due to the cost of administering them far outweighing any fines collected. Collectively, these commenters viewed the IFR as lacking an empirical foundation, unlikely to alter behavior, and ineffective in achieving its compliance and enforcement goals.

One commenter claimed that behavioral research on sanctions and procedural justice shows that fines do not deter unlawful behavior or encourage compliance with the law if the process for imposing them is unfair. The commenter cited to a ''policy briefing'' [38] discussing research suggesting that people are more likely to comply with court orders when they believe that the underlying process is respectful, neutral, accessible, and provides an opportunity for them to participate before a decision is rendered.

Response: The Departments disagree with the assertion that this rule lacks an empirical basis or relies on unsupported assumptions regarding deterrence. Congress has expressly authorized civil monetary penalties for the violations addressed in this rule and has long identified such penalties as a tool that may promote compliance with these statutory obligations. *See* 90 FR 27439–40. The Departments' role in this rulemaking is to ensure that DHS can efficiently utilize these statutory penalties consistent with Congress's objective in enacting them, not to reconsider the policy judgement underlying those statutory authorities or to undertake a new empirical assessment of their effectiveness. Moreover, as explained in Section I of this preamble, the IFR is achieving its intended incentive and deterrence objectives.[39]

As explained in the IFR, DHS does not believe that its prior limited experience assessing these penalties in 2019 demonstrates that these penalties are ineffective. When ICE rescinded the prior penalty policy in 2021, there were only 26 active cases,[40] which DHS concluded was an insufficient sample size to judge the effectiveness of these civil penalties. DHS explained its belief that these civil penalties would be more effective at achieving their deterrence and compliance objectives if applied quickly and at scale. In addition, the IFR was designed to address many of those administrative challenges that ICE faced when issuing civil penalties in 2019, by streamlining the procedures for these civil monetary penalties, thereby reducing operational burden and costs. Finally, the Departments noted that DHS's decision to stop issuing civil penalties under the prior Administration was based on that Administration's findings that there is no indication that these penalties promoted compliance with the alien's departure obligations. On January 20, 2025, President Trump directed DHS to focus enforcement resources on carrying out final orders of removal and enforcing laws related to illegal entry and unlawful presence. E.O. 14159 also directed DHS to assess and collect all fines and penalties authorized by law. This rule is needed to help DHS meet these directives. *See* 90 FR 27447–48.

With respect to comments on sanctions and ''procedural justice,'' the Departments note that the rule preserves the core procedural protections necessary to ensure fairness and meaningful participation, including written notice of the proposed penalty, information about the factual basis for it, an opportunity to present a written response with supporting evidence, and independent supervisory review by an official who was not involved in the initial determination. These protections reflect the principles of neutrality, respect, accessibility, and meaningful opportunity to be heard that the cited research suggests may support voluntary compliance.

Finally, while commenters questioned whether civil penalties would deter unlawful behavior, Congress has already determined that these penalties may serve an enforcement and compliance function, and the Departments' procedural refinements help ensure these penalties can be administered efficiently and fairly in accordance with due process principles required by law. In any event, the Departments believe that DHS's robust use of these penalties is helping to achieve their compliance function as demonstrated by the over 82,000 aliens with removal and voluntary departure orders who self-departed after DHS began issuing these penalties, and as demonstrated by the fact that nearly 7,200 aliens self-departed after receiving a civil fine under the IFR.[41] Accordingly, the Departments conclude that the rule has a sufficient basis.

3. Use of Government Resources

Comment: Commenters said that a large-scale penalty process will waste government time and resources. One claimed that issuing fines on a large scale would be an inefficient use of DHS resources because few aliens will pay them. Commenters discussed several factors that make collection improbable and administrative enforcement costly. They noted that many aliens have limited financial resources to pay these fines and the amounts are so high that aliens will not take them seriously. One commenter also said that the IFR will only further confuse many aliens as they do not understand the immigration system and many will not pay if they will be deported anyway. Another commenter said that sending a large number of fines to the Treasury Department for collection is wasteful because DHS itself cannot verify that aliens subject to these fines are actually in the United States, citing the IFR's statement that DHS records do not always reliably indicate which aliens actually remain in the United States after a removal or departure order. Another commenter also pointed to DHS's prior conclusion that the resources needed to impose these penalties outweighed the potential collections from a transient alien population that generally lacks the means to pay. Accordingly, commenters claimed that DHS should not expend substantial time and resources pursuing these penalties.

Response: The Departments do not agree that this rule's goal of streamlining the civil penalty process is wasteful or an improper use of Government

[38] Emily Gold LaGratta, Criminal Justice Alliance, *To Be Fair: Procedural Fairness in Courts* (Oct. 2014), *https://justiceinnovation.org/publications/be-fair-procedural-fairness-courts* [*https://perma.cc/YL4F-UVU9*].

[39] *See* Office of Homeland Security Statistics analysis of Alien Departures by Civil Fine, DHS Enforcement, and EOIR Case Outcomes (Oct. 7, 2026).

[40] *See* ICE Memorandum for Tae D. Johnson, Acting Dir., ICE, from Corey A. Price, Acting Exec. Assoc. Dir., Enforcement and Removal Operations, ICE, Re: Recission of Civil Penalties for Failure to Depart (Aug. 6, 2021).

[41] *See* Office of Homeland Security Statistics analysis of Alien Departures by Civil Fine, DHS Enforcement, and EOIR Case Outcomes (Oct. 7, 2026).

resources. As an initial matter, the IFR and this rule are a critical part of DHS's efforts to use all statutorily available tools to achieve the Administration's immigration enforcement and border security objectives. This includes issuance of civil monetary penalties to encourage aliens to comply with removal and voluntary departure orders and to deter unlawful entries. The purpose of the rule is to streamline the civil penalty process to ensure that DHS can use these statutorily authorized penalties swiftly and at the scale needed to respond to the large number of aliens who have entered the United States or remain unlawfully. *See* 90 FR 27442; *see also* Section I of this preamble. Quite simply, this rulemaking is intended to help ensure that DHS has a workable process for issuing civil monetary penalties against aliens who unlawfully entered or failed to depart the United States as part of ICE's and CBP's missions to apprehend, detain, and remove aliens who have illegally entered the United States and are unlawfully present.

More fundamentally, the Departments do not agree that civil penalties are an ineffective solution to the problem that many aliens remain in the United States in contravention of removal and departure orders. To the contrary, Congress has authorized DHS to impose these civil penalties on such aliens as a means to encourage them to comply with removal and departure orders and to impose consequences on those who fail to comply. 90 FR 27446. Indeed, DHS's use of these statutorily authorized tools is working to achieve the objective as discussed above in Section I of this preamble.

Similarly, the Departments disagree with one commenter's claims that attempting to collect failure to depart penalties is wasteful because DHS cannot verify that aliens issued fines remain in the United States. As discussed in the IFR, DHS acknowledges that it does not maintain comprehensive departure records for all aliens, particularly for aliens who cross land borders, and, therefore, DHS may have issued a certain number of penalties to aliens who have already departed. 90 FR 27445. ICE believes however, based on its experience, that it is reasonable to assume that a large number of aliens with final removal and departure orders remain in the United States.[42] *Id.* Therefore, consistent with the President's direction in section 8 of E.O. 14159, 90 FR 8444–45, DHS believes that the IFR's goal of quickly imposing penalties to encourage compliance with removal and departure orders justifies the resource expenditure, even if some number of penalties are not collected because the alien departed.

Finally, the IFR fully explains why the Departments believe that this rule is needed notwithstanding ICE's prior determination in 2021 that the resource burdens outweigh the amount that can be collected from a transient population of aliens that lacks the means to pay. 90 FR 27446–47. In the IFR, DHS first noted that its limited experience implementing these civil monetary penalties in prior years does not demonstrate that these penalties are innately ineffective. 90 FR 27447. Moreover, DHS explained that the IFR is intended to reduce potential resource burdens that DHS previously experienced when issuing these penalties by streamlining the underlying civil penalty process. *Id.* Additionally, DHS noted that the collection of civil penalties was not the only or even the primary goal; rather, DHS believes that maximizing the use of these civil penalties will encourage illegal aliens who are subject to them to voluntarily depart the United States. *Id.* As discussed above, DHS's use of these civil penalties is achieving this objective, and the use of the CBP Home app to self-deport is a cost-effective means of achieving this objective.

Comment: At least one commenter suggested that pursuing fines on a large scale would merely divert limited agency resources away from higher priority enforcement objectives, such as apprehending aliens who pose threats to public safety or national security. The commenter concluded that the IFR's approach would ultimately increase costs for the Departments without meaningfully advancing enforcement goals. Similarly, one commenter claimed that the IFR would not promote public safety but would have the opposite effect by heightening fear and discouraging engagement with law enforcement amongst immigrant communities. According to the commenter, imposing high civil fines on aliens, including those without criminal histories, would lead to fewer reports of crime, diminishing public safety for all. Another commenter suggested that a more effective and resource-efficient approach would be to focus enforcement on employers who hire unauthorized workers, suggesting that such entities can be expected to understand and comply with employment verification laws and will be better motivated by civil penalties, or the threat of civil penalties, to follow those laws.

Response: The Departments disagree that implementing the civil penalty process described in the IFR will divert resources away from higher priority enforcement objectives or fail to advance statutory enforcement goals. Congress has expressly authorized the imposition and collection of civil penalties under INA 240B(d), 8 U.S.C. 1229c; INA 274D, 8 U.S.C. 1324d; and INA 275(b), 8 U.S.C. 1325. The Departments therefore have a responsibility to maintain procedures that enable the effective administration of these statutory authorities. Implementing a clear, streamlined penalty process does not diminish the Departments' ability to prioritize cases involving threats to public safety or national security, including cases where the alien fails to depart or illegally enters the United States. Rather, the IFR promotes administrative efficiency by updating and consolidating procedural steps.

Additionally, the concerns about the imposition of civil penalties heightening fear and discouraging engagement with law enforcement by the immigrant community is speculative. The commenter failed to provide information or evidence to support the concern that civil penalties will discourage aliens from reporting crime or engaging with law enforcement. Even if there is a disincentive to report crime or engage with law enforcement, the commenter failed to provide a basis to conclude that these disincentives stem from making the process of imposing civil penalties more efficient, rather than from the existence of civil penalties or immigration enforcement more generally.

The Departments also disagree that the penalty process undermines public safety by discouraging aliens from reporting crime or engaging with law enforcement. The penalties addressed in the IFR apply only in limited circumstances specified by statute and do not alter DHS's longstanding policies and efforts aimed at encouraging victims, witnesses, and other individuals to cooperate with law enforcement regardless of immigration status. Nothing in the IFR changes protections for victims of crime, humanitarian programs, or DHS's ability to exercise discretion on a case-by-case basis. The Departments, therefore, do not expect the procedural updates in the IFR to meaningfully affect crime reporting or relationships between immigrant communities and law enforcement.

[42] According to data in DHS's ENFORCE Alien Removal Module, there are 1.9 million aliens with final executable orders of removal out of a total of 2.1 million final orders of removal (last visited Sep. 10, 2026).

The Departments further disagree that focusing enforcement resources on employers who hire unauthorized workers would be a more effective or statutorily appropriate approach. Employer sanctions and worker-related civil penalties are governed by distinct provisions of the INA, and the IFR did not amend or affect those frameworks. While the Departments enforce employer compliance laws through separate authorities, those efforts do not displace the need to implement civil monetary penalties against aliens where Congress has authorized their use and vested DHS with authority to enforce them. The IFR ensures streamlined procedures for carrying out the statutory provisions for civil monetary penalties applicable to aliens for failure to depart, failure to voluntarily depart, and improper entry, while employer-related enforcement continues under its own statutory framework.

For these reasons, the Departments conclude that the IFR's civil penalty procedures are an appropriate use of agency resources. The procedures promote efficient administration of existing statutory penalty authorities to meet immigration enforcement priorities and challenges.

D. Comments on Specific Provisions

1. Removal of Notice of Intent To Fine

Comment: Several commenters asserted that eliminating the notice of intent to fine (NIF) erodes procedural protections by transforming what was once a preliminary document signaling DHS's intent to issue a fine into a final agency decision. Commenters stated that this change reduces the time that aliens have to understand and respond to fines, seek legal advice, and submit an appeal. Additionally, one commenter suggested that eliminating the NIF process—which the commenter characterizes as being designed to notify aliens of potential penalties and allowing them to rectify the violation—is inconsistent with the goal of incentivizing aliens to comply with removal and departure orders.

Response: The Departments disagree with commenters' characterization of the rule. Although the IFR eliminated the NIF process for these penalties, it continues to require written notice of penalties that identify the factual and legal basis for liability, *see* 8 CFR 281.1(c), and provides aliens with an opportunity to submit a written response with supporting evidence before a final determination is made, *see* 8 CFR 281.1(e). Indeed, the differences between the NIF process prior to the IFR under 8 CFR part 280 and the process established by the IFR under 8 CFR part 281 are less substantial than commenters suggest. Under both regulations, if an alien fails to respond to the NIF or the penalty decision, as applicable, the alien will be liable for the penalty. *See generally* 90 FR 27449–54 (comparing 8 CFR 280 and 8 CFR 281). The only difference is that, under the part 280 process, a supervisory officer must convert a NIF into a final unappealable decision; under the IFR, the penalty decision automatically becomes final if the alien does not appeal. *Compare* 8 CFR 280.13(a)(2), *with* 8 CFR 281.1(f)(3). Under both regulations, an alien who timely appeals a penalty decision is entitled to additional process before a final decision is issued. *Compare* 8 CFR 280.13(b), *with* 8 CFR 281.1(e). Therefore, the IFR merely converts the prior two-stage NIF process under 8 CFR part 280 into a single process that eliminates duplicate administrative steps and paperwork if an alien does not appeal, but the fundamental safeguards of notice and an opportunity to be heard remain unchanged. *Id.*

The Departments acknowledge that the IFR reduces the amount of time that an alien has to contest a penalty and to submit supporting evidence compared to the NIF process. Prior to the IFR an alien generally was required to answer a NIF within 30 calendar days and could submit supporting evidence at an in-person hearing, if requested. 8 CFR 280.12. Under the IFR, an alien must file an appeal postmarked within 15 business days of the date of service of the civil penalty decision and the alien is generally required to submit all evidence in support of the appeal at the time of filing. 8 CFR 281.1(e)(1). However, as explained in the IFR and in response to related comments in this preamble, the Departments believe that shortening the timeline for appeals and evidentiary submissions is appropriate for the failure to depart and unlawful entry penalties due to the straightforward and readily determinable nature of these penalties.

Moreover, the Departments note that in some respects the IFR simplified the process for aliens to contest civil penalties compared to the procedures under 8 CFR part 280. An alien may trigger an appeal under the 8 CFR 281.1 process by simply filing a notice of written appeal indicating that the alien is contesting the penalty. Indeed, DHS uses the Form 281, *Notice of Violation and Order,* which includes a field for aliens to use to appeal a penalty. The alien may, but is not required to, submit written argument or documentary evidence contesting the penalty. *Id.* In contrast, under the NIF process, the alien must provide a written defense, in duplicate, under oath setting forth the reasons why a fine should not be imposed. *See* 8 CFR 280.12.

In addition, this final rule amends 8 CFR 281.1(e) to permit aliens to file an appeal that is postmarked after the 15-business-day deadline where the alien asserts, and ICE determines after considering on a case-by-case basis all the evidence presented with the appeal, that there was a mail delay in receiving the immigration officer's decision and order issued under 8 CFR 281.1(c)(1). Additionally, to help ensure timely processing and avoid administrative delays by postal carriers on the backend, DHS encourages aliens to obtain contemporaneous, time-stamped evidence of deposit of their mailed appeal directly from the U.S. Postal Service (''USPS'') or their chosen commercial carrier because merely depositing an appeal in a standard mail collection box does not guarantee an immediate postmark or proof of the date of dispatch. This amendment, which provides an exception to the 15-business-day deadline to appeal, addresses commenters' concerns relating to the reduced time for aliens to submit an appeal under 8 CFR part 281. Even assuming that the IFR's streamlined process makes it more challenging for aliens to appeal and submit supporting evidence in some cases, the Departments believe that this risk is outweighed by DHS's strong interest in the revised civil penalty process as discussed further in the IFR and this preamble.

Finally, regarding one commenter's claim that eliminating the NIF is inconsistent with the IFR's goal of incentivizing compliance with removal and departure orders, the Departments note that the IFR was designed to achieve several goals. As explained in the IFR preamble, one goal of this rule was to ensure that DHS has a workable process for issuing civil penalties against aliens without diverting resources away from ICE's and CBP's missions to apprehend, detain, and remove illegal aliens. 90 FR 27447; *see also* Section I of this preamble. Eliminating the NIF serves this goal by removing a duplicative step (*i.e.,* the requirement to issue a separate final decision) in cases where an alien does not appeal the civil penalty decision. The Departments note that aliens continue to have an avenue to rectify any fines resulting from these immigration violations. As the IFR explains, DHS will rescind outstanding civil penalties in cases where a qualifying alien uses the CBP Home app

to depart the United States. *See* 90 FR 27444.

Comment: One commenter claimed that eliminating the preliminary NIF makes notice and the opportunity to be heard occur only *after* DHS imposes a civil monetary penalty, violating due process. Citing *Mathews* v. *Eldridge,* 424 U.S. 319 (1976), the commenter argues that similar to how the government must give a disability benefits recipient notice and an opportunity to submit information prior to terminating benefits, DHS must give aliens notice of the fine and an opportunity to challenge the accuracy of DHS's information and its conclusions before DHS imposes the fine. The commenter contends that the IFR violates due process because aliens are given no opportunity to submit information or contest the penalty prior to the final decision.

Response: The Departments disagree with the commenter's characterization of the IFR. The IFR provides aliens with notice and an opportunity to contest civil penalties *before* they become final. As explained in the IFR, a decision imposing a civil monetary penalty becomes final only if the alien does not timely file an appeal, not at the time of issuance of the civil penalty.[43] *See* 8 CFR 281.1(f)(3); *see also* 90 FR 27450. If the alien timely appeals, the initial penalty decision will remain inoperative during the pendency of the appeal. 8 CFR 281.1(e)(1), (f)(3). At the end of the appeal process, and after considering any arguments and evidence submitted by the alien, a supervisory immigration officer who did not issue the initial penalty decision issues a final decision in writing affirming the initial penalty decision or withdrawing the decision and serves it on the alien. *See* 8 CFR 281.1(e). Therefore, contrary to the commenter's claim, the IFR provides an alien with both notice and an opportunity to challenge the penalty decision prior to the alien becoming liable for the penalty, in accordance with the pre-deprivation process upheld in *Mathews* v. *Eldridge.* 424 U.S. at 319.

Comment: Citing 5 U.S.C. 554(b), a commenter claimed that ''eliminating the NIF also violates the [Administrative Procedure Act] because there is no notice of the matters of fact and law asserted, including what constitutes willfulness under these circumstances, and what factors are relevant to defenses or challenges to the penalty.'' More broadly, the commenter claims that the removal of the NIF violates ''a foundational principle of administrative law: meaningful notice must precede the imposition of civil penalties to satisfy due process requirements.'' The commenter notes that federal statutes, including immigration statutes, consistently underscore the importance of notice in administrative proceedings, and discusses 8 U.S.C. 1182(n)(2)(C), which governs the civil penalty process for employers who violate certain labor conditions under the H1–B visa program as an example.

Response: As an initial matter, the Departments note that, although the IFR eliminates the NIF process for these penalties, it continues to require DHS to issue a written notice that sufficiently identifies the basis for liability and provides aliens with an opportunity to contest such penalties before they become final. Under 8 CFR 281.1(c)(1), the initial penalty decision must include the statutory basis for the penalty, the amount and type of the penalty being imposed, and a brief statement of the reasons for the decision. DHS implements this requirement through Form 281, *Notice of Violation and Order,* which provides aliens with all of the required information, including information about the date that the alien became subject to a final removal or departure order or when the alien was apprehended entering the United States unlawfully. For the failure to depart penalties under section 274D(a)(1) of the INA, 8 U.S.C. 1324d(a)(1), the Form 281 also identifies the particular violation—*e.g.,* willful failure or refusal to depart pursuant to a removal order; willful failure or refusal to make timely application in good faith for travel documents; willful failure or refusal to present for removal as required by DHS.

This information ensures that aliens understand the basis for the penalty and have the requisite information in the event they seek to challenge it. *See* 90 FR 27449. Indeed, DHS notes that the NIF process does not require DHS to provide the alien with any additional information about the basis for a civil penalty beyond what the IFR and this rule require. *See* 8 CFR 280.1, 280.11. Moreover, as discussed in response to the comment immediately above, under the IFR an alien retains an opportunity to challenge a civil penalty decision issued pursuant to the IFR before it becomes final. Therefore, the Departments disagree that by eliminating the NIF this rule violates any ''principles of administrative law'' related to notice in the civil penalty context.

The Departments also note that the IFR's procedures are not subject to the requirements in 5 U.S.C. 554(a) because they are not adjudications ''required by statute to be determined on the record after opportunity for an agency hearing.'' Moreover, unlike the H1–B civil penalty statute cited by the commenter, the civil penalty statutes relevant to this rule do not specify the procedures that DHS must follow to impose these penalties. 90 FR 27448. As discussed in the IFR, Congress has set forth detailed procedures that the Government must follow when imposing certain immigration-related civil penalties, but Congress's omission of similar procedures for the penalties covered by this rule indicates that Congress intended to give DHS discretion to employ procedures that DHS reasonably believes are appropriate for such penalties. *See id.; see also Vt. Yankee Nuclear Power Corp.,* 435 U.S. at 543 (concluding that ''[a]bsent constitutional constraints or extremely compelling circumstances the administrative agencies should be free to fashion their own rules of procedure and to pursue methods of inquiry capable of permitting them to discharge their multitudinous duties'') (cleaned up). For the reasons discussed further in the IFR and throughout this preamble, the Departments believe that the IFR's streamlined process, including the removal of the NIF, is reasonable and appropriate for these penalties given their typically straightforward nature and DHS's need to ensure that it has an efficient process for issuing these penalties more quickly and at scale to deter unlawful entries and to encourage compliance with removal and departure orders, while also providing aliens with sufficient notice of the basis for the penalty decision and opportunity to contest it before it becomes final.

2. Notice of Grounds for the Penalty

Comment: Commenters objected to adequacy of the notice of the grounds for issuing the civil monetary penalties. One commenter said that the IFR's requirement that DHS must include a ''brief statement of the reasons'' for imposing a penalty is inconsistent with DHS's burden of proving by ''clear and convincing, and unequivocal evidence'' that an alien is liable. Commenters suggested that aliens cannot defend against fines without additional information or explanation in the penalty decision. One commenter said that the IFR violates the Administrative Procedure Act (''APA''), citing 5 U.S.C. 556, and due process principles requiring notice to reasonably apprise parties of the action and provide an

[43] As a practical matter, the same is true of the NIF process; if an alien does not timely answer the NIF, DHS may issue a final decision imposing the penalty which the alien cannot appeal. *See* 8 CFR 280.13(a)(2).

opportunity to present objections, because DHS is not required to provide a complete record supporting the penalty.

Response: The Departments disagree that the penalty decision contains insufficient information for an alien to understand the basis for the penalty or to challenge it or that the IFR deprives aliens of their due process notice and hearing rights through lack of a record. There is no such requirement in statute for a hearing to be on the record in the civil penalties context or any indication that Congress intended the APA's procedures governing adjudications to apply. Therefore, DHS was not required to adopt the adjudication procedures in 5 U.S.C. 554 and the follow-on procedures in 5 U.S.C. 556 that apply to adjudications governed by 5 U.S.C. 554. Regardless, new section 8 CFR 281.1(e)(3) provides the materials that compose the record supporting a particular civil penalty.

As an initial matter, DHS reiterates that the legal and factual predicates for these penalties are relatively straightforward and readily determinable based on information within DHS's and the alien's possession. 90 FR 27442; *see also* Section II of this preamble. For example, the INA authorizes DHS to impose a civil monetary penalty for failure to depart if two conditions are met: (1) the alien was granted voluntary departure or is subject to a final executable order of removal; and (2) the alien voluntarily failed to depart in the allotted time set forth in the voluntary departure order or willfully failed to depart under a final removal order. *See* INA 240B(d)(1), 274D(a)(1)(A), 8 U.S.C. 1229c(d)(1), 1324d(a)(1)(A).[44] The penalty decision provides aliens with sufficient information as to each of these elements.

With respect to the first element (the removal or departure order), the civil penalty decision, *i.e.,* DHS Form 281, *Notice of Violation and Order,* explicitly lists whether the alien is being fined on the basis of a voluntary departure order or a removal order, and it provides the date that such an order was issued. DHS does not agree with commenters that DHS can only prove the existence of a removal or voluntary departure order by attaching the order to the penalty decision. The information contained in the penalty decision reflects that the immigration officer issuing the penalty has reviewed relevant DHS records and the alien's immigration files as required by ICE guidance and has determined based on those records that the alien is subject to a final executable removal order or voluntary departure order. *See* 90 FR 27442–43; *see also* Section I of this preamble. To the extent that an alien believes that DHS records are mistaken, the alien can appeal the penalty decision and provide documentary evidence needed to dispute the decision. DHS assumes that aliens retain important documents, including legal documents demonstrating, for example, that the alien has been granted a stay of removal or has a pending appeal, or other documents reflecting that the alien is not subject to a final executable removal or departure order. Commenters have provided only speculative reasons to believe otherwise. Moreover, under the IFR's process, if an alien requests a copy of the relevant documents in connection with an appeal, the IFR requires DHS to provide such documents. 8 CFR 281.1(e)(3). Commenters have not provided any concrete evidence demonstrating that requiring DHS to provide a copy of the alien's removal or voluntary departure order would allow aliens to more effectively challenge a penalty decision. Indeed, ICE notes that the prior process under 8 CFR part 280 did not require DHS to provide a copy of an alien's removal or voluntary departure order when issuing a NIF and the DHS sees no reason for requiring it now. *See* 8 CFR 280.11.

With respect to the second (willfulness or voluntariness) element, the penalty decision lists whether the alien is being issued a civil penalty for willfully failing or refusing to depart the United States, or for instead, voluntarily failing to comply with a voluntary departure order. DHS does not believe that any additional information is required. As the Departments explained in the IFR and in Section II of this preamble, statutory and regulatory requirements impose a duty on Immigration Judges to inform aliens of their obligation to depart and of the consequences of failing to do so, including that they could be liable for civil penalties. *See* 90 FR 27440–41. Absent contrary evidence, the presumption of regularity satisfies DHS's burden to demonstrate that an Immigration Judge provided notice of these obligations and consequences, *see U.S. Postal Serv.* v. *Gregory,* 534 U.S. 1, 10 (2001), and an alien's failure to comply with the order after receiving notice of the consequences satisfies DHS's burden to demonstrate that the alien is liable for the penalty. *See* Section I of this preamble. To the extent that an alien contests the voluntary or willful nature of his or her failure to depart due to circumstances beyond the alien's control (*e.g.,* hospitalization, incarceration, inability to obtain travel documents, lack of notice of a removal or voluntary departure order), the Departments note that the alien, not DHS, is in the best position to produce such evidence and may do so during the available appeals process before DHS. *See Zenith Elec. Corp.* v. *United States,* 988 F.2d 1573, 1583 (Fed. Cir. 1993) (''The burden of production should belong to the party in possession of the necessary information.'').

For these reasons, the Departments conclude that the information provided in the penalty decision is facially consistent with DHS's burden of proof to demonstrate an alien's liability for a civil penalty covered by this rule. Commenters argue that DHS must meet the ''clear and convincing evidence standard'' described in *Woodby* v. *INS,* 385 U.S. 276, 277 (1964). However, this standard applies to the burden of proof for deportable aliens in removal proceedings, not in the civil penalties' context. *See* 8 CFR 1240.8(a). Even assuming that DHS must meet the same ''clear and convincing evidence standard'' here, any challenge that DHS did not meet its burden of proof must be raised by an alien during the appeal process and based on the facts in his or her individual case.

Finally, with respect to commenters' claim that the IFR violates 5 U.S.C. 556 because it does not require DHS to provide a complete record supporting the penalty, DHS notes that 5 U.S.C. 556 applies only to hearings required by 5 U.S.C. 553 or 554. To the extent that the commenter is suggesting that civil penalty ''adjudications'' fall within the ambit of 5 U.S.C. 554(a) and therefore require DHS to follow the procedures in both 5 U.S.C. 554 and 556, DHS disagrees. There is no requirement in statute for a hearing to be on the record in the civil penalties context, let alone to comply with the procedures in 5 U.S.C. 554 and the follow-on procedures under 5 U.S.C. 556 that also apply to adjudications governed by 5 U.S.C. 554. *See Marathon Oil Co.* v. *E.P.A.,* 564 F.2d 1253, 1263 (9th Cir. 1977) (stating that ''[t]he failure of Congress to provide for any hearing whatsoever within an administrative process may well be a valid indication that Congress either did not feel that it was providing for an '''adjudication''' in the traditional sense of the word or did not intend the APA procedures to apply''); *see also City of West Chicago, Ill.* v. *NCR,* 701 F.2d 632,

[44] The Departments focus on the failure to depart penalties consistent with the scope of commenters' concerns. To the extent that commenters are raising similar concerns about the unlawful entry penalties, commenters' concerns are addressed in Section III.E.2 of this preamble.

641 (7th Cir. 1983) (''Congress must clearly indicate its intent to trigger the formal on-the-record hearing provisions of the APA.''). Regardless, 8 CFR 281.1(e)(3) provides the materials that compose the record supporting a particular civil penalty and as explained in response to other comments in this preamble, the IFR's other procedures satisfy due process.

Comment: One commenter claimed that the IFR should require DHS to attach a copy of the underlying voluntary departure order when imposing a fine for failure to depart under INA 240B(d), 8 U.S.C. 1229b(d). The commenter also states that many voluntary departure orders do not comply with INA 240B(d)(3), 8 U.S.C. 1229c(d)(3), which, according to the commenter, requires orders to include written warnings about potential fines for failure to depart. Accordingly, the commenter suggests that DHS can only meet its burden of proof to impose a fine if DHS provides a copy of the order containing the required warning.

Response: As an initial matter, the Departments disagree that Immigration Judges and the BIA regularly do not provide statutorily required civil monetary penalty warnings when granting voluntary departure. Absent information to the contrary, the presumption of regularity applies as both Immigration Judges and the BIA are legally required to provide these warnings. *See Gregory,* 534 U.S. at 10; 8 CFR 1240.26(k)(3). The commenter's general assertion—in ''many'' cases Immigration Judges and the BIA do not comply with this obligation—without any factual basis is speculative and insufficient to overcome the presumption of regularity. To the extent an alien's voluntary departure order does not contain the required warning, the alien can file a timely appeal of the penalty decision and submit a copy of the allegedly deficient order. Moreover, for the reasons discussed in the IFR and in the comment response above, the Departments believe that, given the straightforward nature of these penalties, the penalty decision provides sufficient notice to the alien of the basis for the penalty and how to contest it. *See also* 90 FR 27443–44, 27452.

3. Service by First Class Mail

Comment: Several commenters claimed that the change in service of process raises due process concerns. One commenter observed that the rule permits DHS to unilaterally send fines by ordinary mail despite previously issuing NIFs by personal service or certified mail. Another commenter states that previous rules required that communications be sent by certified mail or served in person, guaranteeing receipt, and that the IFR removing this provision to instead allow service by ordinary mail will dramatically increase the likelihood that intended recipients will not receive information about their fine, miss their appeal window, and unknowingly accrue large amounts in civil monetary penalties. Another commenter suggests that these risks are amplified in this context given the highly transient nature of the population subject to these fines. One commenter explained that service by regular mail will not reasonably apprise aliens of the fine because regular mail makes it significantly less likely that the alien will receive the decision in a timely manner if at all. This commenter also points out that in the removal proceedings context in which DHS uses service by regular mail a significant amount of the information provided in mailings is also available online unlike in this civil penalty context. They state that here, in this context, aliens have no other way to access the information or be on notice that they have penalties brought against them. They also note that this is particularly an issue for those who have been fined incorrectly and explain that since the beginning of 2025 they have heard from permanent residents who have been in the United States for decades and would have no reason to believe there are pending proceedings against them who received NIFs. Other commenters also raised that authorizing service by regular mail increases the likelihood of delay or non-receipt, one noting that regular mail cannot be tracked.

Another commenter claimed that the IFR fails to explain how ordinary mail saves money and staff time compared to personal service or certified mail. The commenter also noted that the IFR does not explain why ICE cannot use personal service for aliens with removal orders because, as the IFR notes, these aliens are required to attend in-person check-ins with ICE.

Response: The Departments disagree that permitting service of civil monetary penalty determinations by regular mail raises due process concerns or fails to provide constitutionally adequate notice. Due process does not require use of any particular method of service or guarantee of actual receipt. Rather, it requires that the chosen method be ''reasonably calculated, under all the circumstances,'' to inform interested parties of the action and to permit them an opportunity to respond. *Mullane,* 339 U.S. at 314 (stating that notice under due process must be of a sufficient nature as to reasonably convey the required information). Service by regular mail has long been recognized as a constitutionally sufficient method of notice in civil, administrative, and immigration contexts, including in removal proceedings, and other DHS communications. *See e.g., Gardner* v. *City of Columbus, Ohio,* 841 F.2d 1272, 1279 (6th Cir. 1988) (recognizing that service by regular mail satisfied due process notice requirements, while among other factors, noting government's observation that service by certified mail would be more costly); *Urbina-Osejo* v. *INS,* 124 F.3d 1314, 1317 (9th Cir.1997) (stating that ''notice of a deportation hearing sent by regular mail to the last address provided by the alien to the INS satisfies the requirements of constitutional due process''); *Matter of Grijalva,* 21 I&N Dec. 27 (BIA 1995) (holding that notice sent by regular mail is presumed sufficient if it is properly addressed and mailed according to established procedures and that the presumption of delivery may be rebutted with evidence of non-receipt). The IFR adopted this established practice.

Penalty determinations are sent to the address the alien has provided to DHS or that otherwise appears on file. As the IFR explains, DHS has a reasonable expectation that aliens will take these requirements seriously because failure to do so can result in a range of consequences including criminal penalties. INA 266, 8 U.S.C. 1306. In general, aliens in the United States are under specific statutory and regulatory obligations to register their presence, *see* INA 261–264, 8 U.S.C. 1301–1304; 8 CFR part 264, and to keep the U.S. Government apprised of their current address while in the country, *see* INA 265, 8 U.S.C. 1305; 8 CFR 265.1. Most aliens subject to the monetary penalties covered by this rule are warned of their address obligations upon initiation of section 240 removal proceedings, and DHS is taking steps to ensure that all aliens are aware of, and comply with, registration and address requirements consistent with this Administration's policies. Additionally, DHS provides convenient and reliable ways for aliens to update their addresses including through online portals, and immigration officers have access to current address data maintained in DHS and EOIR databases.

Although some commenters expressed concern that personal service or certified mail had previously been used for NIFs, the governing statutory provisions do not require the use of those methods for civil monetary penalty notices, and neither do due process principles impose such a

requirement. INA 240B(d)(1)(A), 8 U.S.C. 1229c(d)(1)(A); INA 274D(a)(1), 8 U.S.C. 1324d(a)(1); & INA 275(b)(1), 8 U.S.C. 1325(b)(1). *See also Mullane,* 339 U.S. at 314 (''Personal service has not in all circumstances been regarded as indispensable to the process due to residents, and it has more often been held unnecessary as to nonresidents. We disturb none of the established rules on these subjects.''); *Dusenbery* v. *United States,* 534 U.S. 161, 161–62 (2002) (upholding notice sent by certified mail to a prison, even though inmate claimed he never received it, demonstrating that due process does not require proof of actual receipt, and explaining that *Mennonite Board of Missions* v. *Adams,* 462 U.S. 791, 797 n.3 (1983) did ''not say that the State *must provide* actual notice, but that it *must attempt* to provide actual notice'') (emphasis in original).[45] Furthermore, even a Notice to Appear (NTA), which initiates section 240 removal proceedings and thus carries greater legal consequences, may be served by regular mail. INA 239(a)(1), 8 U.S.C. 1229(a)(1). Although the statute previously required certified mail, Congress removed that requirement in IIRIRA, expressly permitting service by other forms of mail. *See* INA 239(a)(1)–(2), as amended by IIRIRA, Public Law 104–208, div. C, tit. III, 304(a)(3), 308(b)(6), 110 Stat. 3009–546, 3009–587–88, 3009–615. The INA now provides that service by mail ''shall be sufficient if there is proof of attempted delivery to the last address provided by the alien.'' INA 239(c), 8 U.S.C. 1229(c). By contrast, the INA is silent as to the method of service for civil monetary penalties under INA 240B(d), 274D(a), 275(b), 8 U.S.C. 1229c(d), 1324d(a), 1325(b). Accordingly, this final rule will allow DHS to use routine service, including regular mail which in turn will lessen DHS's administrative burdens, such as the time and resources needed for personal service and the additional costs and increased processing times associated with certified mail. Routine service also provides an alien appropriate notice of the imposition of a civil monetary penalty.

The Departments also disagree that service by regular mail increases the likelihood that aliens will unknowingly accrue penalties or be deprived of an opportunity to appeal. First, the rule's procedures are reasonably designed to prevent aliens from unknowingly accruing civil monetary penalties. Under INA 262, 8 U.S.C. 1302, most aliens present in the United States for 30 days or more are required to apply for registration and fingerprinting. As a result, most aliens are subject to the address update requirement in INA 265, 8 U.S.C. 1305. Moreover, most aliens subject to the penalties addressed in this rule are specifically advised of these obligations upon initiation of section 240 removal proceedings. INA 239(a)(1)(F), 8 U.S.C. 1229(a)(1)(F). DHS provides convenient and reliable ways for aliens to update their addresses, including use of online portals, and immigration officers have access to current address data maintained in DHS and EOIR databases. 90 FR 27452.

Against that backdrop and as noted in the IFR, the Supreme Court has recognized that service by regular mail may, in some circumstances, provide better notice than certified mail or other methods. *Jones,* 547 U.S. at 234–35. This rule adopts that approach. 90 FR 27453. Based on ICE's experience, service by ordinary mail is often more likely to reach aliens, including those who may be attempting to evade detection or who have moved without updating their address. *Id.* Such aliens, or members of their household, may be less likely to answer the door for personal service or to accept certified mail, whereas regular mail is delivered directly to their mailbox. *Id.* Even when an alien has moved, regular mail may still result in the current occupant forwarding address information or otherwise alerting the intended recipient. *Id.* (citing *Jones,* 547 U.S. at 235). Moreover, the rule does not mandate use of regular mail in all cases. DHS retains discretion to use other methods of service where appropriate. 90 FR 27453 (citing 8 CFR 281.1(d)). Accordingly, DHS reasonably believes that notices sent to the most recent address provided by the alien satisfy due process requirements.

Secondly, the rule includes sufficient procedural protections that mitigate the effects of any variation in mail delivery times and afford a meaningful opportunity for appeal. Consistent with 8 CFR 281.1(e), an alien shall file a written notice of appeal with the Department postmarked within 15 business days of the date of service of the decision. Although service of the immigration officer's decision is complete upon mailing, the rule mitigates the effects of variability in mail delivery times at the appeal stage by defining timeliness based on the postmark date of the appeal rather than the date of receipt. As explained in the IFR, ''DHS will calculate the timeliness of an appeal based on the date that the alien's appeal is postmarked.'' 90 FR 27450 (citing 8 CFR 281.1(e)). Under this framework, an alien who mails an appeal within the 15-business-day period is not penalized for postal delays occurring after the appeal is sent. This approach allocates the risk of mail delay at the filing stage to the Government and helps ensure that ordinary variations in mail delivery do not result in forfeiture of appeal rights.

Along with the notice of appeal, an alien may, but is not required to, provide a written defense or documentary evidence, or both, setting forth the reasons why a penalty should not be imposed. *Id.* After the appeal is filed, a supervisory immigration officer who did not review the initial decision and order must conduct a de novo review and may request supplemental evidence or information, in which case aliens receive an additional 15 days to provide supporting material. 90 FR 27450 (citing 8 CFR 281.1(e)(2)). The officer may, in their discretion, call for additional briefing or written filings from the alien, and the alien will have 15 days from the receipt of that request to provide the information. *Id.* The officer will also provide the alien with copies of pertinent documents and records relevant to the penalty, if the alien requests, unless they are law enforcement sensitive, or disclosure is prohibited by law. 90 FR 27450 (citing 8 CFR 281.1(e)(3)). Moreover, if the alien files a notice of appeal, the initial civil penalty decision will remain inoperative during the appeal. 90 FR 27450 (citing 8 CFR 281.1(e)(1)).

In addition, the Departments recognize that aliens may, in limited circumstances, experience delayed or untimely delivery of notices served by mail that is outside aliens' control. To address this concern while preserving the integrity and administrability of the appeals process, this rule provides a narrow, case-by-case mechanism for accepting appeals filed after the 15-day filing period when the alien demonstrates that the delay resulted from mail delivery issues. Under the rule, an alien who files an appeal after the applicable deadline and asserts that the delay was caused by untimely or delayed mail delivery must submit a written explanation and any available

[45] The agency acknowledges that in *Jones* v. *Flowers,* 547 U.S. 220 at 232 (2006), the Supreme Court held that a person's failure to comply with a statutory address update requirement does not forfeit the right to constitutionally sufficient notice, and that additional reasonable steps may be required before the government takes certain actions. The Court emphasized, however, that due process adequacy requires balancing the government's interests against the individual interests at stake. *Id.* at 229. For the reasons discussed in the IFR, the Departments believe that the Supreme Court's decision is distinguishable. *See* 90 FR 27452 n.44.

documentary evidence supporting that assertion. If, based on the information submitted, ICE determines that the appeal was filed late due to mail delay beyond the alien's control, ICE will accept the appeal as timely filed and consider it on the merits. By requiring aliens to affirmatively raise mail delay and provide supporting evidence, the rule ensures that aliens are not prejudiced by mail delivery delays beyond their control, while maintaining finality and administrative efficiency.

The Departments acknowledge commenters' concerns that certain populations may be more mobile or may have limited access to online resources. However, DHS's service method here is identical to the method used for numerous other immigration-related notices, including those in removal proceedings where similar concerns may exist. Even if mobile, aliens have a statutory duty to register their presence and keep the U.S. Government apprised of their current address, and DHS has a reasonable expectation that aliens will comply with such requirements. INA 266, 8 U.S.C. 1306. While the information in penalty notices is not available online like it is for removal proceedings notices, the constitutionally relevant question is whether the method of service is reasonably calculated to inform, not whether parallel avenues for accessing the same information exist. *See Mullane,* 339 U.S. at 315 (''The reasonableness and hence the constitutional validity of any chosen method may be defended on the ground that it is in itself reasonably certain to inform those affected.''). The penalty notice itself contains the relevant information: the statutory basis for the penalty, the factual allegations, the amount sought, and clear instructions on how to appeal. *See* 8 CFR 281.1(c)(1); 90 FR 27449. Due process does not require DHS to maintain a public online portal for civil monetary penalty notices, nor does the lack of such a portal make regular mail constitutionally insufficient. *See Mullane,* 339 U.S. at 315.

The Departments also disagree with commenters' suggestion that ICE must use personal service for individuals who attend in-person check-ins. Not all aliens subject to civil penalties are enrolled in programs involving in-person reporting, and requiring personal service in every case would impose significant operational burdens without materially improving notice. Regular mail ensures efficient and consistent delivery of notices for geographically dispersed aliens.

Finally, while one commenter questioned whether ordinary mail saves time or resources, the IFR explains that allowing service by regular mail promotes efficiency. As discussed in the IFR, personal delivery often may require burdensome manual efforts to locate the alien. It may further require the use of multiple DHS agents or officers to appear on location to ensure officer safety, and multiple attempts at personal service if not effectuated on the first attempt, thereby diverting officers from their other duties. 90 FR 27444–45. Service by certified mail involves preparation of individual mailings in each case, including handwriting envelopes, which has proven to be costly and resource intensive and would become even more so as DHS expands its use of these civil penalties. Indeed, ICE estimates that the certified mail requirement costs the agency $23.53 for each civil monetary penalty, which includes certified mail fees, materials, and labor. 90 FR 27444. Consequently, personal service or certified mail imposes higher costs and increases processing times and is unnecessary to satisfy constitutional or statutory notice requirements. *See Mullane,* 339 U.S. at 306. The Departments also recognize commenters' concerns that some individuals, including lawful permanent residents, may have reported receiving penalty-related notices in error. The IFR's service provisions do not increase the likelihood of incorrect notices. Instead, the procedural framework contains safeguards and corrective mechanisms, including written notice and a mandatory de novo supervisory review over any appeal. The initial civil penalty decision remains inoperative while a timely administrative appeal is pending. This provides structured mechanisms to correct any errors promptly. Any alien who believes a notice was issued in error may file a simple written appeal explaining as much, triggering the supervisory review process. These procedures ensure that aliens have meaningful opportunities to contest errors.

Accordingly, the Departments conclude that service by regular mail, coupled with the exception to the 15-business-day deadline to appeal when ICE determines that there was a mail delay under 8 CFR 281.1(e)(2), is a reasonable, appropriate, and constitutionally sufficient method of providing notice of civil monetary penalty determinations under the INA, particularly given the IFR's procedural safeguards that ensure aliens retain meaningful opportunity to contest penalties. *See Mathews* v. *Eldridge,* 424 U.S. at 335.

4. 15-Day Appeal Deadline and Process

Comment: Commenters argued that a 15-business-day appeal deadline will prevent aliens from being able to contest these civil fines. Commenters listed several barriers they claim will prevent aliens from meeting the appeal deadline. One commenter asserted that a significant number of aliens that receive these fines speak a language other than English, but the IFR lacks any language accommodation, creating a barrier to responding within 15 days. Another commenter also noted that some may struggle to understand fine-related communications not delivered in their primary language. They noted that they expect this to be a common occurrence given that DOJ's July 14, 2025, memorandum regarding implementation of Executive Order 14224, Designating English as the Official Language of the United States, 90 FR 11363 (Mar. 6, 2025), directed a reduction in multilingual services at federal agencies. This commenter also asserted that a 15-day appeal period is unrealistic and unfair because aliens will lack sufficient time to understand the fines and their applicability and legal nuances and the related processes and will be unfamiliar with the IFR's new provisions. Another commenter stated that the 15-business-day period would make obtaining legal representation difficult and expensive and asserted that the IFR minimized the complexity of proving and imposing civil penalties. Another commenter stated that the 15-business-day period does not account for the time needed to access the necessary information required to contest a penalty decision. They note that some medical records are accessible online but that many health networks cite a 7-to-14-business-day turn around to provide medical records and that federal law requires medical records to be processed in 30 days. They also explained that state and local incarceration, court records, and travel documents are difficult to access and involve waiting times in excess of 15 business days. The commenter also claimed that obtaining travel documents takes significant time because many countries' embassies are located in Washington, DC and require aliens to appear in person. The commenter also noted that aliens whose citizenship is not recognized by a country may have difficulty securing an appointment.

Response: The Departments disagree that the 15-day deadline for submitting an administrative appeal will prevent aliens from contesting civil penalties. The revised process continues to provide aliens with written notice of the

proposed penalty that identifies the factual and legal basis for the determination and explains the steps to request the review. The Departments also disagree that the lack of language accommodation in the IFR, such as a requirement to translate penalty determinations and appeal instructions into each respondent's native language, prevents aliens from meeting the 15-day appeal deadline. As with other immigration notices and charging documents, including NTAs, removal orders, voluntary departure orders, and USCIS decision notices, civil monetary determinations are issued in English, and neither the INA nor the Constitution obligates DHS to translate such documents into every alien's native language. *See Ojeda-Calderon* v. *Holder,* 726 F.3d 669, 675 (5th Cir. 2013) (citing *Nazarova* v. *INS,* 171 F.3d 478, 483 (7th Cir. 1999) (explaining that due process does not require immigration notices to be in a language the alien can understand). Civil penalty decisions issued under this final rule will continue to include written instructions explaining how to file an appeal. Aliens may also seek assistance from legal representatives, community organizations, or interpreters. Aliens may provide additional documentation if the supervisory officer requests supplemental briefing during de novo review. Accordingly, the Departments conclude that the English language format of penalty notices is consistent with longstanding immigration practice and constitutional requirements as well as DOJ's memorandum implementing Executive Order 14224 by minimizing non-essential multilingual services, redirecting resources toward English-language education and assimilation, and ensuring compliance with legal obligations through targeted measures where necessary. Memorandum for all Federal Agencies, from Pamela Bondi, Attorney General, *Re:* Implementation of Executive Order No. 14,224: Designating English as the Official Language of the United States of America at 2, 7 (July 14, 2025) *https://www.justice.gov/ag/media/1407776/dl.*

Aliens also remain free to seek legal representation at any point in the process, including after filing the initial written appeal request. Nothing in the IFR limits a respondent's ability to obtain counsel or work with legal service providers. The IFR merely standardizes the timeframe for the initial appeal filing while preserving a meaningful opportunity, through mandatory de novo review and a potential supplemental briefing period, to submit evidence or legal argument. Considering these procedural safeguards, the Departments conclude that the 15-day appeal period is a reasonable and appropriate procedural requirement.

In addition, the IFR also only requires that the alien submit a written appeal explaining the basis for contesting the civil penalty, as the grounds on which an alien may contest a civil penalty are limited and generally involve facts uniquely within the alien's knowledge. As the IFR noted, aliens will ordinarily possess the necessary information to contest these fines. 90 FR 27450. If an alien submits an appeal with assertions that are unsupported by documentary evidence because there was no time for the alien to obtain these documents, then the supervisory immigration officer reviewing the appeal can request the documents during the course of the appeal to verify the validity of the alien's assertions. *See* 8 CFR 281.1(e)(3). Additionally, the fact that it takes an alien longer than 15 days to obtain travel documents is irrelevant because the fines are issued after the time period aliens have been given to obtain travel documents and depart has elapsed. The streamlined procedures are designed to ensure timely resolution of cases and maintain the integrity of enforcement actions. DHS believes the 15-day appeal period, coupled with ICE's discretion to equitably toll the appeal deadline when ICE determines that there was a mail delay under 8 CFR 281.1(e)(2), strikes an appropriate balance between efficiency and fairness, providing adequate opportunity for aliens to contest violations and demonstrate lawful status or other circumstances that may preclude liability.

Comment: Commenters also expressed concern with the interaction between the 15-day appeal deadline and the IFR's provisions allowing DHS to serve fines by regular mail. One commenter pointed out that, according to the U.S. Postal Service, ordinary mail takes 1–5 business days to reach its destination. The commenter noted that this leaves an alien with only 10 days to appeal a fine once received and, if sent in advance of a weekend, an alien only has 8 days. Another commenter reiterated that this 15-day appeal period is not enough time to meaningfully respond and noted that other federal regulations governing civil penalties include a 5-day mail presumption. They also stated they ''were aware of many people who have received notices that were dated several days before they were mailed out.''

Response: The Departments disagree that the interaction between the 15-business-day appeal deadline and the IFR's service provisions prevents aliens from having a meaningful opportunity to appeal. The Departments recognize that aliens may, in limited circumstances, experience delayed or untimely delivery of notices served by mail that is outside the alien's control. To address this concern while preserving the integrity and administrability of the appeals process, this final rule amends 8 CFR 281.1(e) to provide a case-by-case mechanism for accepting appeals filed after the 15-day filing period when the alien demonstrates that the delay resulted from mail delivery issues. Under the rule, an alien who files an appeal after the applicable deadline and asserts that the delay was caused by untimely or delayed mail delivery must submit a written explanation and any available documentary evidence supporting that assertion. If, based on the information submitted, ICE determines that the appeal was filed late due to mail delay beyond the alien's control, ICE will accept the appeal as timely filed and consider it on the merits. By requiring aliens to affirmatively raise mail delay and provide supporting evidence, the rule ensures that aliens are not prejudiced by mail delivery delays beyond their control, while maintaining finality and administrative efficiency. In addition, although one commenter merely referenced anecdotal reports to assert some notices may have been mailed after the date listed on the document, this new exception to the 15-day filing period will provide aliens more time file their appeal for mail delays that occur while the notice is in transit and for processing delays from the time date the notice is signed until it is placed in the mail.

Moreover, due process principles require that notice be reasonably calculated to inform the respondent of the action and provide a meaningful opportunity to respond. *See Mullane,* 339 U.S. at 314. The combination of written notice, the exception to the 15-business day deadline to appeal when ICE determines that there was a mail delay under 8 CFR 281.1(e)(2), mandatory de novo review, and a potential 15-day period for supplemental briefing satisfies these constitutional requirements and provides aliens with a realistic and fair opportunity to contest civil fines. DHS believes that the nature of the failure to depart and unlawful entry penalties typically turn on routine and straightforward determinations of fact, meaning that an appeal period greater than 15-days is unnecessary. In fact, there has been a higher appeal rate of

civil penalties for failure to depart issued under 8 CFR part 281, as compared to 8 CFR part 280, which suggests that aliens are able to meaningfully file appeals within the shortened timeline. DHS believes this is because of the straightforward factual issues associated with these penalties. Additionally, the appeal process under 8 CFR part 281 discourages frivolous or non-meritorious appeals, focusing resources on cases with substantive claims.

Comment: Commenters raised general due process and fairness concerns with the 15-day appeal deadline and process. One commenter asserted that shortening the appeal deadline from 30- to 15-days eliminates a key due process safeguard. Commenters also claimed that DHS's interest in reducing the appeal period to avoid a backlog of penalties is outweighed by the alien's interest in having enough time to meaningfully respond to these penalties, especially given the amounts. One commenter stated that shortening the appeal period increases the chance that an alien could face serious penalties without even realizing what they are accused of. As an example, one commenter claimed that many aliens, including those who were brought to the United States as children, may not even be aware that they are subject to a removal order. A commenter claimed that, in light of the many barriers that aliens face responding to these penalties, the appeal period is ''clearly designed'' to prevent as many aliens from contesting these civil penalties as possible.

Response: The Departments disagree that the 15-day appeal deadline or the revised procedures deprive aliens of due process or create unfair barriers to contesting civil penalties. Due process requires that individuals receive notice reasonably calculated to inform them of the proposed action and a meaningful opportunity to be heard before a determination becomes final. The IFR preserves these core protections. Aliens continue to receive written notice setting out the factual and statutory basis for the penalty and providing clear instructions on how to appeal as explained in more detail in responses to comments about the appeal deadline in this Section, III.D., of the preamble.

Comment: Commenters also took issue with the lack of extensions for good cause. One commenter alleged that the lack of extensions for good cause further contributes to the erosion of procedural protections. Another commenter suggested that DHS should account for demonstrations of good faith compliance efforts.

Response: The Departments decline to modify the IFR to permit good cause extensions for late-filed appeals because the Departments do not believe that creating exceptions to the appeal deadline will meaningfully reduce the risk of error. *See Bowen* v. *City of New York,* 476 U.S. 467 (1986) (recognizing that agencies may impose deadlines for appeals, and that equitable tolling (exceptions) is only appropriate in exceptional circumstances and that routine or general exceptions are not required for due process). The Departments believe the risk of error is minimized through the robust procedures already in place, which ensure that aliens are provided with notice of the fine, an opportunity to appeal, and clear instructions on how to contest the penalty. The appeal process focuses on factual determinations, and aliens are best positioned to produce the necessary information to contest a fine within the established timeframe.

On the other hand, the Departments note that permitting good-cause extensions or excusing late filed appeals impedes DHS's ability to efficiently administer the penalty process as DHS expands its use of these penalties. DHS has a strong interest in ensuring that it can finalize penalty decisions quickly in response to the large number of aliens who have entered the United States unlawfully in recent years and the significant numbers of aliens who have failed to comply with removal and voluntary departure obligations. *See* 90 FR 27422–23; *see also* Section II of this preamble. It would be inconsistent with DHS's finality interests to allow late filed appeals. Such appeals would delay or impede DHS's ability to move forward with the collection process or would require DHS to re-open or pull back any final penalty decisions already transmitted for collection. Therefore, a strict appeal deadline allows DHS to have greater certainty in the finality of its penalty decisions and it allows DHS to more effectively achieve the IFR's objectives of incentivizing compliance with the immigration laws and imposing consequences on those who do not comply.

DHS acknowledges these finality concerns could, to some extent, be mitigated by imposing an outer deadline on late-filed appeals or by restricting the length of ''good cause'' extensions. The Departments decline to adopt this approach for several reasons. First, DHS believes that such an approach would undermine the Departments' goals regarding the 15-day appeal deadline. *See* 90 FR 27442–43. Allowing an alien to have a certain amount of time to file an untimely appeal would, as a practical matter, merely extend the appeal 15-day appeal deadline. As discussed in the IFR and in response to the other similar comments in this preamble, the Departments believe that a 15-day appeal period supports DHS's need to have an efficient and administrable process while also affording the alien meaningful appellate rights especially given the straightforward nature of these penalties. *See* 90 FR 27444–45. For similar reasons, granting extensions would also unnecessarily delay the appeal process. The Departments believe that, in the vast majority of cases, aliens should have ready access to any information needed to contest these penalties and therefore do not need additional time to file an appeal. In these circumstances, allowing extensions would unnecessarily hinder DHS's ability to effectively administer the appeal process and impose civil penalties more swiftly and at scale to achieve the IFR's intended purposes.

Second, although adopting a ''good cause'' or ''good faith'' standard may reduce the number of aliens eligible to receive an extension or file an untimely appeal, these amorphous standards are likely to invite inconsistent practices among immigration officers and inconsistent results among similarly situated aliens. Although these standards are ubiquitous in law, they are hard to define, context specific, and often require a balancing of various legal issues. *See Matter of L–A–B–R–*, 27 I & N Dec. 405, 412 (A.G. 2018) (stating that ''definitions of good cause tend to be nebulous and elusive'' and noting that courts have ''elaborated context-specific multifactor balancing tests, rather than bright-line rules''). The Departments believe that imposing an additional time-intensive burden on immigration officers to make such determinations would be inconsistent with the IFR's purpose of streamlining appeals for these straightforward penalties.

Comment: One commenter noted that a 15-day appeal period is much shorter than the timeframe that other agencies afford for other civil monetary penalties. The commenter cited several regulations that provide a 60-day appeal period governing civil monetary penalties for fraud, misrepresentations, and false claims in social security and health care benefits programs. The commenter claimed ''[t]hese timelines reflect a broader regulatory recognition that individuals must be afforded adequate time to receive, review, and respond to significant legal determinations'' which, according to the commenter, the IFR does not provide.

Response: The Departments disagree that the 15-day appeal period is

inadequate merely because other federal agencies afford longer timelines for contesting civil monetary penalties in unrelated statutory schemes. Appeal periods vary widely across federal programs,[46] and the timelines cited by the commenter arise under distinct statutes with different penalty structures, evidentiary frameworks, and administrative adjudication procedures. The INA provisions for the straightforward civil penalties at issue here, INA 240B(d), 274D, and 275(b), 8 U.S.C. 1229c(d), 1324d, and 1325(b), do not prescribe any particular appeal period, and nothing in due process jurisprudence requires the Departments to align procedures with unrelated programs such as those governing Social Security, healthcare fraud, or false claims penalties. *See Clev. Board of Educ.* v. *Loudermill,* 470 U.S. 532 (1985) (reaffirming that the formality and procedural requisites for due process vary depending on the importance of the interests involved and the circumstances); *see also Mathews,* 242 U.S. at 319. The relevant question is whether the procedures established by this rule provide sufficient notice and a meaningful opportunity to be heard before the determination becomes final. The rule satisfies this standard. The appeal requires only a brief written request for review and allows for the submission of written supporting evidence or documentation. Additionally, as explained above, upon appeal, the supervisory immigration officer must conduct a de novo review of the record within 10 days and may request additional evidence or information, affording the respondent another 15 days to provide it.

Moreover, these penalties differ from the examples cited by the commenter. The penalties addressed in this IFR implement longstanding statutory requirements tied to an individual's immigration history and do not involve the complex evidentiary or program-eligibility determinations characteristic of Social Security or health-care fraud adjudications. These penalties are straightforward in nature and turn on routine and straightforward determinations of fact that can be decided quickly on a written record. The narrow factual bases for these penalties support the reasonableness of the 15-day appeal window, in which aliens can submit written evidence or documentation for de novo review.

Comment: Commenters also raised concerns with the appeal process itself. One commenter argued that the IFR allows the appellate reviewer to conduct factfinding in the first instance. The commenter argued that fact finding should be reserved for the initial decisionmaker. Another commenter stated that permitting supervisory immigration officers to call for additional evidence on a 15-day schedule but mandating a decision no later than 45 days after the alien appeals will force officers to choose between gathering critical information and meeting the 45-day deadline.

Response: The Departments disagree that the IFR impermissibly allows supervisory immigration officers to conduct fact finding in the first instance. The initial penalty determination is made by the enforcement officer based on the available evidence. The supervisory review stage is an internal appellate review designed to ensure accuracy and procedural fairness. Allowing the reviewing officer to request supplemental evidence and information does not convert the supervisory officer into a primary factfinder. Rather, it enables the reviewer to ensure that the existing record is complete, and that the respondent has had a full opportunity to present information relevant to the determination. Nothing in the IFR authorizes the supervisory immigration officer to engage in unrestricted factfinding. The officer's role is limited to reviewing the record and evaluating any supplemental evidence or information.

The Departments also disagree that the 45-day timeline for issuing a final decision places the supervisory immigration officer in an untenable position. The IFR provides a structured sequential process that ensures adequate time for both review and supplemental filing as needed. The officer conducts a de novo review of the record within 10 days of the appeal filing. If additional information is necessary for a fair and complete adjudication, the officer may request supplemental evidence or information, and the respondent then has 15 days from receipt of that request to submit materials. The supervisory officer then retains the remaining portion of the 45-day period to complete the review and issue a decision. This framework provides sufficient time for both the respondent's submission and the officer's analysis, while promoting timely resolution, an important consideration in administering statutory civil monetary penalty schemes.

The Departments note that the 45-day timeframe balances the government's interest in prompt resolution and administrative efficiency with the respondent's interest in a meaningful opportunity to supplement the record when necessary. The structured process ensures that respondents are heard, that determinations are made based on a complete record, and that decisions are issued in a timely manner.

Accordingly, the Departments conclude that the supervisory review process, including the ability to request supplemental evidence or information and the 45-day timeline for issuing a final decision, is appropriate and reasonable.

5. Removal of In-Person Hearings

Comment: Several commenters claimed that eliminating in person hearings will deprive aliens of due process protections that ensure their appeal is thoroughly presented and fully considered. Citing *Mathews* v. *Eldridge,* one commenter said in-person hearings are critical because they allow aliens to present oral evidence and clarify misunderstandings. Another commenter stated that eliminating in-person hearings means that DHS will only review written filings, briefs, and any documentary evidence submitted which, according to the commenter, deprives aliens from a meaningful opportunity to be heard. Another commenter alleged that the limited due process rights under the new process will contribute to an ''extremely high'' possibility for error.

Response: The Departments disagree that eliminating in-person hearings deprives respondents of due process protections or prevents their appeals from being fully and fairly considered. As an initial matter, as discussed above in Section I of this preamble, the Departments note that only four aliens requested an in-person interview of the 450 appeals and over 12,000 civil penalties under the pre-IFR process, indicating that aliens do not place much value on the need for in-person hearings to contest civil penalties. Moreover, under the *Mathews* balancing test, the

[46] For example, in February 2026, EOIR issued an IFR establishing a generally applicable 10-day deadline for filing an appeal from a decision of an Immigration Judge. *Appellate Procedures for the Board of Immigration Appeals,* 91 FR 5267 (Feb. 6, 2026) (partially vacated on procedural grounds by *Amici Ctr. for Immigr. Rts.* v. *EOIR,* 822 F. Supp. 3d 119, 168 (D.D.C. Mar. 8, 2026)). These processes were implemented within the context of the robust procedures afforded to the aliens before the Immigration Court prior to any administrative appeal, the availability of electronic filing, and the need for immediate efficiency reforms in light of the BIA's historic pending caseload. *See* 91 FR 5272. Moreover, those processes do not involve the imposition of monetary fines, or any other penalties, but rather involve legal determinations regarding an alien's removability from the United States. Further, even in other situations which do involve civil monetary penalties in an immigration context—*i.e.* those imposed under INA 274A and 274C, 8 U.S.C. 1324a and 1324c—the administrative appellate deadline is only 10 days. *See* 28 CFR 68.54(a).

question is whether the procedures established by the IFR provide notice reasonably calculated to inform the alien of the action and a meaningful opportunity to be heard before a final decision is issued. The IFR satisfies both requirements. Aliens receive written notice detailing the factual basis and statutory grounds for the penalty and are afforded the opportunity to file an appeal with the option of including a written defense or documentary evidence. The initial appeal requires only a brief written request for review, and aliens may provide additional documentation if the supervisory immigration officer requests supplemental evidence or information. The supervisory officer must conduct a de novo review, ensuring that the respondent's written submissions and any relevant evidence are fully considered.

The Departments also disagree with commenters' assertions that in-person hearings are necessary to present oral evidence or clarify misunderstandings. Civil monetary penalties under INA 240B(d), 274D, and 275(b), 8 U.S.C. 1229c(d), 1324d, and 1325(b), turn on objective factual bases such as a prior removal order or a failure to comply with terms of voluntary departure that are typically documented in DHS records. Written submissions allow respondents to contest factual inaccuracies, provide additional documentation, or explain circumstances that negate the willfulness of the alien's failure to depart. As explained in the IFR, an in-person interview would not enhance the fairness or accuracy of the civil monetary penalty process because of the straightforward issues and types of evidence involved in these cases, which do not turn on credibility determinations or require the cross-examination of witnesses. If an alien, through no fault of his or her own, did not receive notice of the removal or voluntary departure order or was prevented from complying due to circumstances beyond his or her control, the alien can provide a written explanation and simple documentary evidence to support the claim. Accordingly, a requirement for in-person hearings would not meaningfully improve the accuracy or fairness of determinations, given the narrow factual issues typically involved in these penalties. *See Mathews,* 424 U.S. at 343–44 (considering for due process purposes both the nature of the issues to be decided and the nature of the evidence to be presented, such as whether it consists mainly of documents or whether the resolution of the issue hinges on the need for in person testimony).

The risk of error is also mitigated by the IFR's multi-layered procedural safeguards. Aliens may file supplemental evidence if invited by the supervisory officer, and the officer must independently evaluate the record before issuing a final decision. These safeguards ensure that errors can be identified and corrected without necessitating formal, trial-type hearings. The Departments note that many administrative penalty and adjudication schemes, including certain USCIS benefit adjudications, and numerous civil penalty processes across the federal government operate without in-person hearings, and courts have recognized such frameworks as consistent with due process requirements.

For these reasons, the Departments conclude that an in-person hearing is not required and that the written, supervisory review process established by the IFR provides respondents with a fair and meaningful opportunity to present their claims.

Comment: One commenter also said that eliminating in-person hearings will put vulnerable populations at risk, such as aliens with low-income, a lack of representation, and a limited understanding of English. Citing *Goldberg* v. *Kelly,* the commenter alleged that because the respondents in this context are often low income, non-English speaking, and unrepresented by legal counsel, review of the paper file only is an insufficient means to afford due process. Another commenter also cites *Goldberg* v. *Kelly,* alleging that where DHS imposes such a toll on families and target ''very means by which to live,'' the private interests cannot be described as ''modest.''

Response: The Departments disagree that eliminating in-person hearings fails to protect vulnerable populations or violates due process principles, including those discussed in *Goldberg* v. *Kelly,* 397 U.S. 254 (1970). The Supreme Court has long recognized that procedural due process generally requires notice and an opportunity to be heard before the Government deprives an individual of a protected property interest, while also emphasizing that due process ''has never been a term of fixed and invariable content,'' *FCC* v. *WJR,* U.S. 265, 275 (1949), as its ''exact boundaries are undefinable, and its content varies according to specific factual contexts,'' *Hannah* v. *Larche,* 363 U.S. 420, 442 (1960). The circumstances presented here differ materially from those at issue in *Goldberg.* In *Goldberg,* the Court considered the termination of ongoing public assistance benefits that were essential to recipients' subsistence and daily living expenses. The Court considered the deprivation at issue to be immediate and uniquely harmful, distinguishing it from ''virtually anyone else whose governmental entitlements are ended.'' *Goldberg,* 397 U.S. at 263–64. The Court therefore concluded that a pre-termination evidentiary hearing was required to minimize risk of an erroneous deprivation. *Id.*

By contrast, the IFR concerns not the deprivation of a constitutional property interest but the imposition of civil monetary penalties authorized by statute for violations of INA 274D(a)(1), 8 U.S.C. 1324d(a)(1); INA 240B(d)(1)(A)–(B), 8 U.S.C. 1229c(d)(1)(A)–(B); and INA 275(b)(1), 8 U.S.C. 1325(b)(1). These penalties do not involve the termination of subsistence benefits or other government benefits. Nor do such determinations typically turn on complex credibility assessments; rather, they generally involve documentary evidence and objective statutory criteria. Therefore, the risk of government error is minimal, and the appeal process provides an adequate opportunity for error correction. Accordingly, the procedural concerns present in *Goldberg* are not implicated to the same degree here. Generally, civil fines are issued after aliens have received sufficient due process to challenge the findings against them and after the aliens have been adequately warned, by ICE and the immigration judge, of the consequences of failing to abide by the terms of the final order.

Under the *Mathews* framework, due process requires procedures that are reasonably designed to ensure fairness in light of the private interest affected, the risk of erroneous deprivation, and the Government's interest. Applying those factors here confirms that an in-person hearing is not required. The private interests at stake, while important, are financial in nature, not subsistence-level. The risk of error is mitigated by the IFR's multi-layered procedural safeguards, including written notice, an initial appeal requiring only a brief written request and explanation, mandatory de novo review by a supervisory immigration officer, and the ability of that officer to request supplemental evidence, giving aliens an additional 15 days to provide evidence or explanation. These safeguards provide aliens, including those that are recent arrivals, low-income, or limited-English proficient,

with meaningful opportunities to be heard.

The Departments also disagree that vulnerable populations require an in-person hearing to ensure adequate participation. Aliens may seek assistance from legal service providers or community organizations. Because the initial appeal filing is minimal and does not require complex filing, aliens are not required to navigate technical evidentiary matters within the initial 15-day period. The ability to supplement the record during supervisory review further ensures that aliens can clarify misunderstandings, correct errors, or provide additional information without the need for a formal oral hearing.

6. Removal of BIA Review

Comment: Several commenters took issue with the IFR's justification for moving appellate review from the BIA to DHS, suggesting that it was insufficient. These commenters broadly suggested that the Departments erroneously discounted the legal complexity of these penalties, asserting that DHS immigration officers do not have the legal training and experience necessary to adjudicate complex legal challenges. One commenter also challenged the IFR's statement that the BIA lacks experience adjudicating these civil penalties, noting that the IFR itself relied on a BIA precedent decision to explain the scope of the voluntary departure penalty. Additionally, commenters also said that the BIA's backlog of cases is not a valid reason to eliminate BIA review. One commenter said that the backlog is a self-created problem attributable to the Attorney General's recent decision to reduce the size of the BIA. Another commenter argued that the BIA's backlog is a result of Congressional funding decisions, and the Departments should not try to solve this funding problem by eliminating the BIA's jurisdiction over certain categories of cases.

Response: As an initial matter, the Departments disagree with the commenters' suggestion that the Departments' explanations for removing the BIA's jurisdiction over these penalties are insufficient. The IFR fully explains the Departments' reasons for eliminating BIA review. These reasons include: (1) the straightforward nature of these penalties and the lack of an operational need, such as an established subject-matter expertise, for the BIA to adjudicate such appeals; (2) the fact that the BIA has a large backlog of cases and appeals take a long time to resolve; (3) the need to prevent these cases from exacerbating the BIA's backlog; and (4) the need to focus EOIR's resources on its statutorily prescribed functions under the INA, which do not include civil penalty appeals. *See* 90 FR 27441, 27444–47. The Departments believe that these reasons are sound and refer readers to the IFR for further discussion.

The Departments disagree that these penalties involve complicated legal issues that warrant BIA review. The Departments are not persuaded by commenter arguments related to the constitutionality of the IFR's streamlined procedures, civil penalty amounts, statute of limitations issues, and the scope of the unlawful entry penalty, which have been addressed below at Parts III.D.8, and E. Therefore, the commenters' examples are inconsequential to the Departments' conclusions that BIA review is (1) unnecessary because these civil penalties typically turn on straightforward issues of fact that supervisory immigration officers are prepared to adequately review and (2) inadvisable because the BIA's limited, specialized resources are better used to address its unprecedented pending caseload rather than to review decisions that can be adequately reviewed by supervisory immigration officers. *See* 90 FR 27453. Further, the Departments note that if an alien believes that a supervisory immigration officer's penalty decision was legally erroneous, the alien may, after exhausting administrative remedies, seek judicial review under the APA or may challenge the decision in connection with any enforcement action brought to collect the penalty.

Regarding one commenter's claim that the value of BIA review is demonstrated by the fact that the IFR's preamble relied on a BIA precedent decision to explain the scope of the voluntary departure penalty, the Departments note that the IFR cited that decision only to show that aliens generally will have limited defenses to these penalties. *See* 90 FR 27443. As a preliminary matter, the cited decision, *Matter of Zmijewska,* did not involve a civil penalty issue but instead addressed an alien's ineligibility for immigration relief because of the alien's failure to comply with a voluntary departure order. 24 I&N Dec. 87, 93–95 (BIA 2007).

Even still, *Matter of Zmijewska* clarifies that the sole exception to an alien being penalized for failure to depart after being granted voluntary departure is narrowly ''limited to situations in which an alien, through no fault of his or her own, is unaware of the voluntary departure order or is physically unable to depart''—which turns not on complicated issues of law but on issues of fact that can easily be demonstrated by the alien and adjudicated by a supervisory immigration officer. *Id.* at 945. Therefore, this BIA decision does not undermine the Departments' decision to remove BIA review but instead actively supports it.

Further, while the BIA is certainly qualified to adjudicate cases as straightforward as these civil penalties cases, it has not developed specialized expertise through historical practice, as it has only ever reviewed civil penalties cases, not adjudicated the factual findings they involve in the first instance. Moreover, as the IFR correctly points out, the BIA has little specialized expertise even in reviewing appeals of these civil penalties. *See* 90 FR 27450 (noting that only a handful of appeals resulted from civil penalties issued under President Trump's first term); *see also* Section I of this preamble (discussing the small number of BIA appeals in proportion to the number of civil penalties issued in the months leading up to the IFR). Because of this, there is effectively no operational necessity to this review being performed by the BIA instead of by a supervisory immigration officer within DHS, the administrative body that has the historical practical experience of adjudicating these penalties and providing internal DHS review over such determinations, even under a framework where the BIA had appellate authority. Thus, the Departments reaffirm that the BIA's lack of experience adjudicating these penalties in the first instance and lack of meaningful expertise even in reviewing them are valid bases (but not the sole bases) for removing BIA appellate review.

Finally, the Departments disagree that the BIA's backlog is not a valid reason to remove BIA review of these penalty decisions. As discussed above, the BIA's backlog has prompted a need for reconsideration of the BIA's role as an appellate tribunal and renewed focus on implementing streamlining case processing measures. As such, in February 2026, the BIA issued an IFR establishing, among other efficiency measures, that the BIA will generally summarily dismiss appeals unless it votes en banc to consider the appeal on the merits. 91 FR 5267, 5270.[47] Divesting the BIA responsibility over DHS imposition and enforcement of civil fines and penalties, an area where there is no statutory requirement for

[47] *See Amica Ctr. for Immigrant Rts.* v. *EOIR,* No. CV 26–696 (RDM), 2026 WL 662494, at *34 (D.D.C. Mar. 8, 2026) (partially vacating the rule).

EOIR review and where the BIA has no unique adjudicatory expertise, creates operational efficiencies, as the BIA need not devote resources to adjudicate such appeals, which may fluctuate over time and with the IFR's streamlined processes aimed at issuing such penalties at scale.

Additionally, the Attorney General's recent decision to reduce the number of permanent Appellate Immigration Judges who sit on the BIA does not undermine the Departments' concerns that preserving BIA review could unnecessarily delay the penalty process and exacerbate the BIA's backlog. Rather, as EOIR explained in a recent rule, ''increasing the size of the BIA has not necessarily equated to a corresponding increase in the number of cases adjudicated or a reduction in the pending caseload.'' [48] Reducing the Size of the Board of Immigration Appeals, 90 FR 15525, 15526 (Apr. 14, 2025). EOIR also noted that the size of the BIA has had ''significant institutional costs, including effects on the cohesiveness of the Board's decision-making process and the collegiality among Board members, a loss of uniformity in its non-precedent decisions, increased difficulty providing effective leadership, as well as an administrative and supervisory strain on the Board's limited legal staff.'' *Id.* None of these reasons for reducing the size of the BIA contradict the Departments' stated justification for removing the BIA's jurisdiction over these penalties, including concerns about BIA adjudication timelines and its backlog. For similar reasons, the Departments do not agree that they must wait for Congress to provide additional funding for the BIA, rather than removing BIA jurisdiction over certain categories of cases. As discussed in the IFR, Congress has not required EOIR or the BIA to review these civil penalty decisions, and nothing in the INA precludes the Attorney General from exercising his authority to remove the BIA's regulatory appellate authority over these penalties. 90 FR 27448.

Comment: Several commenters argued that replacing BIA appellate review with DHS appellate review impermissibly consolidates enforcement and adjudication powers within one agency. They further argued that the IFR's appeal structure creates an inherent conflict of interest because DHS cannot be impartial when reviewing its own actions. One commenter argued that this consolidation of enforcement and adjudication functions violates due process. The commenter explained that the Supreme Court has long recognized that due process requires impartiality from adjudicators, and that any arrangement that gives rise to even a ''possible temptation'' to act in a biased way that benefits the decisionmaker violates due process. *See Ward* v. *Village of Monroeville,* 409 U.S. 57, 60 (1972). The commenter asserted that DHS assessing these penalties and reviewing appeals raises at least a possibility of temptation to impermissibly affirm the determinations, noting that the IFR itself was issued to allow DHS to impose these penalties more swiftly and at scale. Another commenter noted that these civil penalties are deposited into a DHS account that directly funds immigration detention, removal operations, and border wall construction. They suggested that this creates a powerful institutional incentive for DHS to maximize fine revenue, and, therefore, BIA review is needed to mitigate this potential conflict of interest. To address these concerns, this commenter urged the Departments to restore BIA review or to create an independent review board, separate from ICE and CBP, to review civil penalty appeals. They also suggested that if the IFR's structure is preserved, the rule should, at minimum, sever the financial interest DHS has in imposing these fines by redirecting civil penalty revenue to the Department of the Treasury's general fund rather than retaining it in DHS's enforcement accounts.

Response: DHS strongly rejects commenters' speculative suggestion that DHS immigration officers cannot be impartial and neutral when adjudicating civil penalty appeals. DHS has designed the appeal process to ensure that an alien's appeal is fairly and fully considered on the merits alone. Indeed, the IFR makes clear that any appeal of a penalty decision must be reviewed by a separate supervisory immigration officer who was not involved in the initial civil monetary penalty decision. Additionally, the IFR instructs the supervisory officer to review the appeal record de novo, which ensures that officers decide each appeal solely on the law and facts presented without providing any weight in favor of the initial decision. There is a presumption of regularity that attaches to the actions of government agencies, *see U.S. Postal Serv.,* 534 U.S. at 10, and commenters have offered no support for their claim that immigration officers will deny otherwise meritorious challenges to civil penalties simply because they are employed by the same agency that issues and enforces these penalties.

Moreover, the Supreme Court has long held that it does not violate due process to combine enforcement and adjudication functions within a single agency. *See Withrow* v. *Larkin,* 421 U.S. 35, 56–58 (1975) (holding that the fact that the initial charge in an administrative proceeding is brought by the same agency that later adjudicates the matter is not, in and of itself, violative of due process); *see also Marcello* v. *Bonds,* 349 U.S. 302 (1955) (rejecting the argument that the former INS's comingled prosecutorial and adjudicative functions, under a prior version of the INA, deprived aliens of due process in deportation proceedings). Thus, the Departments disagree with commenters' suggestion that the consolidation of enforcement and adjudication functions within the same agency violates due process or inherently increases the risk of biased decision-making.

The caselaw cited by one commenter does not undermine the Departments' conclusion that the IFR's appeal procedures comport with due process. At most, the cited cases stand for the principle that an agency's adjudicatory procedures could violate due process if the adjudicator has a direct financial or pecuniary interest in the outcome of the case, has prejudged the case, or has some other concrete conflict of interest. These cases, however, do not support the commenter's broad argument that DHS immigration officers cannot be neutral and unbiased merely because they are part of DHS. Rather the caselaw is clear: there is a presumption of honesty and integrity in administrative officials exercising adjudicative functions, even where there is a combination of investigative and adjudicative functions, and some evidence of actual bias must be presented to overcome this presumption. *See Marcello,* 349 U.S. at 311; *Withrow,* 421 U.S. at 47; *see also Baran* v. *Port of Beaumont Navigation District,* 57 F.3d 436, 446 (5th Cir. 1995). The commenter has not offered any actual and non-speculative reason to think that DHS officers cannot be neutral but will instead be ''tempted'' to impermissibly affirm penalty decisions issued by other DHS officers.

The other concerns cited by commenters do not support their

[48] As EOIR noted in another recent rule, between fiscal year 2015 and the end of fiscal year 2025, as the number of permanent Appellate Immigration Judges increased, the BIA's pending case load increased more than five-fold—from 37,285 pending appeals to 202,946 pending appeals. Appellate Procedures for the Board of Immigration Appeals, 91 FR 5267, 5270 (Feb. 6, 2026) (citing EOIR, *Adjudication Statistics: All Appeals Filed, Completed, and Pending* (Nov. 18, 2025), *https://www.justice.gov/eoir/media/1344986/dl?inline* [*https://perma.cc/88C5-MU4N*]).

contention that civil penalty appeals must be adjudicated by the BIA or an agency outside of DHS. The Departments acknowledge that INA 280(b), 8 U.S.C. 1330(b), provides that any civil monetary penalties collected from aliens shall be deposited into a DHS account that funds immigration detention, removal operations, and border wall construction. DHS disagrees, however, with one commenter's view that DHS officers adjudicating civil penalty appeals will be encouraged to maximize fine revenue for this DHS fund. DHS officers adjudicating civil penalty appeals are bound by strict legal and procedural standards to ensure impartiality and fairness in their decision-making processes.[49] These officers are tasked with applying the law and evaluating the facts of each case independently, without regard to the financial implications of their decisions.[50] DHS has robust supervisory review mechanisms in place to ensure that adjudications are conducted in compliance with applicable laws, regulations, and ethical standards. The fine amounts are governed by statute and regulations and, once an immigration officer determines that a civil penalty should be issued, the officer's discretion in choosing the fine amount is bound by those statutory and regulatory limits, and this rule does not alter the penalty amounts themselves authorized by statute. Furthermore, the primary purpose of civil monetary penalties under the INA is to enforce compliance with immigration laws, not to generate revenue. DHS remains committed to upholding the integrity of the adjudication process and ensuring that decisions are made based solely on the merits of each case, rather than any external considerations related to funding.

Similarly, DHS disagrees that officers will have an incentive to affirm penalty decisions on appeal because the IFR's preamble emphasizes DHS's desire to maximize the use of these penalties. The Departments agree that the IFR was designed to maximize DHS's ability to impose civil penalties in proportion to the scale of illegal aliens in the United States—not the total amount of the penalties. The IFR achieves this purpose by streamlining the penalty process, but it does not dictate the outcome of any penalty appeal or otherwise pressure immigration officers to affirm initial penalty decisions. Rather, as discussed above, the IFR makes clear that a supervisory officer must review appeals de novo based solely on DHS records and any evidence or argument submitted by the alien. Moreover, the IFR provides officers with a 45-day period to adjudicate appeals, which will ensure that they have ample time to consider all of the evidence and arguments provided by the alien. Accordingly, DHS believes that statements in the IFR's preamble will not cause immigration officers to prejudge appeals or impermissibly affirm penalty decisions. DHS clarifies that it expects each supervisory immigration officer to decide individual appeals based solely on the law and the facts presented.

Finally, the Departments note that BIA review is not needed to ensure that immigration officers comply with these regulatory requirements and decide each appeal on the basis of its own facts and circumstances. If an alien believes that an immigration officer's decision was erroneous and not based on the applicable law and the facts of the case, then after exhausting administrative remedies, the alien may seek judicial review under the APA or may challenge the decision in connection with any enforcement action brought by DOJ to collect the penalty.

For all of these reasons, individually and collectively, the Departments decline to modify the IFR to restore BIA review. Similarly, DHS declines to create an independent body, separate from ICE and CBP, to adjudicate civil penalty appeals because DHS believes that ICE and CBP supervisory officers are fully capable of deciding each appeal on the basis of its individual facts and circumstances without bias or prejudgment. Additionally, creating an independent board or body would conflict with the purpose of the IFR to streamline the civil penalty process, including the appeal process, because it could take additional time to create and to put in place processes that would ensure that the board receives filings and records in a timely manner. Finally, with respect to one commenter's claim that, in order to remove any conflict of interest, DHS should redirect penalty revenue to a general Treasury fund rather than retaining it in DHS accounts, DHS notes that it cannot redirect funds in contravention of INA 280(b), 8 U.S.C. 1330(b).

Comment: Several commenters characterized the IFR's appeal process as lacking transparency and accountability. They noted that the BIA makes its decisions publicly available and has a well-established process for publishing decisions on emerging legal issues. In contrast, commenters noted that the IFR does not require DHS to make its civil fine decisions public or treat them as precedential in cases raising similar issues. Commenters argued that this will contribute to arbitrary and inconsistent decisions and a lack of accountability.

Response: As discussed in the IFR and above, the civil penalties covered by this rule typically turn on straightforward issues of fact, rather than complicated questions of law. *See* 90 FR 27453. Accordingly, the Departments disagree with commenters that there is a need for DHS to establish a process for publishing decisions on emerging legal issues involving these penalties. DHS also notes that ICE and CBP have issued guidance to immigration officers regarding these penalties, including guidance on the various legal issues that commenters have identified and that are discussed throughout this preamble. Finally, nothing in this rule prevents an alien from bringing a federal court challenge to a penalty decision or from raising any legal defense that may be available to the alien in connection with a DOJ enforcement action to collect the penalty. DHS will comply with any adverse court ruling and will apply any legal precedent applicable to these penalties that results from such a challenge.

To the extent that commenters are suggesting that DHS must publish civil penalty decisions to provide transparency, accountability, and consistency in the penalty amounts being assessed, ICE and CBP are applying a uniform practice of assessing the maximum statutorily authorized penalty amount in each case, consistent with the statute of limitations. DHS has an interest in issuing these penalties quickly and at the maximum authorized amount to encourage aliens to comply with removal and voluntary departure orders. To achieve these dual objectives, DHS has determined that ICE and CBP should assess the maximum penalties authorized by law.

7. Mitigation Factors; Motions To Reopen

Comment: Commenters argued that the rule should allow aliens to seek mitigation, and it should clarify that DHS should consider mitigating factors when assessing penalties. One commenter recommended a tiered penalty system based on severity and good faith compliance efforts. Another commenter recommended that the agencies adopt a means-tested fine structure that considers the recipient's

[49] *E.g., Goldberg* v. *Kelly,* 397 U.S. 254, 271 (1970) (recognizing that government decisionmakers adjudicating matters involving property must be impartial).

[50] *Id.*

financial capacity. Another commenter points out that the government considers mitigating factors for employers subject to penalties. They state that in assessing fines against employers of aliens under the Immigration Reform and Control Act, the government considers factors such as the size of their business, their good faith, the seriousness of the violations, whether the employee is an alien, and the employer's history of previous violations. Finally, one commenter argues that the rule undermines procedural fairness by eliminating any right for aliens to request reopening while preserving reopening authority for DHS.

Response: The Departments disagree that the IFR should authorize aliens to seek mitigation of penalty amounts, create a tiered penalty structure, or adopt a means-tested framework for assessing penalties. The civil monetary penalties addressed in this rule arise under INA 240B(d), 274D, and 275(b), 8 U.S.C. 1229c(d), 1324d, and 1325(b). These statutory provisions do not require DHS or DOJ to adjust penalty amounts based on mitigating circumstances, financial capacity, or subjective good-faith factors, nor do they provide a means for aliens to request discretionary mitigation. In contrast, several of the statutes cited by commenters, including those governing certain employer sanctions under the IRCA, explicitly establish mitigating factors that DHS or DOJ must consider when assessing penalties. Congress included no such language in the statutory provisions at issue here. Additionally, President Trump's Executive orders direct DHS to ''ensure the assessment and collection of all fines and penalties [DHS] is authorized by law to assess and collect from aliens unlawfully present in the United States'' [51] and to ''take all appropriate action to secure the borders of our Nation . . . [including by] deterring and preventing the entry of illegal aliens into the United States.'' [52]

At the same time, the IFR does not foreclose DHS from rescinding or reopening decisions on its own initiative, where doing so is necessary to ensure administrative accuracy, correct an error, or address other considerations relevant to sound enforcement. This internal authority is procedural in nature and serves the agency's interest in consistency, fairness, and error correction. Allowing aliens to file motions to reopen before DHS for the purpose of seeking mitigation, particularly after the supervisory review process, would undermine the Department's legitimate interests in finality, administrative efficiency, and the timely initiation of the collection process, which are essential to administering a nationwide penalty scheme. The civil monetary penalties addressed in this rule arising under INA 240B(d), 274(D), and 275(b), 8 U.S.C. 1229c(d), 1324d, and 1325(b), do not confer a statutory right on aliens to request reopening of a final civil monetary penalty determination. The Departments therefore decline to create a new regulatory mechanism that would effectively grant aliens a right to reopen final decisions or seek mitigation after supervisory review has concluded.

The Departments also disagree with commenters who argued that fairness requires adopting mitigation factors analogous to those applicable to employers sanctioned under the IRCA. That comparison is misplaced. IRCA explicitly directs the government to consider certain mitigating factors when assessing employer penalties. By contrast, the penalties at issue here are based on statutory conditions, such as failure to comply with voluntary departure or the presence of a prior removal order, that turn on objective, records-based facts. These provisions do not require a discretionary, multi-factor penalty assessment. The Departments are not required to import into these statutes mitigation frameworks that Congress has chosen to include elsewhere but omitted here.

For these reasons, the Departments conclude that the IFR appropriately reflects the statutory framework governing civil penalties under INA 240B(d), 274D, and 275(b), 8 U.S.C. 1229c(d), 1324d, and 1325(b), and that adopting a mitigation regime, a tiered fine system, a means-tested structure, or respondent-initiated motions to reopen is not required by the governing statutes, and is administratively impractical and beyond the scope of this rulemaking.

8. Civil Penalty Amounts; 8 CFR 281.1(g)

Comment: Some commenters argued that the fines imposed by the IFR implicate the Eighth Amendment's Excessive Fines Clause. They contend that, under U.S. Supreme Court precedent, even if a penalty is deemed ''civil,'' it constitutes punishment for purposes of the Excessive Fines Clause if it serves retributive or deterrent purposes, rather than remedial ones. They broadly claimed that the IFR authorizes DHS to issue fines that serve no remedial purpose, and the IFR's self-expressed intent—to deter future unlawful entries and encourage greater compliance with removal and voluntary departure orders—reflects a punitive purpose. Commenters broadly stated that these penalties are excessive under the Eighth Amendment because they can result in sums ''disproportionate'' to the underlying immigration violations.

One commenter noted that there is a wide range of circumstances surrounding an alien's decision to come to the United States or remain in the country after a removal order or voluntary departure order and suggested that the Departments' failure to consider these circumstances violates the Excessive Fines Clause. The commenter listed examples, including aliens fleeing persecution or seeking a better life for their children, aliens who were unable to depart due to illness, financial problems, aliens with pending challenges to a removal order, and aliens who were removed in absentia and were unaware of the order. One commenter suggested that DHS should cap fines at levels that reflect the nature of the violation and an alien's ability to pay.

Response: As an initial matter, the Departments note that the IFR did not change the scope or amount of the civil monetary penalties that Congress has established. It only changed the procedures for issuing and adjudicating these civil monetary penalties and for allowing an alien to contest them. *See* 90 FR 27454. DHS has imposed the maximum statutory penalties under both the IFR's streamlined penalty process and the prior penalty process in 8 CFR part 280. This indicates that commenters' Eighth Amendment concerns are directed primarily at the penalty amounts authorized by Congress, not at the IFR's procedures, and are therefore outside of the scope of this rule. Nevertheless, in so far as commenters are suggesting the IFR is unlawful because it does not require DHS immigration officers to assess proportionality or consider mitigating factors before imposing the maximum penalty amount, the Departments respond as follows: (1) these civil monetary penalties do not fall within the Eighth Amendments Excessive Fines Clause, and (2) even if treated as ''fines,'' they are not excessive under the factors in *United States* v. *Bajakajian,* 524 U.S. 321 (1998).

The Supreme Court has never held that civil monetary penalties for immigration violations are ''fines'' for purposes of the Excessive Fines Clause.

[51] E.O. 14159, *Protecting the American People Against Invasion.* E.O. 14159, 90 FR 8443 (Jan. 20, 2025).

[52] E.O. 14165, *Securing Our Borders,* 90 FR 8467 (Jan. 20, 2025).

The Court's cases in this area have either involved sanctions ordered as penalties for criminal conduct, or civil forfeiture actions imposed after a criminal conviction, where the property was used in the commission of the crime. *See Alexander* v. *United States,* 509 U.S. 544, 558 (1993) (criminal forfeiture of property); *Bajakajian,* 524 U.S. at 328 (criminal forfeiture of currency); *Austin* v. *United States,* 509 U.S. 602, 619–22 (1993) (civil forfeiture of property used to commit drug crimes). By contrast, the penalties covered by this rule are not imposed in connection with criminal offenses. They are civil measures designed to promote compliance with the immigration laws and support DHS's enforcement efforts. The Supreme Court has long recognized that Congress may impose civil monetary penalties for violations of the Nation's immigration laws, and that such penalties are not criminal in nature. *See, e.g., Oceanic Steam Nav. Co.* v. *Stranahan,* 214 U.S. 320, 337 (1909). Moreover, the fact that these penalties are intended to serve a deterrence purpose does not render them subject to the Excessive Fines Clause because ''deterrence may serve civil as well as criminal goals.'' *Hudson* v. *United States,* 522 U.S. 93 105, (1997) (internal quotation marks omitted); *see also Garner* v. *U.S. Dep't of Labor,* 221 F.3d 822, 827 (5th Cir. 2000) (''That a statute serves to deter future conduct does not automatically render it punitive.''). In addition, Congress clearly intended these penalties to serve a remedial purpose. As explained in Section II of this preamble, apprehending, detaining, and removing removable aliens, and conducting section 240 removal proceedings imposes significant costs on the Departments, and a large number of unlawful entries strain resources at the border. Congress recognized these harms and authorized civil penalties to both encourage compliance with the immigration laws and to help fund DHS's border security and removal efforts. *See* INA 280(b)(3), 8 U.S.C. 1330(b)(3) (providing that the Immigration Enforcement Account is available for removal of criminal aliens and structures along certain portions of the United States border); *see also* H. Rep. No. 104–469 pt. 1 at 155 (1996).

Even if these penalties were considered fines under the Excessive Fines Clause, DHS's decision to impose the maximum amount authorized by Congress without considering each alien's individual reasons for unlawful entry or failure to depart after a removal or departure order is neither excessive nor unconstitutional. Courts of appeals generally apply the following factors from *Bajakajian,* 524 U.S. at 337–40, to determine whether a fine is ''grossly disproportional'' to the gravity of an offense: (1) the amount of the penalty authorized by Congress and the nature of the harm that results from a violation; (2) the class of persons to whom the statute principally applies; and (3) a comparison with potential criminal penalties. Taken together, these factors support the conclusion that the IFR need not be amended to limit DHS's authority to impose the maximum statutory penalties or to require a proportionality analysis before issuing a civil penalty or otherwise consider mitigating factors.

With respect to the first factor, judgments about the appropriate penalty amount for a violation ''belong in the first instance to the legislature.'' *Bajakajian,* 524 U.S. at 322. The civil monetary penalties covered by this rule reflect Congress's considered judgment that the conduct involved—an alien's unlawful entry or failure to depart after a removal or departure order—is particularly serious and warrants substantial fines to promote compliance with immigration laws. *See* 90 FR 27454. Consistent with Congress's judgment and current enforcement priorities, DHS has determined that imposing the maximum authorized penalties is an appropriate response to the large number of aliens who have unlawfully entered the United States or have violated removal and departure orders in recent years. *See* Section II of this preamble. Courts have held that an agency's civil penalty decision is not excessive under the Eighth Amendment when it does not exceed the statutory maximum. *See Newell Recycling Co.* v. *EPA,* 231 F.3d 204, 210 (5th Cir. 2000) (''No matter how excessive (in lay terms) an administrative fine may appear, if the fine does not exceed the limits prescribed by the statute authorizing it, the fine does not violate the Eighth Amendment''); *see also Pharaon* v. *Bd. of Governors of the Fed. Res. Sys,* 135 F.3d 148, 155–57 (D.C. Cir. 1998).

The specific statutorily authorized penalty amounts are also proportionate to the underlying immigration law violations. For the unlawful entry penalty, the maximum penalty (adjusted for inflation) is $500 for each entry. *See* 8 CFR 280.53(b)(15). That amount is not disproportionate to unlawful entries, including repeated unlawful entries, in violation of the immigration laws in light of Congress's concerns when enacting this penalty. *See* H. Rep. No. 104–469 at 155 (1996) (noting that unlawful entry ''with no consequences undermines the credibility of our efforts to secure the border'').

For voluntary departure civil penalties, Congress has authorized Immigration Judges to set penalties between $1,992 and $9,970 (as adjusted for inflation). *See* 8 CFR 280.53(b)(3). Under longstanding regulations, Immigration Judges or the BIA must select an amount within that range that reflects the likelihood that the alien will comply with voluntary departure or may apply a presumptive amount of $3,000. *See* 8 CFR 1240.26(l); 73 FR 76927, 76936 (Dec. 18, 2008). DHS adheres to the amount set by EOIR. That amount is not excessive because it reflects both the adjudicator's assessment of the incentive needed to secure compliance and Congress's desire to ensure consequences for violating departure orders. *See* H. Rep. No. 104–469, at 122 (noting how aliens with voluntary departure and had ''very little incentive'' to actually depart the United States prior to IIRIRA).

For failure to depart after a removal order, Congress has authorized DHS to impose a penalty of $998 per day (as adjusted for inflation) for each day an alien willfully fails to depart. Commenters argue that these penalties are excessive because the cumulative total may, in some cases, exceed $1,000,000. The Departments disagree. Congress designed this provision so that each day of willful failure to depart constitutes a separate, repeating violation. *See* Section III.E. of this preamble. In this context, proportionality is assessed by looking at each per day penalty, not the cumulative amount. *See e.g. United States* v. *Schwarzbaum,* 127 F.4th 259, 276 (11th Cir. 2025). A $998 per diem penalty is not excessive compared to other immigration-related civil penalties. It reflects Congress's judgment as to the seriousness of the harm that flows from each day an alien remains in the United States in willful violation of a removal order and how these willful violations undermine the credibility of the immigration laws and warrant a separate penalty.

Even when viewed cumulatively, the per diem failure to depart penalty is not excessive. Congress added this authority in IIRIRA to strengthen immigration enforcement and to increase the consequences for ignoring removal orders, in response to the problem of aliens remaining in the United States—sometimes for years—after final deportation orders. *See* H.R. Rep. No. 104–469, pt. 1, at 160 (1996) (explaining when enacting IIRIRA that ''aliens who have final orders of deportation [often]

remain in the United States indefinitely'' and noting that ''[a]s a result, the resources expended to identify, apprehend, and provide a hearing to a deportable alien are all too often wasted''). Against this backdrop, Congress expressly authorized DHS to impose per-day penalties that may reach substantial sums when an alien willfully remains in the United States for extended periods in violation of a removal order. In these circumstances, imposing the maximum daily amount, even where it results in a large total, is not excessive because the total directly reflects a long-running, repeated violation. *See Schwarzbaum,* 127 F.4th at 284 (''when a cumulative fine is made up of constitutionally proportionate penalties, the cumulative fine ''is, literally, directly proportionate to the offense'') (citation and internal quotations omitted).

Taken together, the three penalties covered by this rule reflect Congress's calibrated assessment of the harm associated with each type of violation. Lower penalties for unlawful entry generally apply to aliens apprehended while entering and who are often subject to prompt return or expedited removal, thereby conserving resources associated with section 240 removal proceedings. Higher penalties for failure to depart reflect Congress's judgment that remaining in the United States after a departure or removal order both seriously undermines the integrity of the immigration system and results in wasted enforcement and adjudicative resources. *See* H. Rep. No. 104 469, pt. 1, at 160. Accordingly, the Departments believe that imposing the maximum statutorily authorized amount of these penalties is both consistent with Congress's purpose in enacting these penalties and not excessive given those amounts reflect the value of the harm Congress placed on such violations. *See United States* v. *Chaplin's, Inc.,* 646 F.3d 846, 852 (11th Cir. 2011) (''Congress, as a representative body, can distill the monetary value society places on harmful conduct'').

The second *Bajakajian* factor—whether the penalties apply to the class of persons for whom the statute was principally designed—also supports the Departments' position. Aliens subject to these penalties fall squarely within the class Congress targeted. For unlawful entry penalties, an alien's apprehension while attempting to enter the United States unlawfully is sufficient to support the penalty. For failure to depart penalties, ICE guidance instructs officers to confirm that the alien is subject to a final removal or voluntary departure order, that there is no DHS record of the alien's departure, and that, based on available records, there are no legal impediments or other circumstances that would negate a willful or voluntary failure to depart. For per diem penalties, ICE guidance further requires officers to exclude periods when the alien was lawfully permitted to remain in the United States, such as during the pendency of a stay of removal. This is all Congress has required. Congress has clearly provided that any alien who engages in the proscribed conduct—unlawfully entering the United States or willfully or voluntarily failing to depart after a removal or departure order—is subject to a civil penalty up to the statutory maximum. By contrast to other immigration-related civil penalties [53] and contrary to commenters' suggestion, Congress has not required DHS to adjust the penalty based on proportionality or to consider specific mitigating circumstances. To the extent that commenters are suggesting that DHS must consider factors such as an alien's inability to obtain travel documents, hospitalization, or other circumstances beyond the alien's control, such factors could negate the ''willfulness'' or ''voluntariness'' of an alien's conduct and, if the alien demonstrates them on appeal, the alien may not be subject to the penalty at all. However, the alien is best positioned to raise these considerations on appeal because DHS would generally not have knowledge of such circumstances. The second *Bajakajian* factor therefore supports DHS's decision to assess these penalties up to the maximum statutorily authorized amount without first conducting a proportionality analysis or considering mitigating circumstances.

The third *Bajakajian* factor—comparison to potential criminal sanctions—likewise weighs against a finding of excessiveness. In IIRIRA, Congress not only created the civil failure to depart penalty but also amended INA 243, 8 U.S.C. 1253, to make it a criminal offense for an alien to willfully fail or refuse to depart within 90 days of a final removal order. Congress authorized imprisonment of up to four years, a fine, or both, with enhanced penalties for certain criminal aliens. *See* INA 243(a)(1), 8 U.S.C. 1253(a)(1). Congress has also authorized criminal penalties for unlawful entry, including up to six months' imprisonment, a fine, or both, with increased penalties for repeat offenses. *See* INA 275(a), 8 U.S.C. 1325(a). These criminal penalties are significantly more severe than the civil penalties at issue, and Congress specifically provided that the maximum civil penalties may be imposed in addition to any criminal sanctions. *See* INA 274D(b), 275(b), 8 U.S.C. 1324d(b), 1325(b). In light of this statutory framework, all three *Bajakajian* factors weigh strongly against commenters' arguments that imposing the maximum statutory civil penalties violates the Excessive Fines Clause.

For these reasons, the Departments decline to amend the rule to limit the discretion of DHS immigration officers to impose the maximum statutory penalty amounts or require that they apply proportionality factors before doing so. Finally, regarding one commenter's concern about ''ability to pay,'' the Departments note that Congress has not required DHS to consider an alien's ability to pay in assessing these penalties, and the Supreme Court has not held this factor must be analyzed under the Excessive Fines Clause. Absent a legal requirement for DHS to consider an alien's ability to pay, DHS believes that adjusting a fine amount lower based on an alien's ability to pay would diminish the rule's deterrent effect.

Comment: One commenter alleged that 8 CFR 281.1(g) is inconsistent with 8 CFR 1240.26(l) mandating that the Immigration Judge or BIA advise the alien of the civil penalty amount at the time of granting voluntary departure or a presumptive amount of $3,000 will be set. Another commenter noted that DHS has increased the penalty amounts in 8 CFR 280.53 for failure to depart violations incrementally over time from $500 per diem penalty in 2011, to a $998 per diem penalty in 2025, with DHS making incremental adjustments each year in between. The commenter claims that ''the amount of fines that allegedly accrued on any given day should have been limited to the amount authorized by the regulation in effect on that day.'' The commenter acknowledges that the Federal Civil Penalties Inflation Adjustment Improvements Act of 2015 allows DHS to adjust civil penalty amounts for inflation each year and to apply adjustments retroactively, but the commenter argues that ''charging a lump sum without itemizing the exact amounts that DHS alleges to have accrued on any specific dates nor any explanation for why DHS believes fines accrued during this particular timeframe

[53] *See e.g.,* INA 274A(e)(5), 8 U.S.C. 1324a(e)(5) (listing various factors that must be considered when determining the appropriate amount of the penalty for certain employment-related immigration violations); INA 273(e), 8 U.S.C. 1323(e) (directing DHS to prescribe regulations for reducing carrier penalties for transporting undocumented aliens in appropriate circumstances).

deprives respondents of critical information necessary to contest such charges.'' The commenter argues the IFR is defective because it does not require DHS to itemize penalties that ''DHS alleges to have accrued on any specific dates nor [provides] any explanation for why DHS believes fines accrued during this particular timeframe.''

Response: First, DHS notes that the IFR does not direct immigration officers to apply the penalty amounts listed in 8 CFR 280.53. Rather, 8 CFR 281.1(g) merely refers them to that provision so that they have access to information concerning the current inflation adjusted amount for each penalty. Immigration officers must determine how to apply those inflation adjusted rates in the context of each individual case, or whether to apply those rates at all, consistent with ICE and CBP guidance. Indeed, contrary to one commenter's claim, ICE guidance directs immigration officers to apply the penalty amount set by an Immigration Judge or the BIA or a $3,000 amount if no penalty amount is included in the voluntary departure order when assessing voluntary departure civil penalties. Accordingly, DHS is assessing voluntary departure penalties consistent with 8 CFR 1240.26(l).

Further, the Departments do not agree that DHS should itemize penalty amounts in penalty decisions imposing fines for willful failure to depart under INA 274D(a)(1), 8 U.S.C. 1324d(a)(1). The commenter's suggestion that ''the amount of fines that allegedly accrued on any given day should [be] limited to the amount authorized by the regulation in effect on that day'' is inconsistent with the Federal Civil Penalties Inflation Adjustment Improvements Act of 2015, Public Law 114–74 (Nov. 2, 2015), 28 U.S.C. 2461 note. The 2015 Amendments amended section 6 of the Inflation Adjustment Act to provide that ''[a]ny increase under this Act in a civil monetary penalty shall apply only to civil monetary penalties, including those whose associated violation predated such increase, which are assessed after the date the increase takes effect.'' Congress's specific reference to applying the adjustments to civil monetary penalties ''whose associated violation predated'' the effective date of the adjustment clearly contemplates that inflation adjustments after 2015 can be applied to violations occurring prior to the effective date of the increased civil penalty amounts—but only if the civil penalties are ''assessed after the date the increase takes effect.'' That is precisely how DHS applies the failure to depart penalties under INA 274D(a)(1), 8 U.S.C. 1324d(a)(1). Specifically, DHS applies the inflation adjusted amount that is in effect on the day that the penalty is ''assessed''—*i.e.,* when DHS issues the penalty decision—regardless of the date of the removal order or the amount that was authorized on any one day in the period for which the penalty applies—*i.e.,* any day that the alien willfully failed to depart the United States after the final removal order.

To the extent that the commenter is concerned about DHS applying the current inflation adjusted rate to violations that occurred prior to the Inflation Adjustment Improvements Act of 2015, DHS notes that the commenter's concern is misplaced. As discussed above in this preamble, an alien is liable for a per diem penalty for each day he willfully remains in the United States after a final removal order regardless of when the removal order first became final. However, DHS is applying the failure to depart penalty for only five years back from the date of the penalty decision. Therefore, DHS would only assess the per diem penalty at the adjusted rate in place at the time of the penalty decision for a total of five years back from the date of the decision, even if the alien's removal order became final prior to 2015.

Regarding commenters' suggestion that DHS needs to itemize penalty decisions because the alien may not be liable for a per diem penalty for some portion of the period that the alien remained in the United States, ICE guidance directs immigration officers account for any periods after the removal order became administratively final during which the alien was authorized to remain in the United States (*e.g.,* a stay of removal, a later approved immigration benefit). *See* Section III.E.2 of this preamble. To the extent that an alien's individual circumstances excused an alien's willful or voluntary failure to depart for some period of time (*e.g.,* the alien was hospitalized or incarcerated or otherwise was unable to depart due to circumstances beyond the alien's control), the alien is best positioned to raise these issues on appeal. DHS cannot be expected to know about an alien's individual circumstances that prevented the alien from departing.

E. Other Matters Related to the IFR

1. Statute of Limitations

Comment: Several commenters asserted that the rule does not explain how the federal statute of limitations applies to the civil penalties imposed under the IFR. One commenter suggested that the IFR's streamlined penalty procedures make it difficult for aliens to raise statute of limitations defenses, and the complexity of these defenses undermines the IFR's assumption about the readily verifiable and straightforward nature of these penalties. One commenter argued that the IFR does not require DHS to include information in the penalty decision about when the violation occurred which makes it difficult for aliens and their counsel to determine if DHS is correctly applying the statute of limitations. The commenter suggested that the 15-day appeal period, combined with the use of ordinary mail to serve decisions, could prevent aliens and their attorneys from investigating statute of limitations issues and raising the statute of limitations as a defense to these penalties. The commenter argued that eliminating BIA review is particularly problematic because DHS immigration officers do not have the legal expertise to resolve complex statute of limitations issues, and DHS does not have a mechanism to issue binding decisions on legal issues including those involving statutes of limitation.

Commenters offered their views regarding how the federal statute of limitations, 28 U.S.C. 2462, applies to the penalties covered by this rule. For the failure to depart penalties, commenters claimed that the five-year statute of limitations begins to run the moment the voluntary departure period ends or when a removal order becomes final. They stated that DHS cannot impose fines for conduct that happened more than five years ago, such as remaining in the United States after a voluntary departure order period expired or after a removal order became final, particularly when there is no caselaw or statute recognizing a ''continuing violation'' theory for these penalties. For the unlawful entry penalties, commenters said that the limitations period begins to run once an alien is apprehended while in the process of entering or attempting to enter the United States.

Response: The Departments disagree that the rule should be rescinded because it fails to include a statute of limitations provision. As an initial matter, the Departments emphasize the IFR's limited scope. The IFR changed only the procedures by which DHS issues and adjudicates certain civil monetary penalties and the manner in which aliens may contest them. The IFR did not change or alter the criteria for issuing these penalties, including how DHS interprets or applies the general federal statute of limitations for these penalties. Indeed, the Departments note that none of the Departments' other civil

monetary penalty regulations contain a statute of limitations provision, including 8 CFR 280, which, prior to the IFR, governed the process for assessing the penalties covered by this rule. Accordingly, the Departments believe that it was reasonable and appropriate to limit the scope of the IFR consistent with the scope of the Departments' other civil penalty regulations, especially because of the IFR's narrow purpose of streamlining the process for the failure to depart and unlawful entry penalties. Therefore, the Departments decline to amend the rule to add a statute of limitations provision. For the same reasons, the Departments do not agree with commenters' suggestion that failure to include a statute of limitations provisions renders the rule arbitrary or capricious.[54]

The Departments also disagree that the IFR's streamlined proceedings make it too difficult for aliens to assert a statute of limitations defense. Consistent with 8 CFR 281.1(c)(1), each penalty decision lists the date when the alien became subject to a final removal or a voluntary departure order, or when the alien was apprehended entering or attempting to enter the United States unlawfully. *See* DHS Form 281, *Notice of Violation and Order.* Therefore, to the extent that an alien believes that the violation occurred outside of the statute of limitations, the penalty decision itself contains the relevant information to dispute the penalty. Further, aliens should already possess any documents needed to dispute the information contained in the penalty decision. For example, an alien who disputes the date of a final removal or voluntary departure order can simply provide a copy of his removal or departure order or any documents showing that the alien's removal order or voluntary departure period was delayed because of an appeal or a stay of removal. The same is true for aliens subject to civil penalties for unlawful entry: the relevant charging document will list the date that DHS apprehended the alien entering or attempting to enter the United States. Commenters do not explain why aliens cannot retain these important documents, and the Departments will not assume otherwise. Accordingly, the Departments believe that the penalty decision contains sufficient information to allow an alien to raise a statute of limitations defense, and the IFR's 15-day appeal period provides ample time for aliens and their attorneys, if any, to gather evidence to compliment or prepare such a defense.

Similarly, the Departments do not agree with commenters' position that BIA review is needed because legal questions regarding the statute of limitations cannot adequately be resolved by DHS immigration officers on appeal.

ICE and CBP both apply the statute of limitations for these penalties in a straightforward way that refutes commenters' arguments that additional procedures, including BIA review, are needed due to the complexity of statute of limitations issues. First, ICE only assesses penalties under INA 240B(d), 8 U.S.C. 1229c(d), if an alien's voluntary departure period expired within five years of the order imposing the penalty.[55] CBP only assesses penalties under INA 275(b), 8 U.S.C. 1325(b), against aliens apprehended in the last five years while entering (or attempting to enter) the United States. The Departments note these approaches are consistent with commenters' interpretation of the general statute of limitations, 28 U.S.C. 2462, applicable to these penalties. This application ensures consistency in the assessment of these penalties and provides clear direction to immigration officers on how far back to assess these penalties. Therefore, aliens do not need to prepare, and immigration officers do not need to decide, complicated statute of limitations defenses for these penalties in light of this approach. If an alien believes a penalty is contrary to this approach, the alien can appeal the civil penalty decision and provide a copy of the voluntary departure order indicating the date of the violation or, in the case of an unlawful entry penalty, the charging document listing the date and location of apprehension.

With respect to penalties under INA 274D(a)(1), 8 U.S.C. 1324d(a)(1), for willful failure to comply with a removal order, immigration officers can impose these penalties regardless of the date of the post-IIRIRA final removal order, but the per diem penalty amount should be assessed only for the five-year period preceding the date that the penalty is issued. Contrary to commenters' arguments, this is consistent with the plain language of the statute and caselaw interpreting similar penalty statutes for the purposes of determining the application of the general five-year statute of limitations under 28 U.S.C. 2462. Section INA 274D(a)(1) of the INA, 8 U.S.C. 1324d(a)(1), provides that ''any alien subject to a final removal order who—willfully fails or refuses to depart from the United States . . . shall pay a civil penalty of not more than $500 to [DHS] *for each day the alien is in violation of this section.*'' (emphasis added). When a civil penalty statute imposes a per diem penalty, the ''continuing violation'' doctrine applies, and the Government may assess the penalty even if the first violation occurred more than five years back. *See Interamericas Invs., Ltd.* v. *Bd. of Governors of the Fed. Rsrv. Sys.,* 111 F.3d 376, 382 (5th Cir. 1997) (explaining that ''[w]here the civil penalty provision at hand contemplates per diem penalties for violations, then continuing violations are cognizable under the general statute of limitations.''). Similarly, when a statute contemplates ''repeated violations,'' each new violation restarts the statute of limitations, but penalties can be assessed only for the violations occurring within that limitations period. *See Hamer* v. *City of Trinidad,* 924 F.3d 1093, 1100 (10th Cir. 2019) (explaining the repeated violation doctrine). Under either doctrine, INA 274D(a)(1), 8 U.S.C. 1324d(a)(1), plainly indicates that Congress intended for an alien to be subject to a continuing or new penalty each day he remains in the United States in violation of a removal order regardless of when the final removal order was issued. And, as a matter of policy, ICE is applying the per diem penalty amount only for the five-year period preceding the date that the penalty is issued, consistent with the ''repeated violations'' doctrine.

Additionally, the Departments note that aliens can seek judicial review of final penalty decisions, after exhausting administrative remedies. See 5 U.S.C. 704. Aliens can also raise any available defense, including statute of limitations defenses, in connection with any enforcement action that DOJ brings to collect these fines.

For these reasons, individually and collectively, the Departments disagree with commenters' view that the IFR should be rescinded or revised because it does not address how the statute of limitations applies to these penalties. For the same reasons, commenters' views about the complexity of statute of limitations issues do not undermine the Departments' determination that the process for these penalties can be

[54] To the extent that any civil penalties issued under the IFR were determined to be inconsistent with the statute of limitations, addressing such fines would be outside of the scope of this final rulemaking. The preamble to a final rule exists to satisfy the APA's requirement of ''a concise general statement of [the rule's] basis and purpose,'' 5 U.S.C. 553(c), and addressing fines already issued under the IFR—to the extent that is even necessary—plainly falls outside of that.

[55] DHS acknowledges that some fines have been issued based on violations that occurred more than five years after the voluntary departure period and is taking action to ensure fines issued in the future are consistent with the statute of limitations.

streamlined because of their straightforward nature.

2. Implementation Matters and Alternatives

Comment: Implementation concerns and alternatives were also raised. One commenter expressed concern that the rule lacks adequate safeguards to prevent civil monetary penalties from being applied to aliens who currently hold, or are eligible for, lawful or protected status. The commenter stated that the rule provides no clear guidance on how DHS will avoid imposing fines on individuals who have been granted TPS, asylum, or relief under the VAWA or the T and U visa programs. These groups, the commenter explained, often have pending or approved immigration benefits that authorize their continued presence in the U.S. or excuse prior periods of unlawful presence. The commenter also noted that the IFR does not address how DHS will handle cases where aliens are beneficiaries of prosecutorial discretion, deferred action, or stays of removal. According to the commenter, the absence of explicit instructions combined with the IFR's streamlined process, risks imposing fines on aliens who are lawfully present under DHS policy or court order. The commenter stated it was critical to recognize that individuals with lawful or protected status are not obligated to depart.

Another commenter suggested that DHS should implement this rule as a limited pilot program before implementing it nationwide. The commenter said that a pilot-and-evaluate model would allow DHS to collect empirical evidence to assess the impact of civil fines on compliance, family stability, and financial impact of these penalties on aliens and their families. Using this empirical evidence to guide adjustments would ensure that civil fine enforcement evolves in response to real-world outcomes rather than theoretical assumptions.

Response: As an initial matter, the Departments reiterate that the IFR did not change the categories of aliens subject to civil penalties or ICE's process for deciding whether an alien is subject to a civil penalty. Rather, the IFR was issued as a procedural rule and governs only the procedures that apply to these penalties. Therefore, DHS declines to modify the IFR in this final rule to clarify the category of aliens who are or are not subject to these penalties. Immigration officers confirm an alien's current status based on available records before assessing a civil fine by referencing multiple platforms and immigration databases. ICE's guidance to immigration officers provides that aliens with approved applications for lawful or protected status—such as TPS, Form I–730 Refugee/Asylee Relative benefits, VAWA protections, DACA, and T-visas and U-visas—should not be issued a civil fine. ICE also accounts for any deferrals of removal triggered by the *filing* of certain applications before USCIS, consistent with applicable statutes and regulations. When calculating a fine under INA 274D, immigration officers account for any periods after the removal order became administratively final during which the alien was authorized to remain in the United States due to, *e.g.,* a stay or deferral of removal. As part of the individual case review process, immigration officers review documents and supporting information across multiple immigration systems, including systems and platforms of entities such as USCIS, CBP, and DOJ/EOIR. DHS clarifies that lawful status cannot be conferred through an immigration officer's exercise of discretion and that the immigration officer cannot excuse an alien's obligation to depart pursuant to a final removal order. Rather, this measure reflects a determination not to pursue enforcement action at the time such discretion is exercised. As such, individuals who are beneficiaries of this measure remain subject to the underlying immigration laws and obligations, including potential civil penalties for violations.

Comment: One commenter asserted that the rule misinterprets and overextends the scope of the civil monetary penalty authorized by INA 275(b), 8 U.S.C. 1325(b). The commenter stated that, by statute, these penalties apply only to aliens who are ''apprehended while entering (or attempting to enter)'' the United States, and not to those later encountered within the interior after an unlawful entry. The commenter objected to language in the IFR suggesting that DHS may rely on Form I–213 or other records of interior apprehension to establish liability under INA 275(b), 8 U.S.C. 1325(b). The commenter argued that such an interpretation is inconsistent with the plain language of the statute and could lead to the improper assessment of fines against aliens who were not apprehended at the time of entry. The commenter urged DHS to revise the rule to clarify that INA 275(b), 8 U.S.C. 1325(b) penalties cannot be imposed on aliens apprehended after entry or encountered away from the border. The commenter also stated that the rule should require DHS to include specific evidentiary information in any order imposing this penalty such as the date of the attempted entry and the date and location of the arrest, to ensure that the penalty is applied only in circumstances consistent with statutory authority.

Response: The Departments disagree with the commenter's characterization that the rule overextends the scope of penalties under INA 275(b)(1), 8 U.S.C. 1325(b)(1). The rule does not expand the statutory application of 275(b), 8 U.S.C. 1325(b)(1) but rather provides procedural clarity for the assessment and collection of civil monetary penalties. The Departments interpret INA 275(b), 8 U.S.C. 1325(b)(1) to apply to aliens who are apprehended while entering or attempting to enter the United States. In practice, CBP will assess an INA 275(b), 8 U.S.C. 1325(b)(1), penalty only when it apprehends an alien who has entered (or attempted to enter) the United States without inspection in the past seven days and who has not yet reached their destination, consistent with the statutory language and legislative intent of INA 275(b)(1), 8 U.S.C. 1325(b)(1). As indicated above, the applicable statute of limitations runs five years from the date of apprehension.

Comment: Commenters expressed concern that the rule does not address how civil monetary penalties would apply to aliens whose prior removal orders are later reopened, vacated, or otherwise resolved in a manner that permits adjustment of status or other immigration relief. They noted that DHS often agrees to join motions to reopen removal proceedings to allow individuals to pursue lawful status or relief. They stated that it was ''critical to recognize that those with lawful status in the U.S. are under no obligation to depart,'' and that ''[t]heir continued presence in the U.S. is not a willful failure to depart, but a lawful consequence of the status conferred upon them. Another commenter urged DHS to clarify that civil penalties assessed must be rescinded when a removal order is reopened and will not be used as a basis to deny the alien's future attempts to regularize their immigration status. The commenter suggested, without much elaboration, that the IFR should clarify that DHS should not apply fines against aliens with *in absentia* removal orders.

Response: ICE's guidance to immigration officers provides that aliens whose removal order is stayed should not be issued an INA 274D, 8 U.S.C. 1324d, failure to depart penalty. ICE confers with DHS's Office of the Principal Legal Advisor before issuing a

failure to depart penalty in any case in which a Motion to Reopen (''MTR'') has been adjudicated for review of the reasons for reopening asserted by the alien and any circuit-specific case law that may affect the viability of the penalty. ICE confirms an alien's current case status before assessing or collecting any fine by referencing its internal systems. DHS disagrees that fines should not apply to any alien with an *in absentia* removal order but notes that, where an alien files an MTR and claims that the alien did not receive notice, their removal order is stayed. INA 240(b)(5)(C), 8 U.S.C. 1229a(b)(5)(C). DHS emphasizes that the assessment of civil penalties is tied to the existence of a valid removal order and the alien's willful failure or refusal to depart as required by law. If a removal order is reopened, vacated, or dismissed, DHS will review the circumstances to determine whether the assessed civil penalties remain appropriate.

F. Statutory and Regulatory Requirements

1. Administrative Procedure Act

i. Procedural Rule Exception

Comment: Several commenters generally asserted that Departments lacked authority to issue the IFR without first publishing a notice of proposed rulemaking and providing a pre-promulgation comment period in accordance with the APA, 5 U.S.C. 553. First, commenters argued that the Departments cannot properly characterize the IFR as a procedural rule under 5 U.S.C. 553(b)(A). Commenters identified changes such as eliminating the NIF before issuing a final penalty, reducing the time to respond from 30 days to 15 days, allowing service by regular mail instead of certified or personal service, and moving appeals from the BIA to DHS. They asserted that these changes remove or weaken existing protections, implicate due process, change rights and obligations of affected individuals, and therefore render the rule substantive, which would require compliance with the APA's notice and comment requirements.

Response: The Departments disagree. This rule was properly issued without prior notice and comment under 5 U.S.C. 553(b)(A), which exempts from those requirements ''rules of agency organization, procedure, or practice.'' Under the APA, notice and comment is required for substantive rules. By contrast, agency rules that prescribe agency organization, procedure, or practice are exempt from the notice-and-comment requirement. *See* 5 U.S.C. 553(b)(A). The ''critical feature of the procedural rule exception is that it covers agency actions that do not themselves alter the rights or interests of parties, although it may alter the manner in which the parties present themselves or their viewpoints to the agency.'' *JEM Broadcasting Co., Inc.* v. *FCC,* 22 F.3d 320, 328 (D.C. Cir. 1994) (cleaned up). In *JEM Broadcasting,* the D.C. Circuit upheld a rule that changed the timing and processing of applications, not the substantive criteria for deciding them, and treated the rule as procedural and exempt from notice and comment. *Id.*

As explained in the IFR, this rule fits within that procedural rule exemption. *See* 90 27454. This rule merely prescribes how the Departments conduct internal penalty proceedings and administrative reviews. The IFR does not alter the statutory obligations under INA 240B(d), 274D(a)(1), and 275(b); 8 U.S.C. 1229c(d), 1324d(a), and 1325(b), that authorize civil monetary penalties against aliens who fail to depart voluntarily, who willfully refuse to depart after a final order of removal, or who are apprehended while unlawfully entering or attempting to enter. It does not change the amount of these penalties or create new categories of violators or new statutory rights. The substantive legal liability remains as defined by statute.

Rather, the IFR merely revised the process by which the Departments impose these civil monetary penalties. For example, allowing DHS to serve penalty notices by regular mail (and no longer only by certified mail or personal service); shortening the period within which a respondent must contest the fine or exercise appeal rights from 30 to 15 days, moving the appeals process from the BIA to DHS, and other procedural streamlining merely alters the manner in which parties present themselves or their viewpoints to the Departments. Under the IFR, aliens continue to receive written notice of the penalty by regular mail and a meaningful opportunity to present a written response with supporting evidence before any final determination is made. Likewise, replacing BIA review with review by a DHS supervisory official who was not involved in the initial decision preserves neutral, independent oversight while streamlining the adjudication process. Accordingly, this rule is properly classified as a procedural rule and exempt from prior notice and comment procedures under the APA.

Moreover, though not required to do so, the Departments nonetheless solicited post-promulgation comments following publication of the IFR on June 27, 2025, and accepted comments through July 28, 2025. The Departments have carefully reviewed and considered all comment submissions received at the docket in developing this final rule.

ii. Foreign Affairs Exemption

Comment: Commenters also asserted that the Departments' reliance on the foreign affairs exemption under 5 U.S.C. 553(a)(1) is legally unsupported. They argued that the rule's subject matter—imposing fines on aliens—is purely domestic enforcement activity that neither regulates nor directly impacts foreign affairs. Additionally, these commenters challenged the Departments' assertion that the rule supports U.S. foreign policy negotiations as vague, too attenuated, and overbroad. One commenter said that under the Departments' reasoning, nearly any domestic policy that ''comes up in negotiations with a foreign country'' could be exempt from notice and comment. The other commenter claimed that the Departments invoked the exception in bad faith, arguing that traditional examples of rules meeting the foreign affairs exemption involve rules relating to international trade and visa issuance.

One commenter suggested that the Departments did not demonstrate an immediate foreign affairs need to bypass the APA's notice and comment and delayed-effective-date requirements, noting that the fines covered by the IFR have been codified in law for years but only rarely used by DHS. The commenter also took issue with the Departments' assertion that immediate action is needed to address the shared problem of irregular migration to the southern border. The commenter asserted that the IFR will not have an appreciable impact on border operations because the Administration has already ''shutdown asylum process at the Southern border'' and the IFR is primarily targeted at aliens who are already illegally present within the United States.

Response: The IFR is excepted from the APA's notice-and-comment and delayed-effective-date requirements because it involves a ''foreign affairs function of the United States.'' 5 U.S.C. 553(a)(1). As an initial matter, contrary to one commenter's claim, the foreign affairs exception is not limited to rules relating to international trade and visa issuance. The Supreme Court has never determined what constitutes a ''foreign affairs function of the United States.'' Lower federal courts have held that this exception applies when the rule in question is ''clearly and directly

involve[d]'' in ''a foreign affairs function.'' *E.B.* v. *U.S. Dep't of State,* 583 F. Supp. 3d 58, 63 (D.D.C. 2022) (cleaned up). In addition, although the text of the APA does not require an agency invoking this exception to show that such procedures may result in ''definitely undesirable international consequences,'' some courts have required such a showing. *See, e.g., Rajah* v. *Mukasey,* 544 F.3d 427, 437 (2d Cir. 2008) (quotation marks omitted). The IFR satisfies both standards. Even though the Departments issued an IFR, an opportunity for public comment after issuing the IFR was provided and this final rule responds to those comments. *See Little Sisters of the Poor Saints Peter and Paul Home,* 591 U.S. 657, 683–84 (2020).

The Departments disagree with commenters' assertions that the IFR involves only domestic immigration enforcement and thus does not directly impact foreign affairs. First, as discussed in the IFR, the rule is directly and clearly connected to a foreign affairs function of the United States because it supports this Administration's efforts to address the shared international challenge of border security and illegal migration. The Secretary of State has made clear that ''securing America's borders and protecting its citizens from external threats is the first priority foreign affairs function of the United States,'' In this regard, the United States continues to work closely with foreign partner countries to address migration in the Western Hemisphere region to secure America's borders and protect its citizens, and this rule is clearly and directly related to, and responsive to, the United States efforts in this regard. Specifically, the IFR and this rule are intended to allow DHS to streamline and maximize its use of civil penalties against aliens who are apprehended entering or enter unlawfully at the southern border. DHS believes that this additional tool will allow it to discourage, prepare for, and respond to unlawful migration by increasing the consequences on aliens who make the dangerous journey to the United States and enter unlawfully. Therefore, measures like the IFR advance the United States' foreign policy objectives by demonstrating to partner countries that the United States is serious about the shared problem of irregular migration and border security and that the Administration is doing its part to address these challenges by using all available tools even if they originate from U.S. law. Further, the Departments disagree with one commenter's suggestion that the Departments invoked the exemption in ''bad faith.'' To the contrary, the Departments have relied on the foreign affairs exception, under several Administrations, when issuing rules designed to help address the shared international challenge of migration to the United States southern border.[56]

The Departments acknowledge that this rule also applies to aliens in the interior of the United States who have violated the immigration laws by failing to depart after a removal or voluntary departure. The Departments disagree, however, that the problem that the IFR seeks to address is purely a domestic one. Rather, as explained in the IFR, the United States' ability to address the challenge of aliens remaining in the country unlawfully after removal and departure orders depends in part on the willingness of other nations to accept the return and repatriation of their citizens from the United States. Contrary to commenters' claims, the Departments have provided concrete examples of the United States' foreign negotiations and efforts aimed at encouraging other countries to support the return of their citizens, including those with outstanding removal and voluntary departure orders. *See* 90 FR 27455. These efforts include encouraging other countries to promptly issue travels documents that allow their residents to return home, and more broadly to cooperate with DHS's efforts to successfully implement Presidential Proclamation 10935, *Establishing Project Homecoming,* 90 FR 20357 (May 9, 2025), which provides aliens with a process to voluntarily depart the United States and return to their home countries. *See* 90 FR 27455–56. All of these efforts indicate that the removal and voluntary return of aliens with no legal right to remain in the United States is a critical foreign policy objective of the United States. For these foreign policy efforts to continue to succeed, DHS must continue to demonstrate its own commitment to this foreign policy objective, including by encouraging aliens to take advantage of these expanded opportunities that the United States Government has secured through international efforts. The IFR directly and clearly serves this purpose by incentivizing aliens to comply with departure obligations, including through these expanded departure options, and by imposing consequences on those who fail to depart.

In addition to the IFR's clear and direct involvement in foreign affairs, the Departments believed that issuing the rule after notice and comment, and with a delayed effective date, could have led to definitely undesirable international consequences. As discussed in the IFR, these consequences include negative impacts to border security, which is a shared regional problem, and DHS's inability to capitalize on the momentum that the United States Government had achieved in encouraging countries to support the return of their citizens, including those with outstanding removal and departure orders. In this regard, the Departments disagree with commenters that claimed that the Departments did not demonstrate an immediate need for the IFR because this Administration's asylum policies at the southern border had already reduced irregular border encounters. The IFR acknowledged that encounters between POEs at the southern border had decreased significantly from their historic highs under the prior Administration. *See* 90 FR 27455. The Departments explained, however, that the IFR would help DHS to continue to build on the then-recent progress that DHS had achieved at the southern border. *See* 90 FR 27446, 27455–56. The Departments note that DHS was encountering nearly 1,000 aliens per day at the southern border only six months prior to the IFR's publication and nearly 2,000 aliens per day between June and December 2024.[57] Therefore, although encounter numbers had declined when the IFR was issued in large part due to the Administration's border policies, DHS reasonably believed at the time that there was a substantial risk that, without additional tools in place at the southern border encounters, like this IFR, encounters could once again increase.

Further, the Departments also disagree with the claim that the Departments did not demonstrate an immediate need to implement the rule under the foreign affairs exception because these civil monetary penalties have been authorized for many years but rarely used, and DHS has mainly applied them to aliens in the interior. As an initial matter, regardless of the past administrations' policies, this Administration has made clear that that the rapid return of illegal aliens to their home countries is a critical foreign policy objective of the United States and

[56] *See e.g., Securing the Border,* 89 FR 48710, 48759–62 (June 7, 2024); *see also Asylum Eligibility and Procedural Modifications,* 84 FR 33829, 33842 (June 16, 2019).

[57] *See* Nationwide Encounters, U.S. Customs and Border Protection (Sept. 16, 2026), *https://www.cbp.gov/newsroom/stats/nationwide-encounters* (select Region: ''US SW Land Border'' and Component: U.S. Border Patrol).

it has conducted its recent foreign policy efforts consistent with this objective. In the months prior to issuing this IFR, the Administration had been engaged in discussions with several countries aimed at ensuring that those countries promptly issue travels documents to facilitate the return of their nationals. Moreover, in the weeks prior to issuing the IFR, the President directed the Secretary of State and the Secretary of Homeland to take all appropriate ''actions to enable the rapid departure of illegal aliens from the United States'' [58] including assisting aliens with obtaining travel documents or relocating to another country and providing financial incentives and support to such aliens. The President also directed the Secretaries to notify aliens that should they choose not to take advantage of these incentives they will face consequences, including civil fines covered by this rule.

In light of these efforts, the Departments explained that by issuing the IFR immediately DHS would be able to capitalize on these recent foreign policy efforts by encouraging aliens, through the use of civil penalties, to take advantage of these expanded opportunities achieved through international discussions and cooperation, to depart the United States. The Departments also explained that the IFR would allow the U.S. Government to build on this foreign policy momentum by demonstrating to other countries that it is committed to using all necessary tools to facilitate the rapid departure of illegal aliens and that other nations should support the Administration's continued efforts to achieve this objective. Quite simply, if the United States is unable to demonstrate, through measures like the IFR, that it is committed to taking quick and robust action to remove aliens and encourage them to depart the United States voluntarily, which depends in large part on international cooperation, countries may be less inclined to engage with the United States on these ongoing efforts in the future. Accordingly, the Departments believe that, contrary to commenters' claim, immediate issuance of this rule was appropriate and necessary to avoid undesirable international consequences.

iii. Good Cause

Commenters also argued that the Departments lacked good cause to make the IFR effective immediately upon publication, and one commenter asserted that the Departments improperly invoked the good cause exception under 5 U.S.C. 553(b)(B) to issue and immediately implement the IFR without prior notice and comment. Commenters argued that the IFR does not respond to sudden or unforeseeable emergency, and any need for the IFR was an emergency of DHS's own making—*i.e.,* DHS's own decision to restart issuing civil penalty program despite previously ending that program in 2021 after determining that civil penalties were ineffective and legally vulnerable. Commenters also argued that the public burden imposed by immediate implementation, particularly on immigrant communities and service providers far outweighs any government benefit from accelerating enforcement.

Response: As an initial matter, the Departments note that the IFR did not invoke good cause under 5 U.S.C. 553(b)(B) to dispense with notice and comment. Rather, the Departments issued the IFR under the procedural rule exception under 5 U.S.C. 553(b)(A) and the foreign affairs exception under 5 U.S.C. 553(a)(1) and invoked good cause under 5 U.S.C. 553(d)(3) solely to make the rule effective upon publication. Section 553(d)(3) permits an agency to waive the standard 30-day delayed-effective-date requirement when it finds good cause for the rule to take immediate effect, balancing the agency's need for immediate implementation against affected persons' need for a reasonable amount of time to prepare for the effective date of its ruling. As explained in the IFR and reaffirmed here, the Departments determined that the ordinary reason for delay in a rule's effective date, to give members of the regulated community time to prepare and adjust their behavior, does not apply here because the IFR does not affect any person's substantive rights. Rather, it merely modifies the manner in which DHS issues and adjudicates civil monetary penalties and how an alien may contest such penalties. Moreover, the Departments found that the benefits of immediate implementation, ensuring uniformity, and administrative efficiency in the imposition and collection of civil monetary penalties, outweighed any need for affected parties to prepare for the effective date and adjust their behavior accordingly as this rule does not affect substantive right. Thus, the Departments conclude that invocation of the good cause under 553(d)(3) was lawful and appropriate.

iv. Comment Period Duration

Comment: Commenters argued that the 30-day post-promulgation comment window was inadequate given the breadth and complexity of the rule, which alters established practices related to assessing and collecting civil penalties under the three INA provisions. Commenters also cited Executive Order 12866, Regulatory Planning and Review, 58 FR 51735, 51740, directing agencies to ''afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days'' and argued that the abbreviated timeframe prevented comprehensive analysis of the rule's many substantive changes.

Response: As an initial matter, commenters did not suggest or indicate what additional issues the comment period precluded them from addressing; to the contrary, the comments received reflect both a breadth and a level of detail which suggests that the period was more than sufficient. *Cf. City of Waukesha* v. *EPA,* 320 F.3d 228, 246 (D.C. Cir. 2003) (''In [showing prejudice] in the context of a violation of notice-and-comment requirements, petitioners may be required to demonstrate that, had proper notice been provided, they would have submitted additional, different comments that could have invalidated the rationale for the revised rule.'').

The APA does not prescribe any specific minimum duration for public comment periods. While agencies often provide a 30-day period for proposed rules, and sometimes longer for complex or economically significant rulemakings, the statute simply requires that agencies generally afford interested parties an opportunity to participate through submission of written data, views, or arguments.

Although not required to do so, the Departments nonetheless provided a 30-day comment period following publication of the IFR on June 27, 2025, accepting comments through July 28, 2025. That period afforded the public a meaningful opportunity to review the IFR and provide input. Indeed, federal courts have presumed 30 days to be a reasonable comment period length. *See Nat'l Lifeline Ass'n* v. *Fed. Commc'ns Comm'n,* 921 F.3d 1102, 1117 (D.C. Cir. 2019). Here, the detailed public comments the Departments received are evidence that the 30-day period was sufficient for the public to meaningfully review and provide informed comments. *See, e.g., Little Sisters of the Poor Saints Peter and Paul Home,* 140 S. Ct. at 2385 (''The object [of notice and comment], in short, is one of fair notice.'') (citation omitted).

The Departments received and carefully considered all timely submissions. Providing a 30-day

[58] Proclamation 10935, 90 FR 20357, 20357 (May 9, 2025).

window for comments on a rule of limited procedural scope is consistent with longstanding administrative practice and the guidance reflected in Executive Orders 12866 and 13563, which encourage agencies to provide meaningful participation. The Departments' post-promulgation comment process thus satisfied the APA's requirements and furthered its purposes of transparency and public involvement, even though prior notice and comment were not legally required under 5 U.S.C. 553(a)(1) and (b)(A).

2. E.O. 12866 Analysis

Comment: One commenter asserted that the IFR would impose substantial new economic burdens on affected aliens and their households, with potentially significant aggregate impacts. They contended that the IFR's increased and accelerated civil monetary penalties, particularly daily fines approaching $1,000 for failure to depart following a final order of removal, could result in liabilities large enough to cause long-term financial hardship, including wage garnishment, asset seizure, and bankruptcy. They further stated that these costs would likely fall disproportionately on low-income individuals and mixed-status families, potentially creating spillover effects for U.S. citizen spouses and children and exacerbating economic insecurity in immigrant communities. The commenter also argued that the IFR may generate billions of dollars in annual penalties, and that DHS's retention of penalty revenues could create institutional incentives to maximize fine issuance. They maintained that the IFR was implemented without sufficient economic analysis or public input and recommend alternatives such as means-based penalties, hardship waivers, or installment plans, independent review mechanisms, and pilot implementation to evaluate real world economic effects before nationwide implementation.

Response: The Departments do not agree that this rule needs additional economic analysis or that it was adopted without considering financial impacts. As previously discussed, the rule does not create any new fines, change who can be fined, or increase the dollar amounts Congress has already set; it only changes the internal process DHS uses to issue and review those fines. Any financial hardship, including possible collection actions, comes from the underlying law and from an alien's choice to remain in the United States after being ordered to leave, not from these procedural updates. DHS's goal is to encourage people to follow removal and departure orders and to deter unlawful entry, not to generate revenue, and DHS will cancel most failure to depart fines when eligible aliens use the CBP Home app to leave the country. OMB has reviewed the rule as significant under Executive Order 12866. DHS has weighed the limited added economic effects of these process changes against their enforcement benefits, and the Departments provided a 30-day comment period and considered economic and other feedback before finalizing the rule.

IV. Severability

The changes made by the IFR, as amended by this final rule, impact provisions that are not necessarily interrelated and can function independent of one another. As such, the Departments believe that most of the provisions of this final rule can function sensibly and independently of other provisions. Therefore, in the event that any provisions in this rule are invalidated by a reviewing court, the Departments intend the remaining provisions to remain in effect to the fullest extent possible.

V. Statutory and Regulatory Requirements

A. Administrative Procedure Act

The Departments have determined that this rule can take immediate effect notwithstanding the 30-day delayed effective date requirement in 5 U.S.C. 553(d).

Generally, there is good cause for this rule to take immediate effect. *See* 5 U.S.C. 553(d)(3). This rule generally adopts the provisions of the IFR, with one change to help mitigate the potential effect of mail delays that could impact the amount of time an alien has to contest a civil penalty. *See* 5 U.S.C. 553(d)(1) (excepting from the delayed effective date requirements substantive rules that grant or recognize an exemption or relieve a restriction). The purpose of the 30-day waiting period is ''to give affected parties time to adjust their behavior before the final rule takes effect.'' *Riverbend Farms, Inc.* v. *Madigan,* 958 F.2d 1479, 1485 (9th Cir. 1992). Here, however, that purpose would not be served by delaying the effective date of this final rule or the rule's amendment to account for mail delays because the public does not need advanced notice in order to conform their behavior to the rule.

This final rule largely adopts the provisions of the IFR, which took effect on June 27, 2025. Consequently, aliens and legal service providers who may represent such aliens have long been on notice of those procedures and processes this rule adopts. *See United States* v. *Gavrilovic,* 551 F.2d 1099, 1104 (8th Cir. 1977) (noting that the ''legislative history of the APA'' indicates that the waiting period ''was not intended to unduly hamper agencies from making a rule effective immediately,'' but intended ''to 'afford persons affected a reasonable time to prepare for the effective date of a rule . . . or to take other action which the issuance may prompt' '' (citing S. Rep. No. 752, 79th Cong., 1st Sess. 15 (1946); H.R. Rep. No. 1980, 79th Cong., 2d Sess. 25 (1946))). Indeed, the Departments have consistently communicated an intent to finalize the IFR.[59] The fact that the IFR's effective date was recently stayed[60] does not change the Departments' determination—the brief period between the entry of the stay on October 5, 2026, and October 14, 2026, does not alter the fact that the public operated under the rule's provisions for more than a year and has long been on notice of the Departments' intent to make them final.

Similarly, the change this final rule makes does not alter the calculus merely because it has not been part of the status quo under the IFR for the past year. The minor amendment is designed to benefit aliens by recognizing that an alien's untimely appeal may nonetheless be accepted if the late appeal was caused by a mail delay. *See* 5 U.S.C. 553(d)(1). Even so, it relates solely to agency procedure and practice and thus is not subject to the 30-day effective date for ''substantive rule[s]'' under 5 U.S.C. 553(d). The procedural rule exception ''covers agency actions that do not themselves alter the rights or interests of parties, although it may alter the manner in which the parties present themselves or their viewpoints to the agency.'' *JEM Broad. Co., Inc.* v. *FCC,* 22 F.3d 320, 326 (D.C. Cir. 1994) (quoting *Batterton* v. *Marshall,* 648 F.2d 694, 707 (D.C. Cir. 1980)); *see also Mendoza* v. *Perez,* 54 F.3d 1002, 1023–24 (D.C. Cir. 2014). The amendment in this final rule

[59] *See* 2026 Unified Agenda, RIN 1653–AA96, Imposition and Collection of Civil Penalties for Certain Immigration-Related Violations, *https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202510&RIN=1653-AA96* [*https://perma.cc/T87D-AN6A*] (showing August 2026 as the expected timeline for publication of this final rule); Def.'s Opp'n to Pls.' Mot. to Compel, *Maria L.* v. *Mullin,* No. 1:25–cv–13471 (DDC filed May 11, 2026), dkt. 69 (''Third, the Interim Final Rule (''IFR'') Plaintiffs challenge is currently the subject of ongoing final rulemaking. The agencies are reviewing comments, including the comment Plaintiff Immigration Legal Resource Center (''ILRC'') submitted, and will issue a final rule in due course.'').

[60] *See Maria L.* v. *Mullin,* No. CV 25–13471–GAO, 2026 WL 2983111 (D. Mass. Sept. 30, 2026).

does not change an alien's right to appeal a penalty under the IFR's 15-business day appeal deadline and therefore ''impose[s] no new substantive obligations or burdens upon the parties' rights and interests.'' *Am. Fed'n of Lab. & Cong. of Indus. Organizations* v. *Nat'l Lab. Rels. Bd.,* 57 F.4th 1023, 1043 (D.C. Cir. 2023) (quoting *EPIC* v. *U.S. Dep't of Homeland Sec.,* 653 F.3d 1, 6 (D.C. Cir. 2011).[61] Rather, while the amendment directs aliens to provide evidence of a mail delay in connection with an untimely appeal, this simply establishes a clear process for the agency to evaluate such a claim. Therefore, this evidentiary requirement is merely a procedural step, not a substantive change to the right to appeal itself.

In finding good cause to bypass the 30-day delayed effective date requirement, the Departments have ''balanc[ed] the necessity for immediate implementation against principles of fundamental fairness which require that all affected persons be afforded a reasonable [amount of] time to prepare for the effective date of [the rule].'' *Omnipoint Corp.* v. *FCC,* 78 F.3d 620, 630 (D.C. Cir. 1996) (citation omitted). Here, the balance tips sharply in favor of immediate implementation. The United States Government and the American people have a strong interest in making the final rule effective immediately to ensure that DHS can continue implementing the IFR's provisions. As discussed in Section I.B. of this preamble, the IFR has reduced agency resource burdens by streamlining the civil penalty process and has allowed DHS to exercise its statutorily authorized civil penalty authority at scale in response to the large number of aliens who have unlawfully entered the United States or have failed to comply with removal and voluntary departure orders in recent years. In turn, this has allowed DHS to encourage greater compliance with such orders and provides DHS with another tool to disincentive future unlawful entries at the border.

B. Executive Order 12866 (Regulatory Planning and Review)

Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (Sept. 30, 1993), and Executive Order 13563, Improving Regulation and Regulatory Review, 76 FR 3821 (Jan. 18, 2011), direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. The Office of Management and Budget has determined this rule is significant under Executive Order 12866.

This final rule will allow DHS to more quickly impose a greater number of civil penalties on aliens who have unlawfully entered the United States and those who remain after a removal or voluntary departure order. DHS has not assessed the extent to which this final rule will result in an increase in civil penalties collected by the Government. DHS believes that this effort will reduce potential agency resource burdens by streamlining the process, discourage future unlawful entries, and encourage greater compliance with removal and departure orders.

C. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

This final 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 section 101(a)(17) of the INA, 8 U.S.C. 1101(a)(17)) or any other function performed by the United States 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'' at 5–6 (Mar. 26, 2025).

D. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (''RFA''), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. A regulatory flexibility analysis is not required when a rule is exempt from notice-and-comment rulemaking. This final rule finalizes an IFR that was exempt from the notice-and-comment rulemaking. Therefore, a regulatory flexibility analysis is not required.

However, even assuming that this rule is not exempt from notice-and-comment procedures and therefore not exempt from the requirements of the RFA, the Departments have reviewed this rule in accordance with the RFA. The Secretary of Homeland Security and the Acting Director of EOIR certify that this rule will not have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 605(b).

First, aliens are not ''small entit[ies]'' as defined by the RFA. *See* 5 U.S.C. 601(6) (defining ''small entity'' as having the same meaning as ''small business,'' ''small organization,'' and ''small government jurisdiction'' as defined in 5 U.S.C. 601(3)–(5)).

Second, to the extent that legal service organizations qualify as ''small entities,'' any economic effects of this rule on such organizations would not be significant under the RFA. The rule will not economically impact representatives of aliens in contesting these penalties. It does not limit the fees they may charge or the number of cases a representative may ethically accept under the rules of professional responsibility. For example, the IFR's changes to the procedures for contesting a civil penalty do not change the overall requirement that aliens must respond to a civil penalty notice to challenge the penalty; rather the IFR simply changed the procedures for how that appeal is filed, in what time frame, and which U.S. Government officials are responsible for adjudicating the appeal. The IFR's changes to shorten the appeal period required legal service providers to adjust to these new timelines. The Departments expect, however, that legal service organizations have quickly acclimated to this change without substantial disruption. Indeed, the IFR was in effect for over a year, and the appeal rate increased under the IFR compared to the pre-IFR process for these civil penalties under 8 CFR part 280. Thus, any costs incurred in adapting to the IFR's timelines were not significant under the RFA. And the one change in this final rule to the IFR's provisions is not expected to increase such costs significantly (if at all) given that it discretely applies to demonstrated mail delays.

In any event, this rule does not limit or otherwise dictate the fees that legal service providers may charge or the number of civil penalty cases the organization may ethically and competently accept. *See Mid-Tex Elec. Co-op., Inc.* v. *FERC,* 773 F.2d 327, 342–43 (D.C. Cir. 1985) (concluding ''an agency may properly certify that no regulatory flexibility analysis is necessary when it determines that the rule will not have a significant economic impact on a substantial number of small entities that are subject to the requirements of the rule'' and stating that legislative history of the RFA ''gives rise to an inference that Congress did not intend to require that every agency consider every indirect effect that any regulation might have on small businesses in any stratum of the national economy'').

Moreover, any effects this rule may have on legal service organizations, other representatives of aliens, or other entities that provide services to aliens subject to civil penalty procedures are

[61] The Departments further maintain that the 15-day appeal deadline is likewise a procedural change, rather than a substantive one, for the reasons explained in the IFR. 90 FR 27454.

indirect. The rule does not impose reporting, recordkeeping, staffing, fee, or other compliance requirements on those entities. Rather, it establishes procedures governing DHS's issuance and review of civil penalties and the process by which an alien may seek administrative review of a penalty determination. Although a legal service organization or other representative may choose to adjust its internal practices in response to procedures or timelines applicable to its clients, any such effects result from the entity's provision of services to affected aliens and not from a regulatory requirement imposed directly on that entity by this rule. The RFA does not require an agency to assess indirect effects on small entities that are not themselves subject to the rule's requirements. Accordingly, the Departments do not treat such indirect effects as regulatory compliance costs imposed on small entities by this rule.[62]

E. Unfunded Mandates Reform Act of 1995

This final rule would not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

F. Congressional Review Act

This final rule is not a ''rule'' as defined by the Congressional Review Act, Public Law 104–121. *See* 5 U.S.C. 804(3)(C) (defining the term ''rule'' to exclude ''any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties''). The Departments will nonetheless submit this final rule to both houses of Congress and the Comptroller General before the rule takes effect.

G. Privacy Act

In accordance with the Privacy Act of 1974, DHS/ICE–011 Criminal Arrest Records and Immigration Enforcement Records (CARIER) System of Records Notice provides privacy coverage supporting the final rule consistent with system purpose (''To track the process and results of administrative and criminal proceedings, including compliance with court orders and hearing dates, against individuals who are alleged to have violated the INA or other laws enforced by DHS'') and categories of records in the system. 89 FR 55638 (July 5, 2024).

Additionally, DHS/CBP–023 Border Patrol Enforcement Records, System of Records Notice provides coverage supporting the final rule consistent with system purpose (''Enforcement-related data including: Case number, record number, and other data describing an event involving alleged violations of criminal, immigration, or other laws (location, date, time, event category, types of criminal or immigration law violations alleged, types of property involved, use of violence, weapons, or assault against DHS personnel or third parties, attempted escape, and other related information); CBP encounter management information, including: Category (event categories describe broad categories of criminal law enforcement, such as smuggling and human trafficking), agent or officer, location of officer or officer's vehicle, date/time initiated, date/time completed, assets used for encounter (bike, horse, vehicle, etc.), results of the encounter, and any agent or officer notes and comments.''), 81 FR 72601 (Oct. 20, 2016).

H. National Environmental Policy Act

DHS and its components analyze final actions to determine whether the National Environmental Policy Act of 1969 (''NEPA''), 42 U.S.C. 4321 *et seq.,* applies to them and, if so, what degree of analysis is required. DHS Directive 023–01 Rev. 01[63] and Instruction Manual 023–01–001–01 Rev. 01 (''Instruction Manual'') establish the policies and procedures that DHS and its components use to comply with NEPA.

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''). An agency is not required to prepare an EA or EIS for a proposed action ''if the proposed agency action is excluded pursuant to one of the agency's categorical exclusions.'' 42 U.S.C. 4336(a)(2). The Instruction Manual, Appendix A, lists the DHS Categorical Exclusions. For an action to be categorically excluded under DHS's Instruction Manual, the action 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.

This final rule is categorically excluded from DHS's NEPA implementing procedures, because it satisfies all three relevant conditions. First, the Departments have determined that the IFR fits clearly within categorical exclusions A3(a) of DHS's Instruction Manual, Appendix A, for the promulgation of rules of a ''strictly administrative or procedural nature.'' This final rule merely changes the procedures that DHS and DOJ apply when assessing civil monetary penalties authorized under certain sections of the INA. This change in procedures does not result in a change in their environmental effect. Second, this final rule is a standalone rule and is not part of any larger action. Third, the Departments are not aware of any extraordinary circumstances that would cause a significant environmental impact. Therefore, this final rule is categorically excluded, and no further NEPA analysis or documentation is required.

I. Executive Order 13132 (Federalism)

This final rule would not have substantial direct effects on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, the Departments believe that this FR would not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

J. Paperwork Reduction Act

This final rule does not impose any new reporting or recordkeeping requirements or call for a collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*

List of Subjects in 8 CFR Part 281

Administrative practice and procedure, Immigration, Penalties.

[62] *See* U.S. Small Business Administration, Office of Advocacy, A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act 22–23 (Aug. 2017), *https://advocacy.sba.gov/wp-content/uploads/2019/06/How-to-Comply-with-the-RFA.pdf* (explaining that courts have held that the RFA requires analysis of impacts on small entities directly regulated by a rule, rather than indirect effects on entities that provide services to or otherwise interact with directly affected persons); *Mid-Tex Elec. Coop., Inc.,* 773 F.2d at 342–43; *see also Am. Trucking Ass'ns, Inc.* v. *EPA,* 175 F.3d 1027, 1044 (D.C. Cir. 1999).

[63] DHS, Implementation of the National Environmental Policy Act, Directive 023–01, Revision 01 (Oct. 31, 2014).

Amendments to the Regulations

DEPARTMENT OF HOMELAND SECURITY

Accordingly, the interim final rule amending 8 CFR part 281, which was published at 90 FR 27439 on June 27, 2025, is adopted as final with the following change:

PART 281—IMPOSITION AND COLLECTION OF PENALTIES UNDER SECTIONS 240B(d), 274D(a)(1), and 275(b) OF THE ACT

■ 1. The authority citation for part 281 continues to read as follows:

Authority: 8 U.S.C. 1103, 1221, 1223, 1227, 1229, 1229c, 1253, 1322, 1323, 1325, 1324d, 1330; 5 U.S.C. 301; Public Law 107–296, 116 Stat. 2135 (6 U.S.C. 101 *et seq.*); 66 Stat. 173, 195, 197, 201, 203, 212, 219, 221–223, 226, 227, 230; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 114–74, 129 Stat. 599.

■ 2. Amend 281.1, by redesignating paragraphs (e)(2) through (e)(4) as (e)(3) through (e)(5) and adding new paragraph (e)(2) to read as follows:

§ 281.1 Exclusive procedures for civil monetary penalties under sections 240B(d), 274D(a)(1), and 275(b) of the Act.

* * * * *

(e) * * *

(2) *Appeals affected by mail delay.* An alien who files an appeal after the 15-business days filing period prescribed in paragraph (e)(1) of this section and asserts that the untimely filing resulted from delayed or untimely mail delivery of the immigration officer's decision must include with the appeal a written explanation and any available documentary evidence demonstrating the mail delay. An alien who files an appeal after the 15-business day filing period prescribed in paragraph (e)(1) of this section may also produce contemporaneous, time-stamped evidence of deposit of their mailed appeal directly from the U.S. Postal Service (''USPS'') or their chosen commercial carrier. If ICE determines that the appeal was filed after the deadline due to mail delay beyond the alien's control, ICE will accept the appeal as timely filed and consider it on the merits. In making this determination, ICE will consider the mailing and actual receipt dates, the cause and length of the delay, and the alien's good faith efforts in pursuing the appeal after receipt. ICE's determination will be case by case considering all evidence presented with the appeal.

* * * * *

DEPARTMENT OF JUSTICE

■ Accordingly, for the reasons set forth in the preamble, and by the authority invested in the Director, Executive Office for Immigration Review, the Attorney General Order Number 6260–2025, the interim final rule amending 8 CFR parts 1003 and 1280, which was published at 90 FR 27439 on June 27, 2025, is adopted as final without change.

Markwayne Mullin,

Secretary, U.S. Department of Homeland Security.

Sirce E. Owen,

Acting Director, Executive Office for Immigration Review, Department of Justice.

[FR Doc. 2026–21024 Filed 10–9–26; 4:15 pm]

BILLING CODE 9111–CB–P; 4410–30–P

FEDERAL REGISTER

Vol. 91 Wednesday,

No. 197 October 14, 2026

Part V

The President

Memorandum of October 7, 2026—Establishment of a Committee of Inquiry To Investigate Allegations of False Statements by Lisa DeNell Cook

Federal Register
Vol. 91, No. 197
Wednesday, October 14, 2026

Presidential Documents

Title 3—

The President

Memorandum of October 7, 2026

Establishment of a Committee of Inquiry To Investigate Allegations of False Statements by Lisa DeNell Cook

Memorandum for the Attorney General[,] the Counsel to the President[,] the Assistant to the President for Economic Policy[,] the Director of the Office of Government Ethics[, and] the Chairman of the Equal Employment Opportunity Commission

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby establish a committee of inquiry (Committee) to investigate allegations that Federal Reserve Governor Lisa D. Cook made false statements in connection with one or more mortgage instruments. The Assistant to the President for Economic Policy, the Chairman of the Equal Employment Opportunity Commission, and the Director of the Office of Government Ethics shall serve as members of the Committee.

As President, it is my job to ensure the laws are faithfully executed, including by firing subordinates who cannot be trusted to tell the truth and follow the law. U.S. Const. Art. II, sec. 3. To assist me in carrying out that responsibility, the Committee shall investigate the allegations against Governor Cook and report to me whether there is ''cause'' for Governor Cook's removal within the meaning of 12 U.S.C. 242, as construed in *Trump* v. *Cook,* 146 S. Ct. 2234 (2026). The Committee may consult with appropriate personnel from executive departments and agencies, including the Department of Justice, to aid in its inquiry. The Committee shall, on November 5, 2026, conduct an in-person hearing to consider the evidence and allegations against Governor Cook. The hearing shall occur at the White House and shall last no longer than 4 hours.

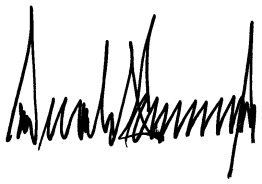
Governor Cook may submit a written position statement to the Committee regarding the allegations, provided the statement is received at least 3 days before the hearing. Governor Cook shall appear at the hearing and be examined by the Committee, its representatives, and her legal counsel, if any. Governor Cook may present argument, written evidence, and written witness statements regarding the evidence and allegations. The Committee may also question Governor Cook about any representations she or her counsel make during the hearing, or it may authorize its representatives, including Department of Justice personnel, to conduct that questioning. The Committee may request documents or other evidentiary submissions from Governor Cook, as appropriate, and Governor Cook shall comply with any such requests.

Prior to the hearing, the Committee shall provide Governor Cook with the evidence it is considering in its inquiry. At the hearing, the Committee or its representatives may question Governor Cook or her counsel about the evidence and allegations against her. The hearing shall be closed to the public but shall be transcribed.

Governor Cook may submit a post-hearing written statement to the Committee by November 10, 2026. As soon as practicable after receipt of that statement, the Committee shall submit written findings of fact and conclusions of law to me and shall recommend whether there is cause to remove Governor Cook from her position on the Board of Governors of the Federal Reserve. The Committee may establish additional procedures or make reasonable changes to the above procedures as necessary or appropriate and shall give Governor Cook adequate notice of any such changes.

The Counsel to the President shall transmit a copy of this memorandum to Governor Cook, to the members of the Committee, and to the Attorney General.

The Attorney General is authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, October 7, 2026

[FR Doc. 2026–21061
Filed 10–13–26; 11:15 am]
Billing code 4410–19–P

Reader Aids

Federal Register

Vol. 91, No. 197

Wednesday, October 14, 2026

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6050**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.govinfo.gov.**

Federal Register information and research tools, including Public Inspection List and electronic text are located at: **www.federalregister.gov.**

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html and select** *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, OCTOBER

62297–62634	1
62635–63132	2
63133–63474	5
63475–64104	6
64105–64252	7
64253–64600	8
64601–64750	9
64751–65076	13
65077–65436	14

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
14432.....63121
14433.....63125
14434.....63129
14435.....64747

Proclamations:
11071.....64251
11072.....65073
11073.....65075

Administrative Orders:
Memorandums:
Memorandum of October 7, 2026.....65435
Notices:
Notice of September 30, 2026.....63131
Presidential Determinations:
2026–24 of September 25, 2026.....63119
2026–25 of September 30, 2026.....63473

7 CFR

319.....64253
989.....64601
4280.....62600

Proposed Rules:
981.....64306

8 CFR

207.....65077
274a.....65306
281.....65390
1003.....65390
1280.....65390

Proposed Rules:
214.....64566, 65119

10 CFR

20.....63133
30.....63133
40.....63133
52.....65091
70.....63133
150.....62635
431.....64105

Proposed Rules:
20.....63168
30.....63168
40.....63168
52.....65133
70.....63168

12 CFR

225.....62636, 62870
238.....62636, 62870
252.....62636, 62870

Proposed Rules:
215.....64121
337.....64629

14 CFR

39 .....62297, 62299, 62301, 62304, 62307, 64256, 64259, 64606, 64751, 64753, 65100
71 .....63475, 64755, 64756, 65104
73.....65107
97.....62309, 62311

Proposed Rules:
23.....63170
39 .....62344, 63172, 63175, 64121, 64309, 64315, 64318, 64809, 65138, 65140, 65142, 65144
71 .....62680, 63178, 63509
401.....63180, 63185
404.....63180
413.....63180
414.....63180
450 .....63185, 63190, 63199, 63204

15 CFR

Proposed Rules:
60.....63207
70.....63207

16 CFR

Proposed Rules:
461.....62347
1112.....63208
1265.....63208

17 CFR

200.....62654
232.....63476

Proposed Rules:
1.....64811
38.....64811
39.....64811
239.....63388, 63676
249.....63388, 63676
270.....63388, 63870
274 .....63388, 63676, 63870
275.....63676, 63870
279.....63870

18 CFR

Proposed Rules:
410.....63511

19 CFR

Proposed Rules:
113.....64532
123.....64840
128.....64532
141.....64532
143.....64532
145.....64532

21 CFR

130.....65040

131.....65040
133.....65040
136.....65040
137.....65040
139.....65040
145.....65040
150.....65040
155.....65040
156.....65040
158.....65040
161.....65040
163.....65040
166.....65040
168.....65040
169.....65040
573.....65109
862.....63478
866 .....63487, 64609, 64611
870.....63491, 64615
878.....63493
1308.....64617, 64618
Proposed Rules:
1.....64629
1308.....65370, 65381
1312.....62357

22 CFR

126.....62313
Proposed Rules:
120.....62361
121.....62361
123.....62361

24 CFR

75.....63146

26 CFR

1.....62655
54.....63748
Proposed Rules:
1.....62818, 64631

28 CFR

Proposed Rules:
16.....64125

29 CFR

2590.....63748
4044.....65110
Proposed Rules:
775.....64129
776.....64129
779.....64129
782.....64129
783.....64129
784.....64129
789.....64129
793.....64129
794.....64129

31 CFR

1.....63495
560.....64758
591.....64758
Proposed Rules:
1010 .....63208, 63513, 63514
1020.....63514
1022.....63514

33 CFR

100 .....62314, 62672, 62673, 63147, 64267
165 .....62314, 63497, 64114, 64116, 64759, 64760
Proposed Rules:
117.....64129
165.....62368, 63515

34 CFR

222.....64268

36 CFR

218.....64760
223.....64118
Proposed Rules:
7.....62682

39 CFR

Proposed Rules:
3050.....64871, 65147

40 CFR

52 .....62316, 62320, 64274, 64282, 64286, 64289, 64295, 64297, 64623
97.....62322
98.....65112
118.....64774
147.....64780
180.....62673
Proposed Rules:
52 .....62371, 62380, 64321
62.....64133
81.....63516
751.....65148

42 CFR

136.....64301
136a.....64302
412.....62323, 62327
414.....62327
513.....62936
Proposed Rules:
493.....64480

45 CFR

147.....63748
Proposed Rules:
1336.....65154
1355.....63226
1357.....63226

46 CFR

Proposed Rules:
11.....62383
12.....62383

47 CFR

Ch. IV.....63500
51.....62334
63.....62334
64.....63149
73.....63499
Proposed Rules:
4.....64872

48 CFR

Proposed Rules:
541.....63243
552.....63243

49 CFR

1002.....64787
Proposed Rules:
40.....62409
390.....63156

50 CFR

622.....63160, 63502
635.....64302
648.....63166, 64790
660.....62677, 64791
665.....62340
679 .....62341, 62343, 63166, 64305, 64628, 64806, 64807
Proposed Rules:
10.....62411
17.....63250
21.....62411
648.....64873

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at *https://www.archives.gov/federal-register/laws/current.html*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 (phone, 202–512–1808). The text is available at *https://www.govinfo.gov/app/collection/plaw*. Some laws may not yet be available.

S. 195/P.L. 119–121
American Music Tourism Act of 2025 (Oct. 9, 2026; 140 Stat. 1067)
Last List October 9, 2026

Public Laws Electronic Notification Service (PENS)

PENS is a free email notification service of newly enacted public laws. To subscribe, go to *https://portalguard.gsa.gov/__layouts/pg/register.aspx*.

Note: This service is strictly for email notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.